

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 2009/10

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 Annexe 1 sets out the Food Service Plan for 2009/2010 for the Council that meets the Agreement.

2.0 Recommendation

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

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 2009/10 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 over 300 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.

5.3 Eight 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 Commercial Premises section as a part of the wider workload of the section. The member of staff who was on maternity leave last year, now works two days a week and the part time Senior EHO appointed to the team in 2005 to carry out Licensing Act 2003 functions now completes the post by working three days a week. The shared post has food safety, amongst other things, as part of its duties.

6.2 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. With changes in management and food production they can become invalid. There is also a tendency for record keeping and checking to be neglected.

- 6.3 The Pennington Report on the E.coli O157 outbreak in Wales will undoubtedly affect the depth and thoroughness of inspections and the record of these activities. The FSA are currently organising for nationally available refresher training.
- 6.4 It is planned that during this period, the commercial environmental health teams of Adur Dc & Worthing BC will merge to form one co-located section.

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 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 Codes 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 The adoption of a food safety plan is required by the Codes 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, including administration fees.

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 2009/2010

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 increase the number of food businesses within the District that are 'Broadly Compliant' with food hygiene standards in line with National Indicator 184.

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".



Officer swabbing work surface for bacteria

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

From Executive Heads of Service upwards, the officer structure is now shared by Adur and Worthing Councils, as shown in Figure 2. 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, as shown in Figure 3.

(iii) Commercial Team

The commercial team comprises: -

- Environmental Health Manager (Commercial & Licensing)
- 2 (FTE) X Senior Environmental Health Officer
- Environmental Health Technician
- Licensing Officer
- (Computer) System and support officer
- Taxi licensing officer
- Administration assistant

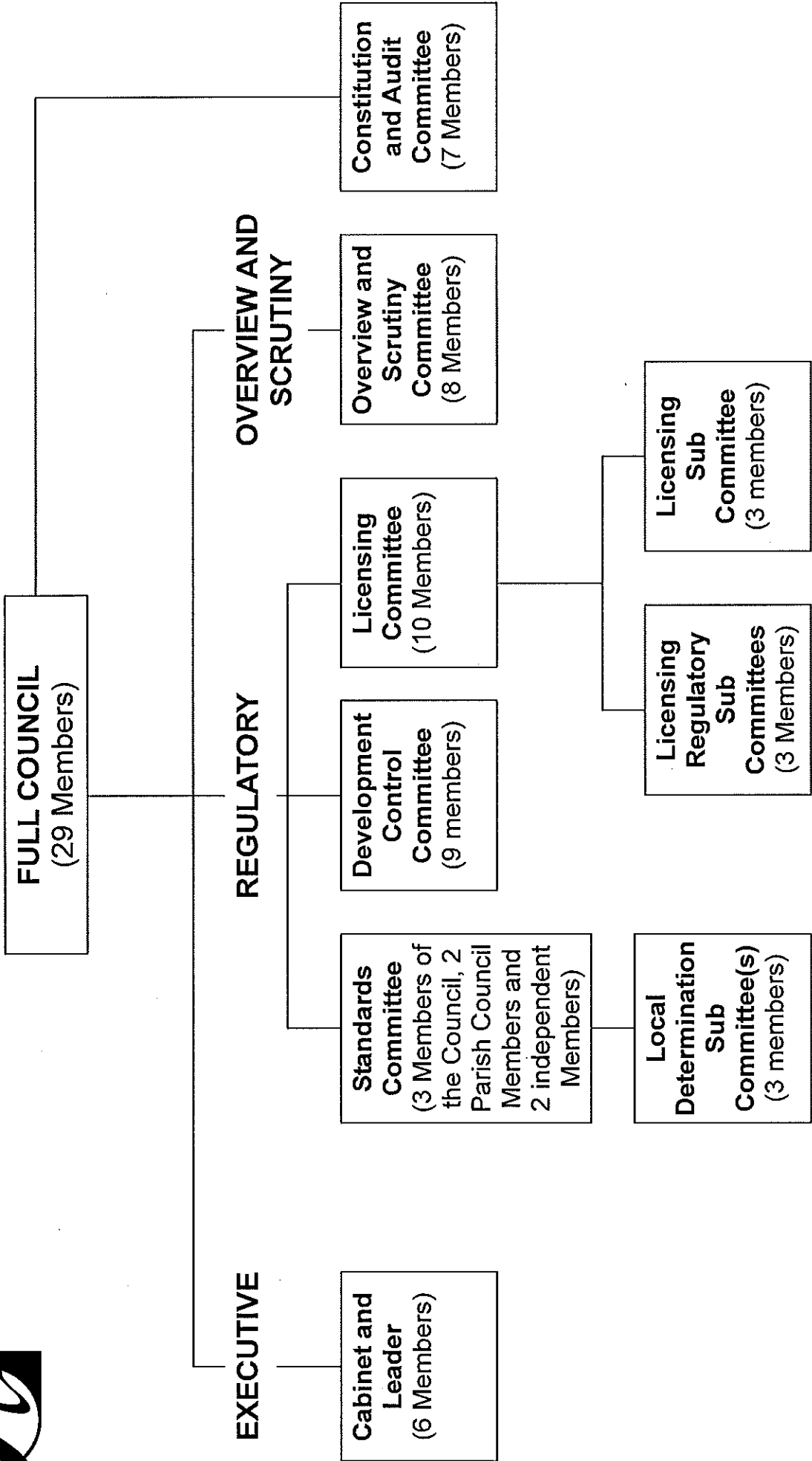
(iv) Additional Resources

In addition, there is access to the following resources:

1. Health Protection Agency Laboratory Services
2. Public Analyst



ADUR DISTRICT COUNCIL - POLITICAL MANAGEMENT STRUCTURE



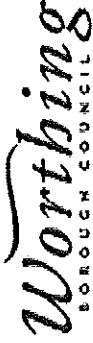


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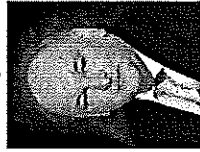


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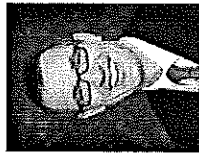
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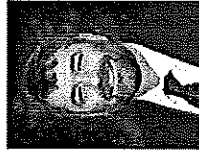
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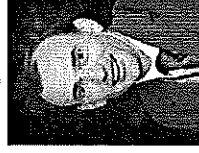
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FIGURE 3

SERVICE GROUPS	MAIN SERVICE AREAS	DETAILED SERVICES INCLUDED
Housing, Health and Community Safety (Block 10)	Housing Need, Options and Advice	Housing advice and options Prevention and management of homelessness Housing Register Nominations and lettings Temporary accommodation management
	Strategic Housing and Enabling	Housing Strategy development and review Affordable housing provision Care and Repair (Adur) Supporting People
	Environmental Health	Housing Assistance and renewal Empty properties (Worthing) Environmental Protection and noise Pest control Dog control (Worthing) Food Hygiene Health and Safety Enforcement, Healthy Workplace
	Licensing	Taxi and Private Hire, Premises and Personal Licensing
	Community Safety	Support for Crime and Disorder Reduction Partnerships Safer Adur Team and Anti social behaviour units Police performance and intelligence liaison Joint Action Groups Local Action Teams Street Scene enforcement

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 the beginning of the year:

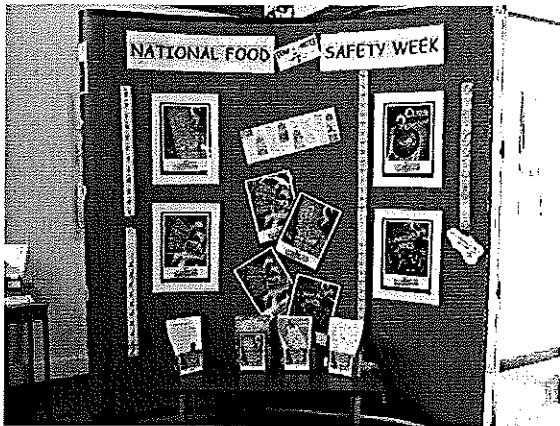
Manufacturers) 12
Manufacturers selling mainly by retail)
Importers/exporters	0
Distributors	5
Retailers	106
Caterers	331
Total	454

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 2008

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 should be undertaken. Unrated premises are either new premises or new businesses taking over existing premises.

The number of inspections programmed for the year 2009/10 is 438. The following is a breakdown of these premises according to their risk rating:

Risk rating	A	B	C	D	E	Unrated	Total
Number of premises	2	49	179	75	98	35	438

- (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 so far 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. In the year 2009/10 it is intended to develop a questionnaire for all category E premises, to be used instead of inspections. 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.

- (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 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 2008/09

Number of Hygiene Improvement Notices served	13
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

- (ix) The percentage of premises defined as 'broadly compliant' for the year 2008/09 was 82%.
- (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 taken in accordance with the enforcement policy.

20 complaints relating to unsatisfactory foodstuffs were received during the period 2008/09 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 four 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 2008/09, 101 food 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.

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 2008/09, 71 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.

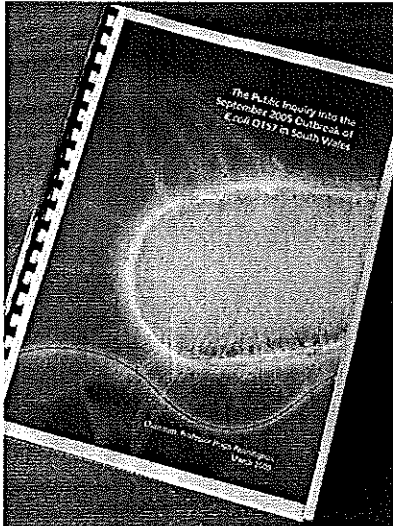
3.12 ETHNIC MINORITIES

Minority ethnic food businesses count for a significant proportion of local food outlets, including Turkish, Chinese, Indian/Bangladeshi, Thai and Vietnamese. In 2008 two officers attended a Food Standards Agency sponsored 'Working Effectively with Minority Ethnic Food Businesses' course. 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 PENNINGTON REPORT ON THE SEPTEMBER 2005 OUTBREAK OF *E.coli* O157 IN SOUTH WALES

A public enquiry, chaired by Professor Hugh Pennington, was held into the outbreak of *E.coli* O157 in South Wales in September 2005 and the final report

produced in March 2009. It was the largest outbreak caused by this organism in Wales and the second largest in the UK to date. Most cases were children in 44 schools and one five year old boy died. The outbreak occurred because of food hygiene failures at the premises of a butcher John Tudor and son. The report has far-reaching implications for food safety officers across the country, particularly for the inspection of businesses handling raw meat and ready-to-eat food.



The Pennington report

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. Asst.	0.3	N/A
Licensing Officer	0.0	N/A
Taxi Licensing Officer	0.0	N/A

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.

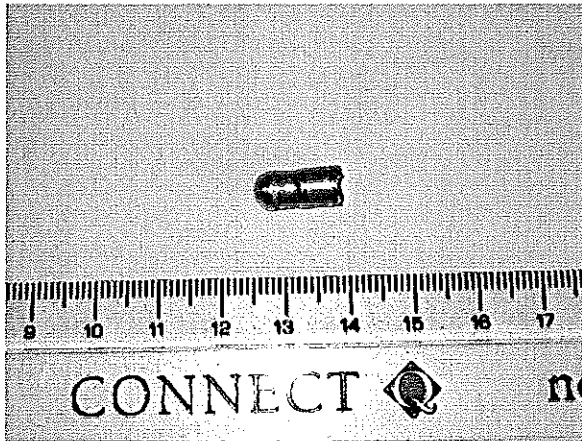
Each officer's needs are reviewed annually as part of the Performance & Development Review (PDR) and overall identified needs are incorporated into the Divisional training programme.

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.

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 in Spring-Summer 2010 using the amended national protocol as its basis.



Broken metal pin found in ready meal bought from a local supermarket

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-E)
2004/5	78	98
2005/6	95	95
2006/7	85	73
2007/8	96	95
2008/9	100	100

6.2 PRESENT PERIOD

The part time Senior EHO who was previously involved in the implementation of the Licensing Act for premises selling alcohol is now carrying out food safety functions, making up the full time equivalent of the Senior EHO who has returned from maternity leave.

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.

6.3 REVIEW

The Executive Head of Housing, Health and Community Safety will review performance against this plan in December 2009. If necessary, the outcome of this review will be reported to the appropriate committee with an action plan.