



## Cabinet Member for Health, Safety & Wellbeing

Decision to be taken by

Ward: All

Key Decision: Yes/No

### Report of Executive Head of Housing, Health & Community Safety

#### FOOD SERVICE PLAN 2010/11

##### 1.0 Report 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 Annexe 1 sets out the Food Service Plan for 2010/2011 for the Council that meets the Agreement.
- 1.5 The food safety enforcement service plan is identified in the constitution as one of the plans which must be approved by full council

##### 2.0 Recommendation

- 2.1 The Cabinet Member is requested to endorse the Food Service Plan at Annexe 1 and to recommend adoption by full council.

##### 3.0 Introduction

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

##### 4.0 The Framework Agreement.

- 4.1 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.
- 4.2 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.
- 4.3 Annexe 1 sets out a suggested Food Service Plan for 2010/11 for the Adur District Council.

4.4 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.

4.5 To meet the Standard, nineteen documented procedures, policies and records need to be maintained.

4.6 The final part covers monitoring arrangements and gives a seven-part form for completion and return by local authorities.

4.7 The monitoring form covers all the matters raised in the other parts of the Agreement as well as numerical information concerning activity.

4.8 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.

## **5.0 FSA auditing activity**

5.1 The Food Standards Act 1999 gave the Agency powers to monitor and audit local authorities.

5.2 The local authority audit scheme was launched in April 2001 and since then most local authorities in England have received audits. Some were full audits and others focussed on particular activity areas only, such as sampling or enforcement.

5.3 Several 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.

5.4 Reserve powers are available to the Minister, under the Food Safety Act 1990, if individual authorities are considered not to be meeting their obligations.

## **6.0 Current issues**

6.1 The food safety function is undertaken by the Licensing and Commercial Premises section. Due to the departure of the taxi licensing officer at the end of 2009, their role had to be taken on by the Environmental Health Technician for approximately 3 months, which put added pressure on the food safety function.

6.2 The Environmental Health section combined with that of Worthing at the beginning of April. The two teams are still operating from separate locations.

6.3 The Environmental Health Manager (Commercial) will be leaving at the end of July.

## **Background Papers**

Framework Agreement on Local Authority Law Enforcement. Food Standards Agency

Contact officers:

David Bowen, Environmental Health Manager (Commercial),  
[david.bowen@worthing.gov.uk](mailto:david.bowen@worthing.gov.uk) tel. 01273 263366;

Paula Mitton, Senior Environmental Health Officer, [paula.mitton@adur.gov.uk](mailto:paula.mitton@adur.gov.uk) tel. (01273  
2)63367

EH/FOHS/DMB  
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## Appendix

### 1.0 Council Priority

1.1 Priority 2: create a clean, green, safe environment.

### 2.0 Specific Targets

2.1 (A) None  
(B) None

### 3.0 Sustainability Issues

3.1 In terms of the Council's environmental and sustainable development policies the information contained in this report will have a beneficial impact on reducing factors contributing to ill health

### 4.0 Equality Issues

4.1 Considered but none identified.

### 5.0 Community Safety issues (Section 17)

5.1 Considered but none identified.

### 6.0 Human Rights Issues

6.1 Considered but none directly identified. Indirectly the recommendation 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 Financial Implications

7.1 The continuation of the service at the present level is anticipated by the budget.

### 8.0 Legal Implications

8.1 The adoption of a food safety plan is required by the Code of Practice issued under the Food Safety Act 1990. Failure to meet obligations under the Food Safety Act can allow the Food Standards Agency to act in the Council's default and require repayment of their expenses

*Remember that the committee's legal advisor must see and approve all reports before the PTM.*

### 9.0 Consultations

9.1 None

### 10.0 Risk assessment

10.1 8.1 above should be considered.

**11.0 Health & Safety Issues**

11.1 Considered none identified

**12.0 Procurement Strategy**

12.1 Not applicable

**13.0 Partnership working**

13.1 Matter considered and no issues identified.

## **ADUR DISTRICT COUNCIL**

### **FOOD SERVICE PLAN 2010/2011**

#### **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 objective for the service this year is to complete the inspection/intervention programme.

##### **1.3 CORPORATE OBJECTIVES.**

The Corporate Plan 2009-2012 has as priority 4, "to support and contribute to the health, safety and well-being of the area".



*Abscess found in leg of lamb*

## **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. Food Safety falls within the portfolio of the Cabinet Member for Health Safety and Wellbeing

#### **(ii) The Council's Officer/Department Structure**

From Executive Heads of Service upwards, the officer structure is now shared by Adur and Worthing Councils. 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)
- 2 (FTE) X Senior Environmental Health Officer
- Environmental Health Technician
- Licensing Officer (alcohol)
- (Computer) System and support officer
- Taxi licensing officer
- Administration assistant

#### **(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.

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 1<sup>st</sup> April 2010:

Manufacturers	)	9
Manufacturers selling mainly by retail	)	
Importers/exporters		0
Distributors		5
Retailers		102
Caterers		306
<b>Total</b>		<b>422</b>



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**

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

The Regulators Code of Compliance, which was published in December 2007, is a statutory code of practice for regulators and has to be followed by Environmental Health enforcement staff. It was created as a result of the Hampton review, which proposed the principles of better regulation based on a risk-based approach and proportionality to regulatory enforcement.



*Display for Food Safety Week 2009 in local Day Centre*

## **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)
- (ii) The ratings are assessed at the time of inspection and give a maximum period before the next visit should be undertaken. Unrated premises are either new premises or new businesses taking over existing premises.

The number of inspections programmed for the year 2010/11 is 233 ('A' rated premises are inspected every twice a year). Inspections will include checks on imported foods where appropriate The following is a breakdown of these premises according to their risk rating:

<b>Risk rating</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>Unrated</b>	<b>Total</b>
<b>Number of premises</b>	7	36	99	39	14	31	226

- (iii) The 3 Approved premises are businesses that require specific approval as they manufacture products of animal origin and sell to retailers, wholesalers or other manufacturers. Whereas before they had set inspection frequencies regardless of risk, They are now subject to the same risk-based 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. The Commercial team's alternative enforcement strategy was developed in 2009 and involves sending out a food safety questionnaire to all category E premises and registered childminders in the district. Premises will be visited if they do not return the questionnaire. The purpose of this is to free officer time to concentrate on higher risk premises. A percentage of the returned questionnaires are verified by a site visit.

- (vii) The new Code of Practice issued by the Food Standards Agency in 2008 redefined the inspection regime. Any interaction with food businesses is now referred to as an “intervention”. This term includes the traditional inspections, but now category C and D 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 still have to undergo a full inspection.
- (viii) 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.
- (ix) The table below shows the number of formal actions taken in 2009/10

Number of Hygiene Improvement Notices served	9
Number of premises where Hygiene Improvement Notices were served	9
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	0
Number of premises subject to surrender of food	0
Simple Cautions issued against businesses for food safety offences	0

- (viii) The percentage of premises defined as ‘broadly compliant’ for the year 2009/10 was 87, compared to 83 for 2008/9.

### **3.2 CONSUMER FOOD COMPLAINTS**

All consumer food complaints will be investigated and appropriate action taken in accordance with the enforcement policy.

38 complaints relating to unsatisfactory foodstuffs were received during the period 2009/10 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.

### **3.4 PRIMARY AUTHORITIES**

The primary authority scheme came into force on 6 April 2009 and is co-ordinated by the Local Better Regulation Office (LBRO). The basis of this scheme is that a business having a chain of outlets may choose to go into partnership with its local authority, called a primary authority. Before regulators from other authorities take enforcement action, except emergency measures, they must consult the primary authority if the business has one. So far several major retailers have signed up to the scheme. Adur does not currently have a primary authority agreement.

### **3.5 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.

### **3.6 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 2009/10, 126 food samples were taken for microbiological examination. 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.

### **3.7 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.

### **3.8 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 financial year 2009/10, 73 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.

### **3.9 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. Environmental Health Officers attend 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 which coordinates activities between all the local authorities, including WSCC, and the Public Analyst and the Health Protection Agency. Informal day to day liaison also occurs with all neighbouring authorities.

### **3.10 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.

### **3.11 "SCORES ON THE DOORS"**

The Food Standards Agency is developing a national 6 tier scheme to publicise the food hygiene scores given to businesses undergoing routine food hygiene inspections. The scheme will be voluntary and it is anticipated that Adur will participate when it is up and running.

### **3.12 ETHNIC MINORITIES**

Minority ethnic food businesses count for a significant proportion of local food outlets, including Turkish, Chinese, Indian/Bangladeshi, Thai and Vietnamese. To help ethnic minorities with food hygiene training, courses in their own language are promoted. A DVD is also available in new additions of the Safer Food Better Business pack, which contains translations in 16 other languages.

### **3.13 *E.coli* O157**

Further to the Pennington report published in March 2009 on the outbreak of *E.coli* O157 in South Wales in September 2005, there was a large outbreak of the same organism linked to Godstone Farm in August and September 2010. A total of 93 people were affected, 76 of whom were children under the age of 10. Although not directly linked to the consumption of food visitors became infected via the faecal-oral route (coming into contact with animal faeces and then ingesting them through poor hygiene). Adur has one such open farm which was visited to ensure that proper measures are taken to avoid the public from coming into contact with faecal matter from the animals.

*E.coli* 0157 is an 'emerging pathogen' which food safety officers must be aware of when visiting food premises. The annual November seminar organised by the CIEH Sussex Food Study Group focussed on this organism in 2009.



*Cows on Godstone Farm*

## **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:

	Food Full Time Equivalent	Competency
Env. Health Manager *	0.3	Full
Senior EHO (0.4 FTE)	0.2	Full
Senior EHO	0.7	Full
Senior EHO (0.6 FTE)	0.3	Full
EH Technician	0.7	Restricted
Office Manager	<0.1	N/A
Admin. Officer	0.3	N/A
Admin. Asst.	0.3	N/A
Licensing Officer	0.0	N/A
Taxi Licensing Officer	0.0	N/A

\* From 1<sup>st</sup> August 2010, this post is shared with Worthing's Food and Occupational Health Group.

### 4.3 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.

The authority participated in an inter-authority peer review and audit arranged by the West Sussex Food Liaison Group in May 2010. Results of all audits will be collated to identify examples of best practice and common approaches to areas identified for improvement. The Food Standards Agency has a national audit protocol which is currently under review.



*Moth found in chicken korma from local takeaway*



## **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.

<b>Year</b>	<b>% high risk (A-C)</b>	<b>% low risk (D-E)</b>
2004/5	78	98
2005/6	95	95
2006/7	85	73
2007/8	96	95
2008/9	100	100
2009/10	98	90

### **6.2 PERFORMANCE INDICATORS**

There is one national indicator that is relevant to food safety regulation and the results were as follows:-

#### **NI 182 Satisfaction with local authority regulatory services.**

Food safety regulation forms just one part of the overall regulatory services that this indicator involved. The survey was structured to balance businesses that were and were not subject to enforcement action associated with the contact e.g. inspection. The result for 2009/10 was 76% satisfaction, compared with 75% in 2008/9. In fact very few responses indicated dissatisfaction. Attention will need to be given to the reasons for dissatisfaction and whether they can be ameliorated without undermining the purpose for the regulatory contact.

**NI 184** (the number of businesses that are 'Broadly Compliant') has been abolished and will not apply from 1<sup>st</sup> April 2010.

### **6.3 PRESENT PERIOD**

A new taxi licensing officer started at the end of March 2010 so there is presently a full complement of staff. The Adur and Worthing Environmental Health services joined in 2010 but are working from separate locations. The Environmental Health Manager (Commercial) will be leaving the authority at the end of July 2010.

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 may be a need for the use of contractors for the forthcoming year. There is an existing budget provision for this purpose.

#### **6.4 REVIEW**

The Executive Head of Housing, Health and Community Safety will review performance against this plan in December 2010. If necessary, the outcome of this review will be reported to the appropriate committee with an action plan.