

**Committee:** Licensing and Environmental Health  
**Date:** 02 March 2022  
**Title:** Environmental Health (Commercial) Report  
on service performance during the Covid  
Pandemic.  
April 2019 to March 2020 and April 2020 to  
present  
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Item for noting only

## Summary

1. This report outlines to members the work of the Environmental Health (Commercial) Service as undertaken between April 2020 and January 2022, covering the period from the commencement of the pandemic and the introduction of national controls to the present.

## Recommendations

2. That members note the contents of this report.

## Financial Implications

3. None arising from this report.

## Background Papers

4. Current codes of practice relating to Food Safety (FSA)  
Food Standard Agency (FSA) Recovery plan as amended  
The Food Hygiene Rating Scheme: Guidance for local authorities on  
implementation and operation – the Brand Standard  
National Local Authority Enforcement Code (HSE)  
Joint Action Plan for Outbreak Control (PHE and Essex Authorities)

## Impact

5.

Communication/Consultation	None
Community Safety	No direct impact on community
Equalities	No impact on equalities
Health and Safety	No impact on employee health and safety
Human Rights/Legal Implications	All intervention work is carried out in accordance with existing legislative framework and the Council's enforcement policy.

Sustainability	Enforcement work undertaken in keeping with the principles of sustainability.
Ward specific impacts	No ward specific impact
Workforce/Workplace	No impact

## Situation

- Throughout the pandemic the main focus of Environmental Health (Commercial) Service has remained the protection and improvement of consumer safety, working conditions and to provide support facilitating a healthy population. Whilst primarily a statutory service Environmental Health sees its role not just to enforce regulations but to educate, advise and mediate, in order to ensure that people are able to live and work in safe, healthy environments.

The service is currently resourced by 1x FTE Environmental Health Manager, 1x PT Environmental Health Officer (EHO), 1x FTE graduate Environmental Health Officer, 2x FTE Environmental Health Technical Officers (EHT), 1x FTE Administrative Assistant and 1 x FTE Imported Food Administrative Assistant.

There are currently two vacant Environmental Health Officer posts and due to a national shortage of EHOs it has not yet been possible to fill these roles. The service has remained supported by agency staff, formally competent in food premises and food inspection as per Food Standards Agency (FSA) requirements. Additional Government grant funding has been made available to assist / backfill resourcing required to support the work generated by EU exit. The adequacy of staffing resourcing is continually monitored to ensure that the service is able to fulfil its statutory function and remain cost effective, operating within budgetary limits.

The EH Commercial team are responsible for a wide range of functions which include food hygiene and safety, health and safety enforcement, infectious disease control, imported food, port health control and the registrations of both premises and persons engaging in cosmetic practices such as skin piercing and tattooing. Details for these service elements are provided below.

## 7. Food Hygiene and Safety

The Council is designated as a Food Authority under the Food Safety Act 1990 and European Communities Act 1972 (as incorporated in UK law) and as such has a statutory duty to enforce all relevant food legislation.

This includes the inspection and allocation of a risk category (A- E) of all premises preparing, selling, or serving food to consumers including shops, restaurants, cafes, schools, residential care homes and home caterers. Inspection frequency is determined by risk and covers three main areas food hygiene practices, structure and cleanliness and effective documented management systems.

The Service is required to formally approve premises that manufacture products that contain meat, fish or dairy products and investigate food complaints and /or notifications of poor food hygiene practice. It supports the National Food Hygiene Rating Scheme which provides consumers with information on the current hygiene rating of a premises and pre pandemic delivered food hygiene courses for individuals who are involved in the handling of food.

There are currently 606 food businesses registered within UDC. This number while always subject to a degree of churn is now lower than the pre pandemic figures.

## **7.1 Impact of Covid on the food service**

The Introduction of National Covid Controls, necessary to restrict the spread of the virus, impacted upon the way our local food businesses operate and the way in which the service could continue to effectively engage with them.

For the businesses this primarily manifested as reduced opening hours, diversification of business models, reduced staffing levels (with an inability to recruit), simplification or reduction of menus and significant financial pressures.

For Environmental Health this impacted with an increased number of new business operators registering (some with limited food hygiene knowledge), requests for advice on diversification and the need to rapidly develop virtual inspection techniques and other new ways of working.

New food businesses were a particular focus with dedicated resource being allocated. While most of these new businesses are by their very nature lower risk, a lack of appropriate food hygiene knowledge or understanding of food safety management including allergen awareness was identified to be a concern.

The food team is now moving through its recovery/ restoration phase implementing a strategy to address the premises inspection back log. This strategy has been drawn up with full regard to current FSA guidance which states, *"as a minimum, local authorities should deliver the official food controls and related activities set out in the Recovery Plan and, in the case of planned interventions, they should meet the timelines specified for realigning with the requirements of the Food Law Code of Practice."*

The Uttlesford adoption of the recovery plan has consideration of the following.

If intelligence suggests risks have increased (irrespective of the risk category), we undertake interventions to assess and address those risks

When an onsite intervention is undertaken, we programme subsequent interventions in line with the Code of Practice. Should non-compliance be found at any intervention, we take appropriate action to secure compliance including formal enforcement action where necessary.

New food hygiene ratings are given where appropriate interventions are undertaken, and the establishment falls within scope of the Food Hygiene Rating Scheme (FHRS)

There is continued use of newer ways of working including remote assessment to help inform the need for onsite intervention at lower risk premises.

## 7.2 Moving forward - food hygiene workplan 2022/23

The recovery restoration plan remains on track to complete by the end of the year, with all outstanding higher risk premises (A to C) receiving a physical inspection by 31 March 2022.

Table 1 below shows the inspection backlog as it stood at the start of February 2022. It should be noted that the A rated premises indicated is due to be inspected in line with its scheduled routine inspection date which is 23 March 2022.

**Table 1 Outstanding premises inspections**

<b>Risk Rating of premises</b>	<b>Outstanding as of 01 January 2022</b>	<b>FSA deadline under recovery plan</b>	<b>UDC Deadline</b>	<b>Additional Premises due 2022 Q 1-3</b>
A rated (highest risk)	1	31 March 2022	31 March 2022	0
B rated	2	30 June 2022	31 March 2022	10
C rated	31	30 September 2022	31 March 2022	17
D rated	121	31/December 2022	30 September 2022	22
E rated (lowest risk) usually not subject to full inspection	82	No deadline	31 December 2022	57
Unrated	7	1	Completed	0
<b>Total</b>	<b>237</b>			<b>106</b>

The 2022/2023-year routine inspections would usually generate at around 90 inspections per quarter, but the inspection backlog is impacting these figures as without a current risk score the inspection date cannot project forward.

The figure of **106** additional inspections reflects those premises that have an historic risk score, it does not reflect those premises inspected or subject to an intervention since April 2019 but not yet allocated a new risk in line with current FSA requirements.

The inspection work is therefore anticipated to generate in line with previous numbers as traditionally reported. It is expected that Officers will adopt a business-as-usual approach from April 2022 and there will be a return to reporting traditional performance indicators.

## **8. Imported Food Control**

The Service is divided into two areas dealing with Products of Animal Origin (POAO) and Foods of Non-Animal Origin (FNAO)

Products of Animal Origin (POAO) are presented at a dedicated facility. The Border Control Post at Stansted is currently authorised for the handling and processing of ambient products for human consumption such as whey protein, collagen supplements and canned fish. We are also authorised to deal with ambient, chilled, and frozen animal by products (ABP) such as pet chews and blood products, these blood products are used predominantly for research and very often in the manufacture of medical devices.

Foods of Non-Animal Origin (FNAO) are generally presented within the airport cargo sheds. The higher risk products are the main focus and include those deemed to be a 'known or emerging risk'. Examples of these are green beans from Kenya, tea from China and sweet peppers from Turkey. From a non-food perspective, we are also obliged to carry out official controls on melamine / polyamide kitchenware originating or consigned from China and Hong Kong. In order to facilitate the processing of these products, we need to ensure that the service is adequately resourced and that the personnel involved have the right level of training and where appropriate, the correct qualifications. With regards to the POAO, we are required under imported food law to employ the services of an Official Veterinarian (OV)

### **8.1 Current Delivery of the Service**

UDC are permitted to recover all costs incurred whilst undertaking official controls, thus providing a cost neutral service to UDC.

Consignment numbers presented for checking and subsequent release or detention / destruction are relatively stable and by adopting some changes to working practices such as remote clearance, the service continued on a business-as-usual footing throughout the pandemic.

**Table 2 Imported food consignments presented to the Stansted BCP**

<b>Foods of Non-Animal Origin (FNAO)</b>	<b>Year</b>	<b>Numbers of consignments presented for checking at the BCP</b>
	2019	1834
	2020	1552
	2021	1791
<b>Products of Animal Origin (POAO)</b>		
	2019	1144
	2020	1427
	2021	1258

## **8.2 The Impact of EU Exit**

This is expected to have an effect on the service and while we are currently in the interim phase this will begin to impact from July 2022. It is still being assessed as to exactly how much this impact will be and the team continue to work with DEFRA, Border Force and HMRC to establish firm figures and continue to monitor the situation as part of partnership contingency planning.

It is expected that the EU checks will be somewhat less intensive than non-EU checks. The identity and or physical check rate of non-EU shipments is 100%, and EU shipments will be less, possibly 1%, however, both EU and non-EU shipments will require 100% documentary checks. This process is a labour intensive activity and requires a sound knowledge of imported food legislation which does limit the recruitment pool should we need additional resource.

The recently received HMRC data offers the best estimated throughput for EU POAO between July 2022 and June 2023, all be it with a significant difference between the low forecast of 6,131 and high forecast of 40,703. These figures will become more accurate as we move towards the final implementation dates from July through to November.

We are still awaiting data on the expected throughput for EU High risk FNAO

In recognition of these potential challenges UDC have successfully bid for Government financial support and are utilising this money to enhance the ICT provision to the BCP facility. This will ensure that electronic checking systems are robust and will permit recruitment of temporary additional staffing resource during the implementation period of the full checking regime. Future resourcing costs can be met by cost recovery if required.

## **9.0 Health and Safety**

The estimated national cost of injuries and ill health from poor working conditions including workplace injury runs into the billions of pounds.

UDC is responsible for enforcing health and safety legislation in a wide range of businesses in the commercial and service sectors. The work undertaken is a statutory function under the Health and Safety at Work, etc. Act 1974. Throughout the pandemic and moving forwards our aim is to ensure employees, contractors and members of the public are protected across all premises for which we have enforcement responsibility.

The approach to delivering this work is slightly different to that for food and is primarily governed by the National Code which is designed to ensure that Local Authority health and safety regulators take a consistent and proportionate approach to enforcement. Under this code the HSE actively review Local Authority annual returns on their inspection and advisory activities.

### **9.1 Impact of Covid**

During Covid the focus has been on support for businesses by providing Covid compliance advice, some Covid enforcement work and acting as a consultee through the TENS / SAG process for event holders. While originally very high Covid related requests for advice from both business operators and members of the public dropped significantly as we moved through and came out of the lockdowns. The primary focus is now on event management risk rather than the hospitality sector and as the Covid regulations further reduce so will this area of work allowing a return to more of a business as usual footing. It should be noted that although official Government legislative control will stop, Covid will remain as a consideration for most businesses and be incorporated into the general risk assessment processes. We will continue to respond to complaints/concerns.

### **9.2 Moving forward Health and Safety workplan 2022/23**

It is anticipated that from April 2022 the service will move to a business-as-usual approach to Health and Safety. This will include:

Planned interventions to specifically target Health and Safety issues at premises in business sectors annexed to the National Code, or where there is local intelligence of failure to manage risk.

Other contacts or interventions including face to face contact to educate, advise or engage duty holders, employees, or other bodies such as trade associations e.g. awareness days and advisory support visits. None face to face contact will include raising H&S awareness by providing mailshots or signposting to information packs.

Intelligence led duties will continue including visits to investigate Health & Safety related incidents generated by accident reports (RIDDOR) / statutory notifications

or H&S complaints. Visits may also be undertaken following requests for H&S advice from businesses.

## 10. Infectious Disease Control and Port Health

Throughout the pandemic the reports of communicable illness and infections potentially or actually contracted from eating or drinking at premises in the district, foreign travel or via non covid viral spread reduced. This being a direct result of lockdowns and other Covid controls minimising mingling and other forms of exposure. As we come out of these controls it is anticipated that cases will start to increase again. These will require investigation and potential sampling to determine the likely source, The Service will take remedial action and trace contacts to control the onward spread of infection. Our investigations will include cases of E. coli, salmonella, campylobacter, and norovirus amongst others, all of which are capable of causing serious illness and even death. Our Port Health functions operate in conjunction with the **UK Health Security Agency**, formerly Public Health England and include providing advice in the event of a sick passenger on board an aircraft, monitoring controls for malaria on board aircraft and ensuring the safety of food and water supplies for passengers and aircraft.

## 11. Performance during the Pandemic

Report of Service activity for Environmental Health (Commercial) April 2020 to present			
Activity Type		2019/20	20/21/22
<b>Food Hygiene and Safety</b>			
Total number food premises inspected or subjected to a physical intervention.		231	234
Additional food interventions			
• alternative strategy,		99	123
• new businesses,		101	221
• advice provision / alleged food poisoning investigations		21	22
Inspection revisits		34	8
Formal Notices		0	0
Prosecutions		0	0
FHRS rescore request		15	7
FHRS appeal		0	2
Right to reply exercised		0	1
<b>Food Hygiene Rating Scheme (FHRS) - current</b>			
Premises awarded a rating of 5 - Very Good		177	349
Premises awarded a rating of 4 - Good		26	48
Premises awarded a rating of 3 - Generally Satisfactory		14	28
Premises awarded a rating of 2 - Improvement necessary		2	6
Premises awarded a rating of 1 - Major Improvement necessary		1	15
Premises awarded a rating of 0 - Urgent Improvement		0	3



necessary		
<b>Health and Safety</b>		
Face to face interventions	5	5
Other interventions	45	74
Visits to investigate incidents (RIDDOR)	21	34
Visits to investigate complaints	4	5
Revisits following an earlier intervention	0	1
Notices served	0	0
<b>Covid related work</b>		
Requests for general Covid advice		331
Covid complaints received alleging noncompliance	Not recorded	352
Covid cases follow up in the workplace		45
Covid monitoring visits		57
Event Advice		234
<b>Infectious Disease Control</b>		
Campylobacter	64	2
Cryptosporidium	10	1
Giardia	1	1
Salmonella	13	6
Typhoid	1	0
Legionella	1	1
Shigella	1	0
<b>Registration of premises</b>		
Registrations of premises	7	12
Registration of person : semi-permanent makeup	6	5
Registration of person : ear piercing	0	0
Registration of person : tattooist	1	3

## 12 Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
<b>Little or no risk or impact.</b>	<b>Minimal likelihood</b>	<b>No impact</b>	<b>No mitigating action required</b>
Statements made and figures provided are found to be inaccurate	Accuracy of report contents verified via peer review	Report for information only	

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.