



Ward: N/A

Key Decision: Yes / No

Food Service Plan 2008/09

Report by the Executive Head of Housing, Health and Community Safety

1.0 Summary

- 1.1 The Food Standards Agency came into being in April 2000, part of its role being to oversee local authority enforcement activity.
- 1.2 In the autumn of 2000, it published a Framework Agreement that sets out in detail how part of this role will be undertaken.
- 1.3 The Agreement covers three areas: local authority service planning, a standard on how enforcement activity is to be conducted and, finally, monitoring arrangements between authorities and the Agency.
- 1.4 Annex 1 sets out the Food Service Plan for 2008/2009 for the Council that meets the Agreement.

2.0 Introduction

- 2.1 The Food Standards Agency (FSA) began operating in April 2000.
- 2.2 The White Paper "The Food Standards Agency – A Force for Change" identified various roles for the Agency including overseeing local authority enforcement activities.
- 2.3 The Framework Agreement sets out a mechanism for how part of this process to be progressed and undertaken.

3.0 The framework agreement

- 3.1 The Agreement is divided into three sections: service planning guidance, a standard for authorities to meet in their food safety activity, and arrangements for monitoring.
- 3.2 The guidance on service planning gives detail of all the areas that should be considered when local authorities formally set out their intentions in relation to this sphere of activity.
- 3.3 Annex 1 sets out a suggested Food Service Plan for 2008/09 for the Adur District Council.

- 3.4 The Standard describes in some detail the requirements for the planning, management and delivery of local authority enforcement services, and include the following areas :-
- (i) Organisation and management.
 - (ii) Documented procedures, policies and records.
 - (iii) Authorisation of officers.
 - (iv) Facilities and equipment.
 - (v) Inspection of premises and the maintenance of the premises database.
 - (vi) Food related complaints.
 - (vii) Investigation and control of food borne infectious disease outbreaks.
 - (viii) Food safety incidents.
 - (ix) Enforcement.
 - (x) Internal monitoring and external review.
 - (xi) Food safety promotion.
- 3.5 To meet the Standard, nineteen documented procedures, policies and records need to be maintained.
- 3.6 The final part covers monitoring arrangements and gives a seven-part form for completion and return by local authorities.
- 3.7 The monitoring form covers all the matters raised in the other parts of the Agreement as well as numerical information concerning activity.
- 3.8 This is collected for two purposes: so that the Agency can monitor individual local authority's performance and, secondly, to collect national data on food safety and standards enforcement activity for submission to the European Commission.

4.0 FSA auditing activity

- 4.1 The Food Standards Act 1999 gave the Agency powers to monitor and audit local authorities.
- 4.2 The local authority audit scheme was launched in April 2001 and since then over 230 local authorities in England alone have received audits. Some were full audits and others focussed on particular activity areas only, such as sampling or enforcement.
- 4.3 Seven Sussex authorities have already been audited. Audit reports are available on the FSA's website. The local authorities involved reported finding the process extremely thorough. Adur has yet to be audited.
- 4.4 Reserve powers are available to the Minister, under the Food Safety Act 1990, if individual authorities are considered not to be meeting their obligations.

5.0 Current issues

General

- 5.1 The food safety function is undertaken by the Commercial Premises section. One member is currently on maternity leave and there is a temporary replacement.

- 5.2 There is a national shortage of qualified Environmental Health personnel and finding suitable temporary staff has been difficult.
- 5.3 A part time Senior EHO was appointed to the team in 2005. His time has been utilised mainly in carrying out Licensing Act 2003 functions. The implementation of the Gambling Act 2005 will use any resource that becomes available as the work on the Licensing Act becomes more routine.
- 5.4 New Regulations requiring food businesses to document their food safety systems came into force in January 2006. A significant amount of officers' time is still taken up with checking these during routine food hygiene inspections.

“Scores on the Doors”

- 5.5 The publication of food safety risk scores, often referred to as “scores on the doors” is an initiative that will impact in both the current period and the one following.
- 5.6 The Food Standards Agency have just ended consulting on a preferred scheme and the decision is expected imminently. Various matters will have to be then addressed by the Council including the start date for scores following this date to be posted, any appeal/review procedure, whether re-scoring inspections outside of the programme will be carried out and if so under what circumstances.
- 5.7 Whereas scores were designed to set a next inspection interval and any errors merely lead to an inspection somewhat early or later, with the publication of the scores they will have to be more robust.
- 5.8 All staff have undergone training in scoring, it will be necessary for any contract staff to also have undergone training, which may limit the pool from which they can be drawn.

Better Regulation

- 5.9 With the formation of the Dept for Business, Enterprise & Regulatory Reform (BERR), and their agencies the Better Regulation Executive (BRE) and Local Better Regulation Office (LBRO), how regulation is undertaken is liable to come in for increasing scrutiny, review and change in the quest to reduce and eliminate unnecessary burdens on business.
- 5.10 How this will affect the food safety service is a matter of conjecture, but clearly it will have a major and growing impact for the foreseeable future.

6.0 Legal

- 6.1 A duty to enforce the Food Safety Act 1990, FSA's Framework Agreement, to which we are obliged to have regard to. This requires a Member approved food safety service plan.

7.0 Financial implications

- 7.1 It is expected that adopting the plan will not have significant financial implications, given that it can be implemented using existing staff resources. There may be the

requirement for some additional training of staff in specialist areas, likely to be approximately £500 per annum

8.0 Recommendation

8.1 It is **recommended** that the Food Service Plan at Annexe 1 is adopted.

Local Government Act 1972

Background Papers:

Framework Agreement on Local Authority Law Enforcement. Food Standards Agency

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Schedule of other matters

1.0 Council Priority

- 1.1 To provide improved customer service
To support and contribute to the health, safety and wellbeing of the area

2.0 Specific Action Plans

- 2.1 The plan outlines a specific work plan, which links into a number of the generic objectives contained within the corporate plan. The aim is to safeguard public health with respect to the consumption of food by: -
- (i) Controlling and influencing the commercial food chain through the enforcement of relevant legislation, the promotion of best practice and the promotion of training.
 - (ii) Informing the public of food safety issues
- 2.2 A duty to enforce the Food Safety Act 1990 and in particular the FSA's Framework Agreement

3.0 Sustainability Issues

- 3.1 There are no particular sustainability issues raised by the report.

4.0 Equality Issues

- 4.1 There are no specific equality issues raised by the report.

5.0 Community Safety Issues (Section 17)

- 5.1 There are no specific Community Safety issues

6.0 Human Rights Issues

- 6.1 Considered but none directly identified. Indirectly, some issues could affect the way a person runs their business, however this is balanced by the prevention of foodborne diseases that could affect consumers

7.0 Reputation

- 7.1 Failure to fulfil the Council's obligations under the FSA 1990 could lead to the Food Standards Agency using their default powers and reclaiming all expenses, including their own. A very negative impact on the reputation of the Council, given that in effect the FSA would then be carrying out the authorities legal functions in relation to Food Safety legislation.

8.0 Consultations

- 8.1 None

9.0 Risk Assessment

- 9.1 Failure to fulfil the Council's obligations under the FSA 1990 could lead to the Food Standards Agency using their default powers and reclaiming all expenses, including their own.

10.0 Health & Safety Issues

- 11.1 Considered but none identified

11.0 Procurement Strategy

- 11.1 Not applicable

12.0 Partnership Working

- 12.1 Matter considered and no issues identified at this time.

ADUR DISTRICT COUNCIL

FOOD SERVICE PLAN 2008/2009

1. SERVICE AIMS & OBJECTIVES

1.1 SERVICE AIMS

To safeguard public health with respect to the consumption of food by: -

1. Controlling and influencing the commercial food chain through the enforcement of relevant legislation, the promotion of best practice and the promotion of training.
2. Informing the public of food safety issues

1.2 SERVICE OBJECTIVES

The key objectives for the service this year are:-

- (i) To complete the inspection/intervention programme.
- (ii) To measure and seek to increase the number of food businesses within the District that are 'Broadly Compliant' with food hygiene standards in line with National Indicator 184.
- (iii) To make all necessary changes to comply with the Food Standards Agency's Code of Practice published in June 2008.

1.3 CORPORATE OBJECTIVES.

The Plan supports the following Adur District priorities currently adopted, as follows:-

- (i) To provide quality, efficient, cost effective customer focused accessible services.
- (ii) To support and contribute to the health, safety & well-being of the area.

2.0 LOCAL AUTHORITY BACKGROUND.

2.1 GENERAL

The Adur District has a population of approximately 59,000 and occupies a 6 mile coastal strip of mainly light industrial and residential development between the South Downs and the sea. The area includes a small, mainly leisure, airport and a seaport, part of which lies in the City of Brighton & Hove.

2.2 AUTHORITY STRUCTURE

The structure of the authority is currently as set out below.

(i) The Council's Elected Members Structure

The Council comprises 29 Members. The arrangement of the Council and its committees is shown in Figure 1.

(ii) The Council's Officer/Department Structure

Figure 2 shows the structure at May 2008. The Environmental health (Commercial) team that undertakes the Council's food safety enforcement functions is located in the Housing, Health and Community Safety service group.

(iii) Commercial Team

The commercial team comprises: -

- Environmental Health Manager (Commercial & Licensing)
- 3 X Senior Environmental Health Officer (2.5 FTE)
- Environmental Health Technician
- Licensing Officer
- (Computer) System development and support officer

(iv) Additional Resources

In addition, there is access to the following resources:

1. Health Protection Agency Laboratory Services
2. Public Analyst

2.3 SCOPE OF THE FOOD SERVICE

The Commercial team undertakes enforcement of the Food Safety Act 1990, the Food Hygiene (England) Regulations 2006 and associated EC Regulations, at premises manufacturing, processing, storing, importing and supplying/selling food as part of a commercial operation.

Fig 2/2

Division Structure: Housing, Health and Community Safety

Sections:

- (i) Housing Need, Options and Advice.
- (ii) Housing Strategy Development and Review.
- (iii) Environmental Health (Domestic & Pollution).
- (iv) Environmental Health (Commercial & Licensing).
- (v) Community Safety.

This involves undertaking:

1. Routine food hygiene/safety inspections of businesses.
2. Investigation of consumer food complaints.
3. Investigation of complaints concerning commercial food premises/activities.
4. Investigation of reported or suspected outbreaks of food related infectious disease or intoxication.
5. Routine sampling for microbiological examination.
6. Food safety related health promotion activities.

In addition to these activities the team also undertakes: -

1. Health and safety at work enforcement at all premises within the Council's enforcement responsibility.
2. Investigation of cases and outbreaks of notified infectious disease.
3. Licensing and Registration of places of entertainment/ late night food trading/sale of alcohol (Licensing Act 2003), premises used for gambling (Gambling Act 2005), premises used for animal boarding, dog breeding, pet shops, premises used for skin piercing, taxi/private hire licensing, lotteries, street collections.
4. Port health functions. (No food imports have occurred for a number of years).
5. General environmental health functions of premises falling within the above activities.

2.4 DEMANDS ON THE FOOD SERVICE

The following is a break down of registered food premises in the District at the beginning of the year:

Manufacturers	10
Packers	1
Importers/exporters	1
Distributors	3
Retailers	101
Manufacturers selling mainly by retail	0
Caterers	295
<i>Total</i>	411

There are separate Regulations governing premises supplying food products of animal origin such as meat and fish products to businesses other than caterers. There are 3 of these premises, which are specifically Approved under EC Regulations.

2.5 ENFORCEMENT POLICY ETC.

An enforcement policy was adopted by the Council on the 25 July 1995.

On the 12 October 1999, the Council adopted the provisions of the Cabinet Office and Local Government Association's Enforcement Concordat.

However, this will be superseded by Dept for Business, Enterprise & Regulatory Reform (BERR) and the work of the Better Regulation Executive (BRE) and Local Better Regulation Office (LBRO).

3.0 SERVICE DELIVERY

The service will be delivered, as far as possible, to achieve: -

3.1 FOOD PREMISES INSPECTIONS

- (i) The routine inspection programme derives from the risk rating of premises, in accordance with the Food Safety Act 1990 Code of Practice, issued by the Food Standards Agency (FSA). Category A premises are visited the most frequently (every 6 months) and category E premises the least often (every 3 years). The Code of Practice has been revised several times and no longer includes category F (but there are still a few F-rated premises on the system as they were due for inspection every 5 years)
- (ii) The ratings are assessed at the time of inspection and give a maximum period before the next inspection/intervention should be undertaken.



Checking the temperature of a

The number of inspections programmed for the year 2008/9, which includes any overdue, is 207. The following is a breakdown of these premises according to their risk rating:

Risk rating	A	B	C	D	E	F	Total
Number of premises	6	45	98	31	23	4	205

- (iii) The 3 Approved premises are now subject to the same frequency of inspection as other premises.
- (iv) In addition, new food premises must be registered and subject to an initial inspection.
- (v) Following routine inspections when significant non-compliance has been identified, revisits to check on progress to compliance are made. It is estimated that approximately 100 revisits would need to be made in the period.
- (vi) The Code of Practice issued in 2004 allowed for an alternative strategy for low risk premises (category E) instead of regular inspections. This has been used for childminders, who were not required to register with

the food authority prior to 2006. The alternative strategy involves sending food safety leaflets and information sheets to the business concerned.

- (vii) The new Code of Practice issued by the Food Standards Agency in 2008 has redefined the inspection regime. Any interaction with food businesses is now referred to as an “intervention”. This term includes the old style inspections, but now lower risk premises may be subject to other controls such as surveillance and verification, education, advice and coaching. The purpose of the new suite of interventions is to enable staff to concentrate resources on the high risk businesses. Category A and B premises will still have to undergo a full inspection.
- (vii) New European wide food hygiene and safety regulations came into force at the beginning of 2006. The main change was to introduce the requirement for food businesses to have documented food safety systems. This initially had a significant impact on the workload of the section and continues to lengthen the time taken per inspection, particularly for new businesses.
- (viii) The table below shows the number of formal actions taken in 2007/08

Number of Hygiene Improvement Notices served	11
Number of premises where Hygiene Improvement Notices were served	6
Number of premises where Emergency Prohibition Notices were served	0
Number of premises where a Voluntary Closure was accepted	0
Prosecutions against businesses for poor conditions	1
Number of premises subject to surrender of food	0
Simple Cautions issued against businesses for food safety offences	1

- (ix) The number of premises defined as ‘broadly compliant’ at August 2008 estimated to be 80%
- (x) Inspections will include checks on imported foods where appropriate.

3.2 CONSUMER FOOD COMPLAINTS

All consumer food complaints will be investigated and appropriate action



a split pin found in a bakewell tart

taken in accordance with the enforcement policy.

23 complaints relating to unfit food were received during the period 2007/08 and this follows similar numbers in previous years. Complaints received included those relating to the purchase of mouldy food, out of date food and food contaminated with foreign objects.

There are no new developments or other reason to believe that there will be a significant change in the period for that found in previous years.

3.3 HOME AUTHORITY PRINCIPLE

This is a scheme formulated by Local Authorities Co-ordinators of Regulatory Services (LACORS) and has been adopted by the Council. In summary, this initiative was to give businesses, with several outlets or dealings in a number of local authority areas, a single point of contact. It requires other local authorities to respect the home authority's decisions in relation to matters that generally affect the businesses' trading. There is a procedure to resolve differences of opinion. The scheme has been mainly taken up by large national businesses. At the present time Adur does not have a Home Authority agreement for any businesses. This scheme will be expanded, developed and formalised by Dept for Business, Enterprise & Regulatory Reform (BERR) and the Better Regulation Executive (BRE)

3.4 ADVICE TO BUSINESSES.

Adur District Council will seek to help businesses to meet their legal obligations and be aware of best practice. This will take the form of: -

1. Answering specific requests.
2. Providing advice to particular sectors of food business.
3. Providing advice to businesses on particular topics.
4. Making businesses aware of changes in legislation that will affect them.

3.5 FOOD INSPECTION AND SAMPLING

Food is sampled for analysis or examination in the following ways: -

- (i) Routine samples taken from businesses.
- (ii) Samples taken as part of national or regional or local programmes, and Initiatives, such as annual LACORS national food sampling programme.
- (iii) Samples received as complaints or samples taken following complaints.
- (iv) Samples taken at the request of and at the expense of businesses.

Each year a sampling programme is drawn up with the following priority: -

1. Businesses manufacturing high risk food, that have a regional or greater distribution.
2. Businesses manufacturing high risk food that have only a local distribution.
3. Businesses handling high risk foods that have a regional or greater distribution.

4. Businesses handling high risk foods that have only a local distribution.

In this context, high risk foods are those foods likely to support the growth of pathogenic micro-organisms and will not be subject to additional processes that will kill these organisms or destroy their toxins.

In the year 2007/08, 128 samples were taken. These are usually examined/analysed by the Health Protection Agency laboratory service.

It is likely that this level of sampling will continue. Factors that could affect this would be significant new businesses in the District, food importation from outside the European Union or advice on sampling frequencies from the FSA. The Health protection Agency is also planning to relocate their facility to Southampton



food exposed to risk of contamination, the premises were subsequently prosecuted

3.6 CONTROL AND INVESTIGATION OF OUTBREAKS OF FOOD-RELATED INFECTIOUS DISEASE

Individual cases of food poisoning or suspected food poisoning are reported by doctors to the "Proper Officer" of the Council. If two or more cases are linked to the same origin they are classified as an outbreak.

All notifications will be reviewed and if necessary investigated, and appropriate action taken, after consultation with the Proper Officer, having regard to the Food Standards Agency's guidance "Management of Outbreaks of Foodborne Illness", the guidelines "Preventing person-to-person spread following gastrointestinal infections: guidelines for public health physicians and environmental health officers" published by the Public Health Laboratory Service in 2004, and the Major Outbreak Plan agreed with the West Sussex Health Authority.

Regard will be had to the Food Law Code of Practice (COP) and Practice Guidance and in particular in relation to detention and seizure of suspect food and the food hazard warning system.

3.7 FOOD SAFETY INCIDENTS

Food hazard warnings are issued by the Food Standards Agency and concern foodstuffs from a particular supplier or manufacturer that are found to have a problem that will necessitate the withdrawal of the food, or more usually particular batches or some other precautionary action.

The hazard warnings are graded according to urgency and the action required. In the year 2007/08, 53 were issued. For the most part, these required little action as the food industry had organised the necessary withdrawal. At times, where the possible consequences of consumption are serious and/or there is doubt as to the where the particular foods are offered for sale, it can require that all possible food businesses are contacted to ensure complete withdrawal etc. of the relevant food.

3.8 LIAISON WITH OTHER ORGANISATIONS.

There are formal liaison arrangements with other authorities in Sussex that deal with the same parts of the Food Safety Act 1990 i.e. other District Councils and those that deal with other parts of the same legislation e.g. West Sussex County Council Trading Standards. A Senior Environmental Health Officer attends the Chartered Institute of Environmental Health Sussex Food Study Group which has been set up to identify and fulfil training needs and the Sussex Food Liaison Group. Also there are liaison arrangements with the Public Analyst, the Public Health Laboratory Service, and the Health Protection Agency. Informal day to day liaison also occurs with all neighbouring authorities.

3.9 FOOD SAFETY PROMOTION

It is planned that the authority will participate in Food Safety Week in June as part of the Food Standards Agency's food hygiene campaign, but that this will be at a reduced level compared to previous years due to staff shortage and the abolition of the Trainee Environmental Health Officer post.

3.10 "SCORES ON THE DOORS"

The Sussex Food Liaison Group is currently undertaking preparatory work for all participating Sussex authorities to introduce a scheme to publicise the food hygiene scores given to businesses undergoing routine food hygiene inspections.



Officer carrying out health promotion work with local schoolchildren during Food Safety Week 2007

The Food Standards Agency is currently consulting on a national scheme. The hygiene scoring system was devised to give regulators a time-interval between routine inspections of businesses. Consequently any variation in interpretation merely resulted in businesses being inspected somewhat earlier or later. By bringing these scores into the public domain, greater accuracy and robustness

will need to be applied, especially when inspections are undertaken by contract officers. There are secondary matters that will need to be determined before the scheme is operational and these include an “appeal or review” process for the score given where businesses dispute them. A policy will need to be adopted on whether or when re-inspections, and hence re-scoring, will take place. This is most likely at a business’ request, where improvements in the premises, practices or management have taken place. This could clearly add to the annual work programme.

4.0 RESOURCES

4.1 FINANCIAL ALLOCATION

The budget does not show the financial allocation for the food safety function alone.

4.2 STAFFING ALLOCATION

The section comprises:

	Post No.	Food FT Equiv.	Competency
Env. Health Manager	E355	0.3	Full
Senior EHO *	E412	0.6	Full
Senior EHO	E405	0.7	Full
Senior EHO	E410	0.0	Full
EH Technician	E390	0.7	Restricted
Office Manager	E480	0.2	N/A
Admin. Asst.	E555	0.3	N/A
Licensing Officer	E430	0.0	N/A

* The officer is on maternity leave until March 2009 and has a temporary replacement.

4.2 STAFF DEVELOPMENT PLAN

All field officers will require a minimum of 10 hours training in food safety topics each year. In addition topical and update training will be needed.

This will also require additional training in specialist areas.

Each officer's needs are reviewed annually as part of the Performance & Development Review (PDR) and overall identified needs are incorporated into the Divisional training programme.

A training needs matrix produced by the Sussex Food Liaison Group is used to identify areas of training required and a timescale for refresher training.

5.0 QUALITY ASSESSMENT

5.1 There is currently a food safety monitoring and management procedure.

5.2 The authority participated in an inter-authority peer review and audit arranged by the West Sussex Food Liaison Group for 2003/4. The Food Standards Agency has a national audit protocol which is currently under review. It is anticipated that there will be a new peer review once this has been finalised.

6.0 RESOURCES & REVIEW

6.1 PREVIOUS PERFORMANCE

Previous year's performance has been detailed in the annual reports and service plans.

Numerically the routine inspection performance in previous years against the inspection programme is shown below. The percentage is the number of inspections undertaken against those targeted for the year.

Year	% high risk (A-C)	% low risk (D-F)
2004/5	78	98
2005/6	95	95
2006/7	85	73
2007/8	96	95

6.2 PRESENT PERIOD

The part time Senior EHO is currently fully involved in the implementation of the new Licensing Act for premises selling alcohol, and in preparation for the Gambling Act 2005 and is not likely to be involved in food safety for this period.

One of the Senior EHO's has opted to work reduced hours and will be taking maternity leave from the end of May 2008. It is anticipated that she will return in March 2009. A temporary full time replacement will be employed. Filling EHO posts is nationally problematic due to a national shortage of qualified applicants.

In previous years part of the shortfall of staff has been met by the use of casual staff and contractors. It is anticipated that there will be a need for the use of contractors for the forthcoming year. There is an existing budget provision for this purpose.

6.3 REVIEW

The Executive Head of Housing, Health and Community Safety will review performance against this plan in December 2008. If necessary, the outcome of this review will be reported to the with an action plan.