

Ward: N/A

## Food hygiene: risk management and legal obligations

### Report by the Director for Communities

#### 1.0 Summary

- 1.1 This report provides details of the food hygiene inspection regime across the Adur District and Worthing Borough to explain how consistency is achieved in scoring premises under the National Food Hygiene Rating Scheme.
- 1.2 Some explanation is also contained in Appendix B, the report to the Cabinet Members for Health and Wellbeing JAW/001/14-15 on the Food Safety Service Plan for 2014/15. The Service Plan itself is attached as Appendix C.

#### 2.0 Background

- 2.1 Members of JOSOC requested this report to help explain the procedures which the Councils apply for inspecting catering establishments. In particular the following elements were requested:
  - *The number of visits to each establishment as part of the inspections and how often;*
  - *The consistency of the ratings across both Council areas; and*
  - *What the guidelines are for inspections*
- 2.2 Guidance on the food hygiene inspection regime is given in the Food Law Code of Practice which can be found on the Food Standards Agency's (FSA) website [www.food.gov.uk](http://www.food.gov.uk) and which was updated in April 2015. This document details the necessary arrangements for carrying out inspections, qualifications and competency of officers and enforcement guidelines.
- 2.3 The Food Law Code of Practice sets the frequencies for food hygiene inspections, according to risk. These are shown in Table 1 overleaf.

Detail of the scoring system used to determine frequency of inspection is set out in this Code of Practice. Scoring is based on the type of premises, the number of consumers served, the type of food served, the level of hygiene, structural standards and confidence in management. An extra scoring factor is given for those premises serving vulnerable people, such as care homes, nursery schools and hospitals, which will put them into a category that gives them a more frequent inspection.

Table 1

Risk Category	Examples of types of premises included in this category
A = High Risk – inspected every 6 months	Manufacturers of high risk food, caterers and care homes and retailers in which there are concerns regarding hygiene standards
B = High Risk – inspected every 12 months	Manufacturers of high risk food with a wide distribution, caterers and retailers in which there are concerns regarding hygiene standards, some care homes
C = Medium Risk – inspected every 18 months	Manufacturers, caterers and care homes with good to reasonable hygiene standards, retailers with reasonable hygiene standards
D = Low Risk – inspected every 24 months	Caterers with very good hygiene standards, retailers with good to reasonable hygiene standards
E = Low Risk – intervention contact every 36 months – alternative enforcement strategy	Low risk caterers such as home cake makers, retailers of low risk food

Revisits are carried out routinely on those premises gaining a food hygiene rating of 0 – 2 and others in which there may be issues which, although not serious, should be addressed to keep up standards in the long term.

2.4 Guidelines for food hygiene inspections

The protocol for carrying out inspections, enforcement actions and revisits is also set out in the Code of Practice and is incorporated into the Food Team's procedures.

2.5 Consistency in scoring of food premises under the Food Hygiene Rating Scheme (FHRS)

2.51 Guidance is available to ensure consistency in the operation of the FHRS by local authorities in the form of the 'Brand Standard', available to view on the Food Standards Agency's website (currently July 2014).



Section 3 of this document details how the scoring used for risk rating premises in the Code of Practice should be applied to the FHRS. The rating will vary from '0' (Urgent Improvement Necessary) to '5' (Very Good). The document also shows which premises should be excluded from the scheme (for example, manufacturers and wholesalers who do not supply the public directly).

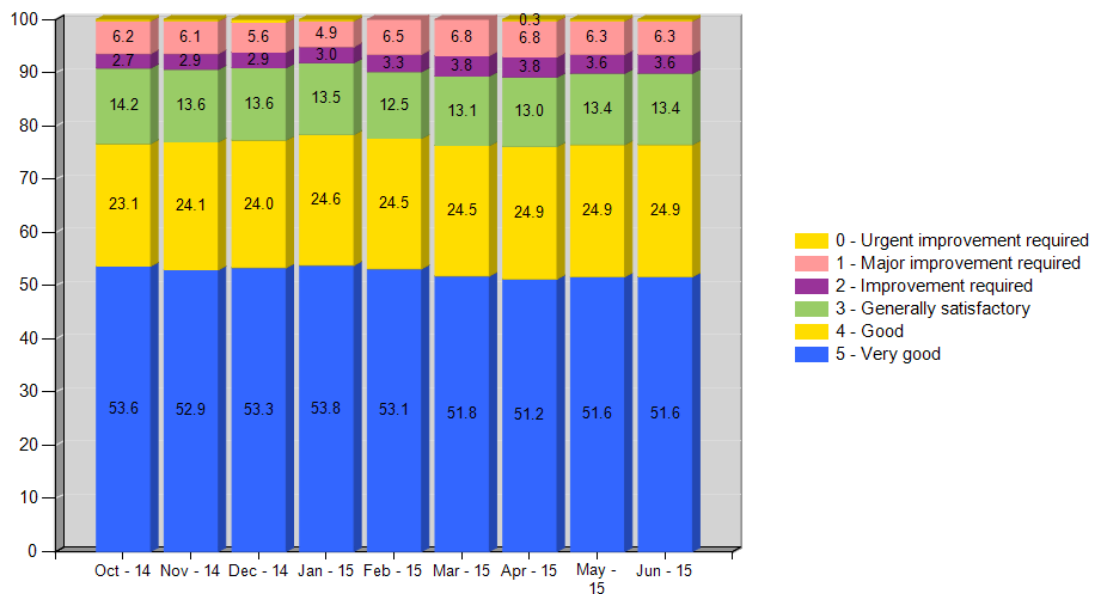
2.52 All food officers, including contractors, were required to attend consistency training when the scheme first came out in 2010. Since then consistency exercises have been held in team meetings. Four members of staff attended a recent update consistency training day organised by the FSA and a feedback session has been organised for the rest of the staff and contractors, at the end of June. Monitoring of work is carried out by the Team Leader, with joint visits planned within the authority for 2015.

2.53 In 2014 an inter-authority consistency exercise was organised by the Sussex Food Liaison Group. During this exercise food officers from adjacent authorities accompanied each other on joint inspections in order to compare scoring and to highlight any inconsistent patterns. An inter-authority audit is planned for 2015 as part of the Food Liaison Group work plan, using one auditor to assess consistency across all Sussex authorities.

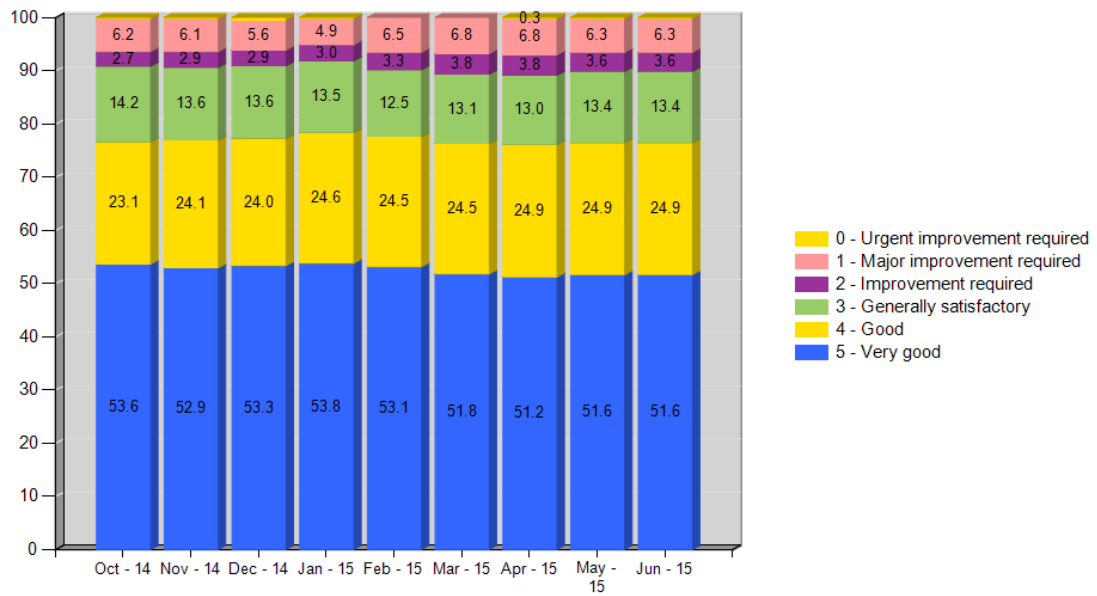
2.54 Graphs showing consistency of ratings across Adur and Worthing (source: FSA FHRS portal)

Graphs A and B below show the distribution of ratings for premises within the FHRS, for Adur and Worthing respectively. The total number of premises within the scheme, at 2 June 2015, was 366 in Adur and 802 in Worthing.

A. *Distribution of FHRS ratings from October 2014 – June 2015 (by percentage), for Adur*



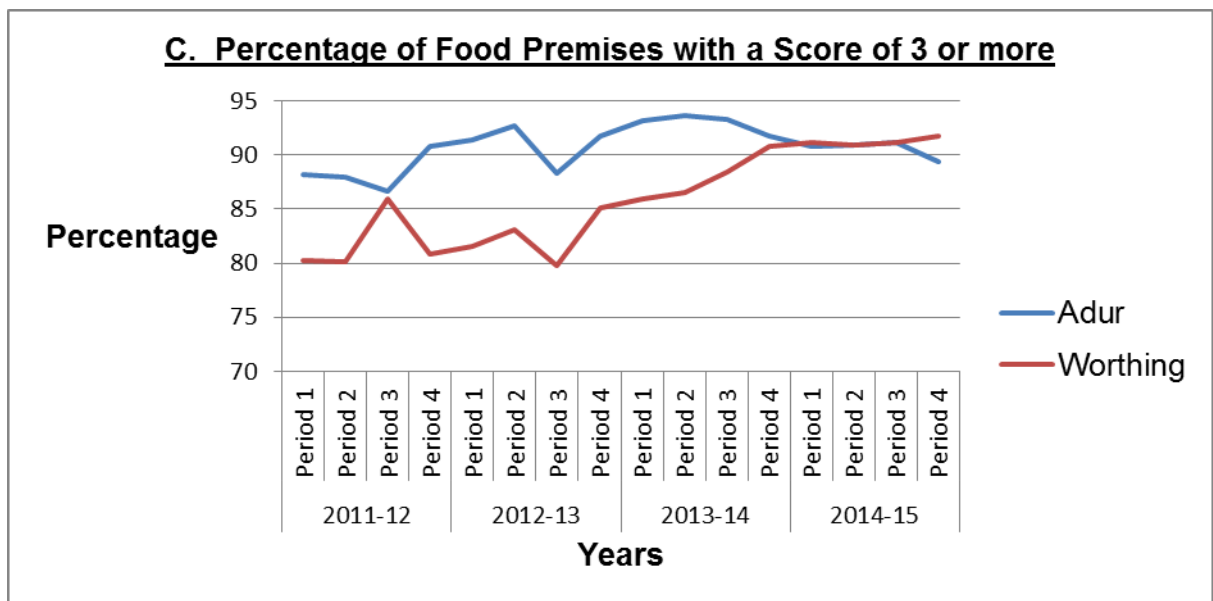
*B. Distribution of FHRS ratings from October 2014 – June 2015 (by percentage), for Worthing*

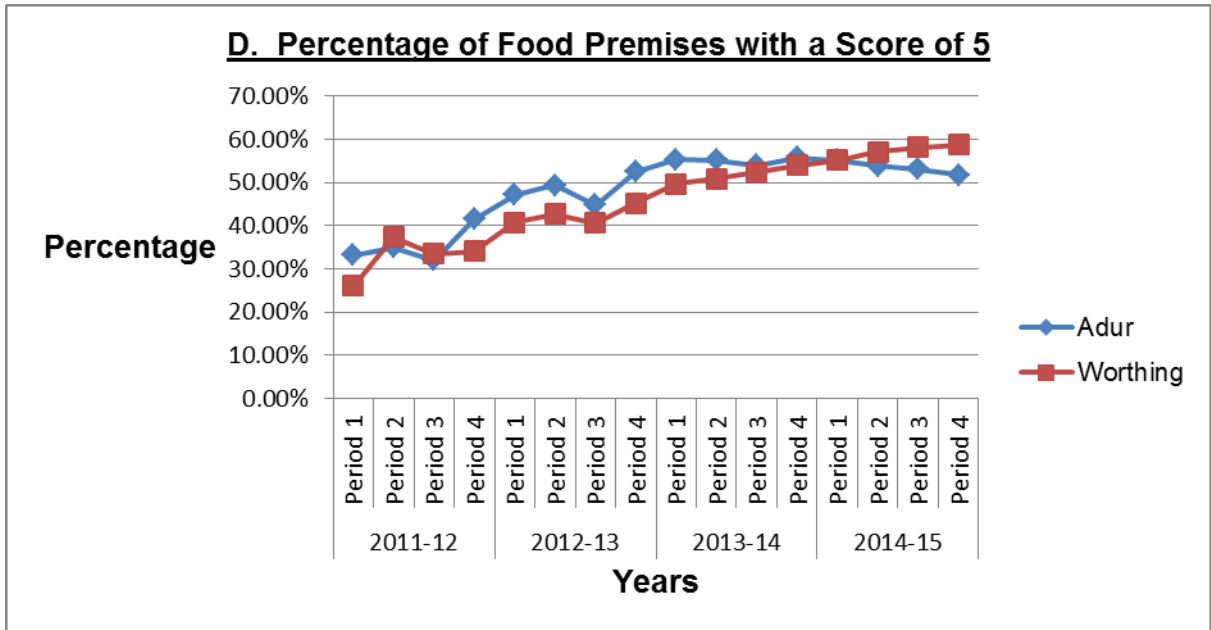


Graphs C and D below show the change in the percentage of food premises with a score of 3 or more (C) and a score of 5 (D) since the Food Hygiene Rating Scheme began in April 2011.

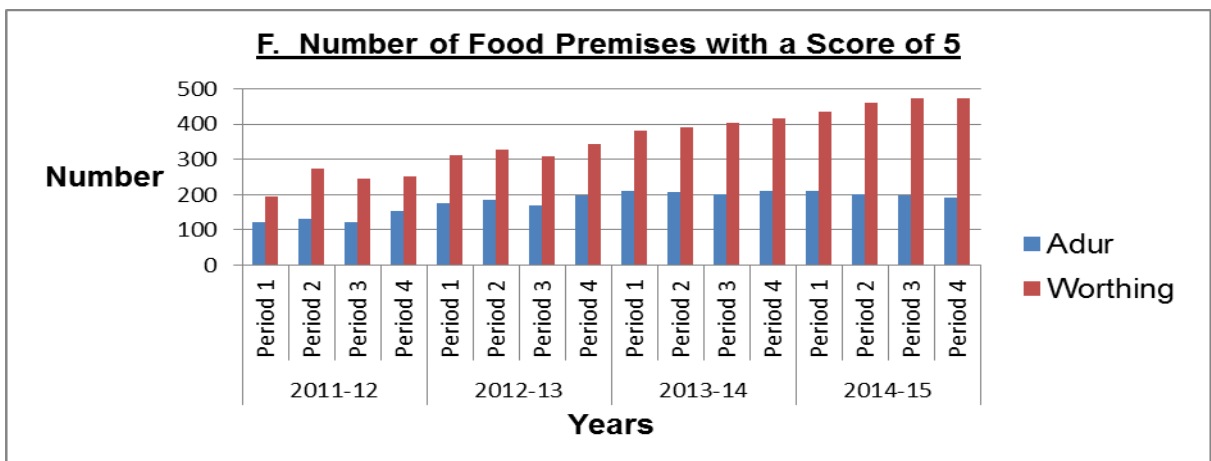
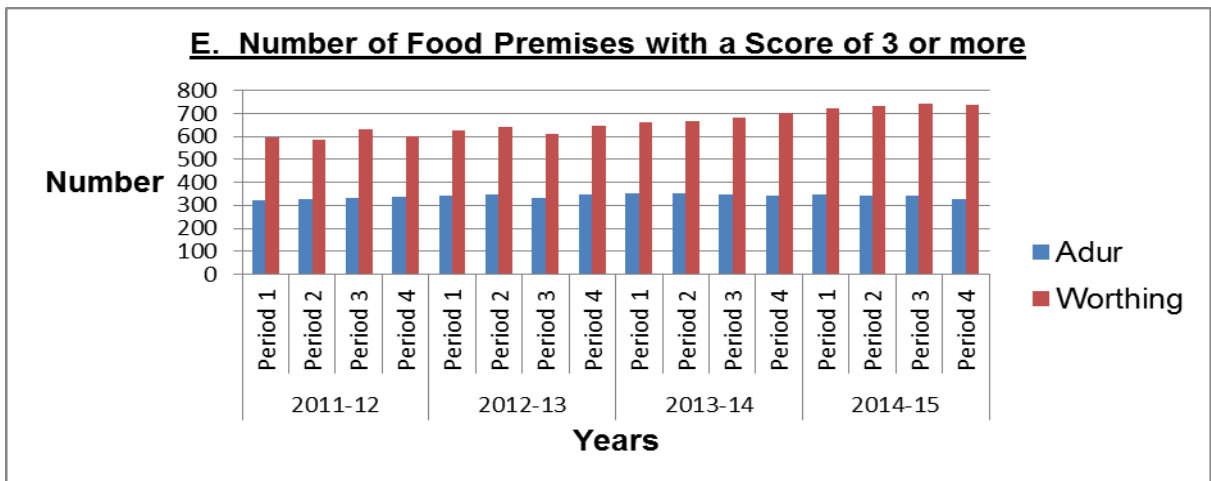
The key to the years on the horizontal axis on all of the following graphs is shown below:

- Period 1 = April - June
- Period 2 = July - September
- Period 3 = October - December
- Period 4 = January - March





Graphs E and F show the changes in the number of premises with a score of 3 or more (E) and the changes in the number of premises with a score of 5 (F) with time.



Comments

Graphs A and B show a similar distribution of scores 0 to 5 across Adur and Worthing. Graph G in Appendix A shows how those scores have followed a similar pattern since the scheme began in 2011. This gives an indication of consistency across the 2 Councils.

Graphs C and D show that since 2011 the percentage of broadly compliant premises have increased for both Councils, as have those with a score of 5, following a similar pattern. The scores levelled out in 2014 with a subsequent slight dip for Adur (it should be borne in mind that Adur has fewer premises than Worthing). Graphs E and F show the actual numbers of premises with a score of 3 or more (E) and a score of 5 (F). The changes have been more marked in Worthing.

Graph G (Appendix A) shows the changes in the percentages of premises with each score, for Adur and Worthing, with time and also shows a consistent pattern for Adur and Worthing. The drop in the '4s' for Worthing for period 2, 2011-2012 coincides with a marked rise in '5s', possibly due to the publicity of the scheme in the early stages. The drop in '5s' for both Adur and Worthing in Period 3, 2012-2013 would have occurred roughly 18 months after the scheme started. It was found that when some premises were re-inspected standards had fallen as businesses had 'rested on their laurels' once they achieved a 5 (there is a corresponding increase in '1s'). This 'yo-yo' phenomenon is common for some premises.

The slight dip in '5's for Adur since 2014 could correspond to a changeover in staff at that time.

Approximately 10% of food premises had a score of 0-2 in 2011 – this figure has slightly reduced since then.

### **3.0 Proposals**

- 3.1 Whilst the consistency for food inspections is considered to be good overall, work is underway with the team to continue to develop this work. This has just begun but will include a refocusing of ways in which the Food Team can work with establishments to increase and maintain higher scores through different methods of support for businesses using digital ideas, better communication (e.g. social media, video inspections) and better promotion of those doing well. Equally, more of a 'stick' approach is being considered alongside this for those that remain stubbornly low in order to help improve them or take action where needed.

### **4.0 Legal**

- 4.1 Regulation (EC) No 882/2004 provides overarching requirements for Member States to ensure that official controls are implemented, including inspection regimes and sampling. Specific requirements for food premises are contained in Regulation (EC) No 852/2004. The Food Safety and Hygiene (England) Regulations 2013 provide enforcement powers for local authorities in respect of these requirements.

## **5.0 Financial implications**

- 5.1 Committee is recommended to note that the food service is resource intensive and under public and media scrutiny due to the public nature of the Food Hygiene Rating Scheme.

## **6.0 Recommendation**

- 6.1 Members are asked to consider this report and work underway.

### **Local Government Act 1972**

#### **Background Papers:**

Food Safety Service Plan 2014/15 and Report, Record of Joint Decision JAW/001/14-15 dated 9 September 2014  
Regulation (EC) No 882/2004  
Regulation (EC) No 852/2004  
The Food Safety and Hygiene (England) Regulations 2013  
Food Law Code of Practice  
Food Hygiene Rating Scheme Brand Standard

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**Graphs created by Amy Bowyer**

## **Schedule of Other Matters**

### **1.0 Council Priority**

- 1.1 The proposal meets the Council priorities to “fulfil statutory obligations for delivery of front line services” and to “deliver interventions that improve the health of our communities”.

### **2.0 Specific Action Plans**

- 2.1 The proposal meets Priority 2 of the Adur & Worthing Council’s Action on Public Health to “create and develop healthy and sustainable places and communities”.

### **3.0 Sustainability Issues**

- 3.1 Matter considered and no issues identified.

### **4.0 Equality Issues**

- 4.1 Matter considered and no issues identified.

### **5.0 Community Safety Issues (Section 17)**

- 5.1 Matter considered and no issues identified.

### **6.0 Human Rights Issues**

- 6.1 Matter considered and no issues identified.

### **7.0 Reputation**

- 7.1 Due to an increase in scrutiny and the wider availability of data, it is important to maintain quality of standards.

### **8.0 Consultations**

- 8.1 Matter considered and no issues identified.

### **9.0 Risk Assessment**

- 9.1 Matter considered and no issues identified.

### **10.0 Health & Safety Issues**

- 10.1 Matter considered and no issues identified.

### **11.0 Procurement Strategy**

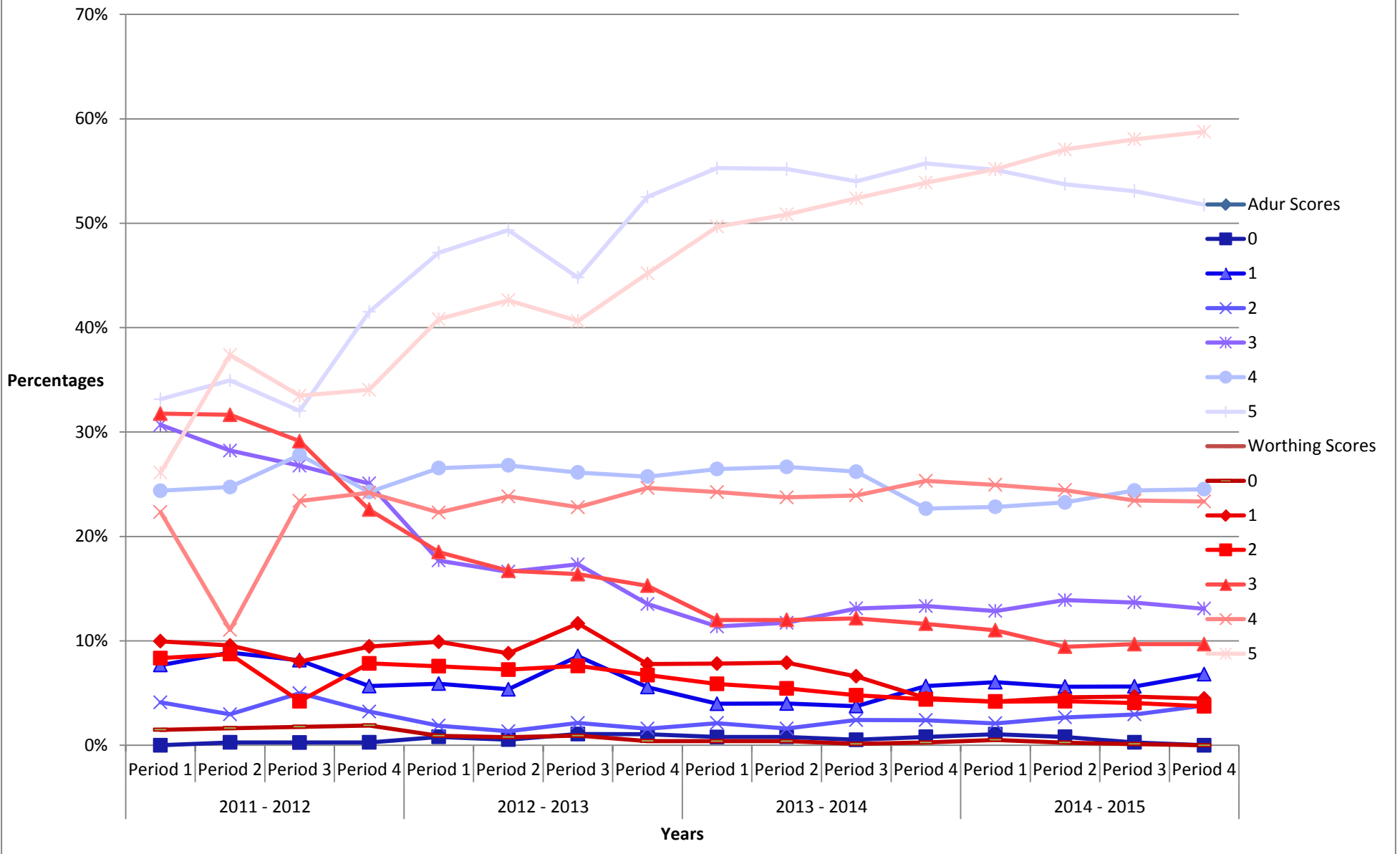
- 11.1 Matter considered and no issues identified.

### **12.0 Partnership Working**



12.1 Matter considered and no issues identified.

**Appendix A G. Percentages of FHRS Scores over Last 4 years**



**Key Decision:** Yes / No

## **Food Safety Service Plan for 2014/15**

### **Report by the Environmental Health Manager**

#### **1.0 Summary**

- 1.1 This report reviews the performance of the food safety service for 2013/14 for Adur and Worthing. A joint service plan for the joint food safety enforcement functions has been produced in accordance with guidance issued by the Food Standards Agency and is attached to this report as Appendix A. Also attached to this report is an overview of the Which? Report on Local Authority Food Hygiene Enforcement Rankings (Appendix B) and a summary of the Eat Out Eat Well healthy eating award (Appendix C).

#### **2.0 Background**

- 2.1 The Food Standards Agency (FSA) came into being in April 2000 and published a Framework Agreement which sets out the arrangements to be operated by local authorities for the enforcement of food safety. It provides detailed guidance on the matters which should be included in an annual Food Safety Enforcement Service plan.
- 2.2 The Cabinet Members for Health and Wellbeing endorsed the Food Safety Service plan for 2012/13 in December 2012 (JAW/007/12-13). A service plan was not produced for 2013/14 due to time taken up by an office move and implementing new procedures for New Ways of Working.
- 2.3 The Adur and Worthing Environmental Health teams combined in December 2010 and since then have been adopting joint procedures and ways of working.

#### **3.0 Review of Service Delivery in 2013/14**

- 3.1 The following paragraphs review and comment upon performance relating to specific service elements.
- 3.2 *Food premises inspections*  
The inspection programme is logged on Northgate M3 Environmental Health software. The Adur and Worthing M3 databases were merged during the time period 2013-14. The number of inspections planned and undertaken for 2013/14 are given in the following table:

Number of inspections planned for 2013/14	480 (A-D)
% of high risk (A-B) premises inspected	96 (81 out of 84 done within the targeted period)
% of medium risk (C) premises inspected	96 (265 out of 276 done within the targeted period)
% of low risk (D) premises inspected	58 (70 out of 120 done within the targeted period)
% of low risk (E) premises inspected or subject to Alternative Intervention Strategy (usually a questionnaire)	43
Number of follow up visits undertaken to check for compliance	292
Total number of new businesses inspected	111
Total number of new businesses having advisory visits	42

The 3 high risk premises and 9 of the medium risk premises that were not inspected within the time period were in the district run by the Team Leader for Health & Safety so the author cannot explain why they were not done. The other two medium risk premises that were outstanding were not trading at the time of the visit.

### 3.3 *Complaints relating to foodstuffs and food premises*

61 complaints relating to unsatisfactory food stuffs purchased or consumed within the district were received in 2013/14. These complaints include those relating to mouldy and decomposed food, out of date food, food contaminated with foreign objects and other labelling issues. 90 complaints were received regarding unsatisfactory hygiene within food premises. These figures show an increase compared with previous years, but this could be due to improved recording, that has been implemented under New Ways of Working.

### 3.4 *Enforcement activity*

The table below shows the number of formal actions taken in 2013/14

Number of written warnings issued	298
Number of Hygiene Improvement Notices served	2
Number of premises where Hygiene Emergency Prohibition Notices were served	0
Number of premises where a Voluntary Closure was accepted	4

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

### 3.5 *Advice to businesses*

The service has maintained a commitment to providing advice and assistance to businesses on legal requirements and best practice.

### 3.6 *Food sampling*

7 samples, including pre-packed sandwiches from small retailers, soda water from public houses and herbs from ethnic food shops, were taken as part of the annual microbiological food sampling programme run in conjunction with Public Health England and the Sussex Food Liaison Group. Of these, the two water samples had an unsatisfactory result which required investigation. The analyses were carried out by the Public Health England laboratory in Porton Down, near Salisbury. Due to staff shortages, the sampling program was restricted this year.

### 3.7 *Control and investigation of outbreaks of food-related infectious diseases*

Notifications of infectious disease are received from Public Health England. Notifications are investigated and/or a letter sent to the patient to try and identify the source of infection and to ensure that the risks of spreading infection are minimised.

In 2013/14 205 confirmed reports of isolated cases associated with the consumption of food or water were received. Of these the organism *Campylobacter* caused 116 of these cases. This figure is consistent with the rest of Sussex and the national average. *Campylobacter* is a bacterium associated with the consumption of undercooked poultry, or cross-contamination from raw poultry to ready to eat foods and is presenting a problem nationally.

### 3.8 *Food safety incidents*

70 national food alerts, allergy alerts and product recall information notices were received from the FSA regarding potential food safety problems with particular types/batches of foodstuffs with national distribution. Of these most were warnings for information only but 5 required rapid action to be taken to contact local stockists to ensure that the affected foods were removed from the food chain.

There were 2 local incidents involving illegal shellfish that a fishing company tried to land at Shoreham harbour. One incident involved oysters that had been harvested from unclassified waters (the boat was advised not to land and dumped its cargo). The other involved scallops harvested from an area in the English Channel containing marine biotoxin (the boat was advised not to land, but continued to Devon, where they were seized by the local Environmental Health Officers). The information came via the Marine Management Organisation and the French authorities. In both cases the Food Standards Agency was informed.

### 3.9 *Food safety promotion/education*

Adur and Worthing participated in the national Food Safety Week in June 2013 which was organised and co-ordinated by the FSA. This event is designed to promote food safety awareness to the public.

In previous years Worthing had a partnership arrangement with Northbrook College to provide Level 2 Food Safety courses for food handlers – however there was no demand in 2013/14, possibly due to the increasing availability of online training.

During 2014/15 food handlers were referred to external trainers during inspections and ethnic businesses were referred to those that provide training in their own language.

One free food hygiene training session was given to 12 volunteer food handlers at the Southlanders Community Café in Shoreham.

### 3.10 *National Food Hygiene Rating Scheme (FHRS)*

This was launched in Adur and Worthing in April 2011 together with other Sussex authorities, using grant funding from the FSA. It is a scheme to give consumers information on the hygiene standards within food premises that supply food directly to the public and rates premises from '0' ('urgent improvement needed') to '5' (very good'). At the end of March 2014 91% of food premises within the scheme in Adur and Worthing had a rating of 3 or more.

### 3.11 *Percentage of broadly compliant premises in total*

'Broad compliance' is equivalent to a food hygiene rating of 3 or more and indicates that conditions are generally satisfactory. Of the total number of premises that were risk rated (including those outside of the FHRS scheme), 89% were broadly compliant in 2013/14. This compares with 81% for Adur and 80% for Worthing in 2011/12).

### 3.12 *Which? Local Authority Food Hygiene Enforcement Rankings for 2012-2013*

The attached report in Appendix B gives an explanation of the positions of Adur and Worthing within the ranking table produced by Which? Magazine. A similar report by Which? is predicted for 2014/15.

### 3.13 *Eat Out Eat Well healthy eating award*

Appendix C gives an overview of the new healthy eating award which it is proposed will be implemented in Adur and Worthing.

## **4.0 Legal**

4.1 The requirement to have a Food Safety Service Plan is laid down by the Food Standards Agency in its Framework Agreement on Official Feed and Food Law Controls by Local Authorities, Amendment Number 5. This is Legal Guidance for Local Authorities.

## **5.0 Financial implications**

5.1 There are no financial implications – the service plan requirements should be able to be met within the current budget, including that used for contractors, although it may not be possible to carry out an intervention in all low risk premises on the programme.

## **6.0 Recommendation**

6.1 The proposed Food Service Enforcement Plan for 2014/15 is attached to this report in Appendix A. The structure and format are in accordance with the guidance in the FSA Framework Agreement. The same format has been retained to assist with the annual comparison in the review process.

**6.2.1 The Cabinet Member is requested to note the food safety activities undertaken during 2013/14.**

**6.2.2 The Cabinet Member is requested to endorse the Food Safety Service plan for 2014/15 and the implementation of the Eat Out Eat Well award.**

### **Local Government Act 1972**

#### **Background Papers:**

**Framework Agreement on Local Authority Food Law Enforcement – Food Standards Agency 2000 (amended 5 April 2010)**

**Food Service Plan 2012/13 Adur and Worthing Councils**

**Gary Cushing**

**Environmental Health Manager**

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### **11.0 Procurement Strategy**

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### **12.0 Partnership Working**

12.1 Matter considered and no issues identified



Appendix C

(Appendix A)



# **FOOD SAFETY SERVICE PLAN**

## **ADUR AND WORTHING**

**1 April 2014 – 31 March 2015**

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## **1 SERVICE AIMS AND OBJECTIVES**

- 1.1 *Aims and Objectives* - The main aim of the food safety service is to ensure that food produced, purchased and/or consumed in Adur and Worthing is safe and without risks to health. This aspiration will be met by the appropriate and proportionate enforcement of food safety legislation, carrying out inspections of food and food premises, sampling and analysis of foodstuffs, the investigation of complaints regarding food and food premises, including cases of food poisoning, and the provision of advice to businesses and the public on legislative requirements and good food hygiene practice.

## **2 BACKGROUND**

- 2.1 *Profile of the Local Authority* – The Adur District has a population of approximately 59,000 and occupies a coastal strip of 4181 hectares 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. Worthing is a compact urban seaside borough. It is the largest town in West Sussex with a population of around 100,000, covering an area of 3300 hectares.

- 2.2 *Organisational Structure* – The food safety function is carried out by the Food and Occupational Health & Safety team (FOH) within the Community Directorate but will move to the Customer Services Directorate on 1<sup>st</sup> July.

*Specialist Services* – analytical services are provided by Hampshire Scientific Services – Portsmouth. Microbiological examinations are undertaken by the Public Health England's Food, Water and Environmental Microbiology Laboratory at Porton Down, near Salisbury.

- 2.3 *Scope of Food Service* – The service covers food hygiene inspections of premises, inspections of food, foodstuff and food premises complaint investigations, food poisoning investigations (sporadic cases and outbreaks), provision of food hygiene training for food handlers, food safety promotional activities, provision of advice and guidance on legal requirements and good practice to new and existing businesses.

Officers providing the food service also undertake health & safety hazard spotting and provision of advice, or enforcement where necessary, when in food premises.

- 2.4 *Demands on the Food Service* – the following is a break down of registered food premises in the Adur District and Worthing Borough at 1<sup>st</sup> April 2014:

<b>TYPE OF PREMISES</b>	<b>NUMBER</b>
Manufacturer/processor	18
Distributor	17
Retailer	295
Caterer	858
<b>TOTAL</b>	<b>1188 (Adur 375, Worthing 813)</b>

For Worthing the age profile of the local population is reflected in the large number of registered residential and nursing care establishments, which cater for a particularly vulnerable sector of the population. There is also a large number of seasonal businesses associated with the town's popularity as a seaside resort and as these businesses can only be accessed for inspection during the summer period the demands on the inspection programme can be skewed.

In December 2010 the Adur and Worthing Environmental Health service, including the food safety function, co-located and is now based at Portland House, Richmond Road, Worthing. The service can be accessed from 9am to 5pm Monday – Friday, excluding Bank Holidays. Enquiries may also be received via the Adur Civic Centre in Shoreham. Cases of genuine emergency, such as food poisoning outbreaks reported outside normal hours are referred via the Council's emergency contact arrangements to the Team Leader – Food and Occupational Health & Safety.

- 2.5 The Councils have a documented Environmental Health Enforcement Policy which details the enforcement approach for the whole service with a specialist section on Food Safety Enforcement, based on good practice guidance from Local Government Regulation. The Councils originally signed up to the Cabinet Office Enforcement Concordat and officers acted in accordance with The Regulators' Compliance Code issued by the Department for Business Enterprise and Regulatory Reform. The Legislative and Regulatory Reform Act 2006 introduced a new Regulators' Code which supercedes the Enforcement Concordat and Regulators' Compliance Code and came into effect 6<sup>th</sup> April 2014. The Enforcement Policy is being amended to reflect this.

### **3 SERVICE DELIVERY**

- 3.1 *Food Premises Inspections* – The routine inspection programmes are in accordance with the arrangements set out in the Food Law Code of Practice. The programmes are logged on Northgate Environmental Health software and standard reports enable progress, and future demand, to be constantly monitored. The programmed food hygiene inspections due in the period 1 April 2014 to 31 March 2015 are shown in the table below:

<b>Risk Category</b>	<b>Inspections/Interventions Due</b>
A = High Risk – inspected every 6 months	6
B = High Risk – inspected every 12 months	75
C = Medium Risk – inspected every 18 months	391
D = Low Risk – inspected every 24 months	122
<b>Total</b>	<b>594</b>

E = Low Risk – intervention contact every 36 months – alternative enforcement strategy	225
Number of revisits due as of 1 April 2014	81
New businesses (estimate based on previous year's numbers and registrations received for first 3 months of current financial year)	200

The premises in risk category E are permitted by the Food Law Code of Practice to be subject to an alternative enforcement approach due to the low risk nature of these businesses (for example those that sell only shelf-stable foods that do not require refrigeration or have a very small customer base). For 2014-15 it is proposed to contact some of those businesses due for intervention with a detailed questionnaire to confirm that the nature and risks of the business remain low. These will be businesses that are not included in the Food Hygiene Rating Scheme. (If any responses indicate an increase in risk, then a visit will be carried out. Any premises not returning a questionnaire will receive a visit). It is proposed that those low risk businesses that are included in the Food Hygiene Rating Scheme will be visited to ensure that an appropriate rating is given.

Based on the percentage of non-compliant premises from the last year, it is estimated that at least 200 follow-up visits will be necessary where premises are required to undertake remedial measures to deal with significant non-compliance or lack of food safety management. Inspections will include checks on imported food product stocks where appropriate. Inspections will normally take place during the trading hours of the business, which will necessitate officers working outside normal office hours.

The Food Hygiene Regulations introduced on 1 January 2006 included requirements for businesses to maintain documented food safety management systems. Inspection times per premises have proved to take longer under the new regime. (A full inspection usually takes 1-1.5 hours depending on the size of the business, followed by the filling in of an 8 page form and also a follow up letter, so a whole day can be taken up by one inspection). It is not possible to inspect all premises on the programme without the use of contracted in Environmental Health Officers. Priority will be given to high-risk premises to ensure that they are all inspected by the end of March 2015.

### 3.2 *Ship sanitation inspections*

Under the International Health Regulations 2005 local authorities that have ports within their district are obliged to inspect sea going vessels that land in their waters, if their Ship Sanitation Control Exemption Certificates have expired. These are renewable every 6 months. It is expected that 10-15 inspections will be done in 2014/15, at Shoreham Harbour.

### 3.3 *Complaints regarding foodstuffs* – FOH will continue to investigate all complaints received regarding the safety of food. FOH will provide all the assistance it is able to and if it is not the enforcing authority will transfer

details and/or complaint samples to the appropriate enforcement authority. The investigation will incorporate consideration of the risk to public health, compliance with statutory requirements, measures required to prevent recurrence, and customer expectations. The documented food complaint procedure is in accordance with Local Government Regulation Guidance (Guidance for local authorities dealing with food complaints) and it incorporates the Home Authority principle. Action taken on conclusion of the investigation will be in accordance with the Environmental Health Enforcement Policy. It is anticipated that in the order of 60 complaints are likely to require investigation across Adur and Worthing (based on last year's figures).



*Piece of plastic found in a fish cake*

- 3.4 *Home Authority Principle* – The home authority principle is supported. Although there is no formal agreement, FOH act as Home Authority to one meals on wheels producer in the Worthing Borough. This cook-freeze type producer distributes outside the Borough boundaries to a number of clients within East and West Sussex. However very few complaints or enquiries are received from other enforcing authorities and the resources required to undertake the advisory role with the company are absorbed within the routine inspection programme.
- 3.5 *Primary Authorities* - The Primary Authority scheme came into force on 6 April 2009 and is co-ordinated by the Better Regulation Delivery Office (BRDO). 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 and Worthing do not currently have a Primary Authority agreement.
- 3.6 *Advice to Businesses* – The team has a strong commitment to providing an advisory role on legislative requirements and good practice for both new and existing businesses. New and prospective businesses are identified from informal contacts, area surveillance, applications for planning consent and building regulation approval and food premises registration. All of these are proactively offered advice, verbally, in writing, and on site visits. Such approaches are considered an investment to reduce the likely need for enforcement activities at a later stage.

Significant new developments in legislation or recognised good practice will continue to be brought to the attention of existing businesses by a range of measures including mailshots, officer visits, and workshops/seminars as appropriate. This will include a mail-shot to all caterers on the new Food Information Regulations which come into force in December and will require

caterers to provide written information on the 14 known allergens on their menus. Advisory visits to businesses will continue to be made, outside of the routine inspection programme.

The Council's Economic Development site for supporting local businesses will be promoted, as the team is in contact with a large number of small businesses. A training event for small food manufacturers is also planned.

- 3.7 *Food Inspection/Sampling* – FOH will participate in the annual Public Health England food sampling programme which is co-ordinated locally by the Sussex Food Liaison Group.

This will involve 4 separate studies, including a study of serving platters used in catering outlets such as pubs and restaurants. This will involve swabbing the platters to test for hygiene indicator micro-organism. Another study will involve take-away premises with a food hygiene rating of 3 or less.

It is also estimated that approximately five complaint samples will require submission for chemical/foreign body analysis or microbiological examination.

Staff shortages have restricted the sampling program of high risk premises, such as butchers' shops and approved premises. It is intended to re-instate the sampling of high risk premises on a random basis in 2014/15.

- 3.8 *Control and Investigation of Outbreaks and Food Related Infectious Disease* – FOH will continue to investigate all formal and informal notifications of illness associated with the consumption of food or water. Investigation will be in accordance with Public Health Laboratory Service guidelines ("Preventing person to person spread following gastro-intestinal infections: guidelines for public health physicians and environmental health officers 2004" supplemented by guidance for the control of infection with E.Coli VTEC ("The VTEC Operational Manual", issued 2010), Department of Health Guidelines (Management of outbreaks of foodborne illness), and the Surrey & Sussex Health Protection Unit Outbreak Plan for Communicable Disease (2010). In the order of 70 notifications of sporadic cases are likely to require investigation (based on past experience), and at least two outbreaks of food poisoning or viral illness requiring investigation, are to be expected. Officers within FOH will be first responders in line with the Emergency Plan, in the event of a serious outbreak.

- 3.9 *Food Safety Incidents* – FOH will continue to respond to food safety incidents in accordance with the provisions of The Food Law Code of Practice, and all food alerts issued by the FSA will continue to be dealt with in accordance with this Code. It is difficult to predict the service demand likely to be created by food hazard alerts in 2012/13 but it is anticipated that in the order of 10 Food Alerts For Action (FAFA) will be received.

- 3.10 *Liaison Arrangements with Other Organisations* – The Team Leader (FOH) is a member of the Sussex Food Liaison Group. This Group is attended by the Food Safety managers of all other East and West Sussex authorities and the prime aim is to promote consistency of approach and good enforcement practice across the County. The Group includes representatives from Trading Standards, the Public Analyst, and Public Health England, and has a major role in ensuring a consistent and co-ordinated approach across all the

agencies involved in the enforcement process. The Team Leader also attends the Food Working Group of the Chartered Institute of Environmental Health (CIEH) Sussex Branch. As well as dealing with consistency and technical issues this Group also organises training events for food enforcement officers across East and West Sussex. FOH also has access to a strong informal network of local contacts in neighbouring authorities. FOH is represented by a Senior Environmental Health Technician on the Countywide Sussex Health Protection Group which includes Consultants in Communicable Disease Control and Consultant Microbiologists. The remit of this Group includes all aspect of infection control, including food related illness, particularly the monitoring and review of the operation of the major outbreak plan.

Arrangements are in place to ensure that all building control applications and planning applications relating to food businesses are scrutinised by a Senior Environmental Health Officer. It is expected that in the order of 70 plans across Adur and Worthing will be examined during 2014/15.

- 3.11 *Food Safety Promotion Work* – Although FOH has previously participated in providing Level 2 Food Safety in Catering courses in association with Northbrook College, the demand has decreased recently due to the availability of online courses. At least one community group will be given a free talk on food hygiene. During routine inspections the training needs of food handlers (including those special needs of ethnic minorities) are considered and where necessary, appropriate arrangements are made for training, sometimes with other local authorities. FOH will also participate in Food Safety Week in June as part of the Food Standards Agency’s food hygiene promotion campaign.



*Food Hygiene Awareness seminar*

- 3.12 *Food Hygiene Rating Scheme.* The National Scheme to publicise the food hygiene ratings (scored from 0 to 5) obtained by businesses undergoing routine inspections has been in place in Sussex since April 2011. The ratings are available on the Food Standards Agency’s website. Window stickers and certificates showing the rating are also provided for public display on the premises. The rating is to be reviewed at each routine inspection.



*Example window sticker*



- 3.13 *Illegal cockle and mussel picking on the River Adur.* For several years reports have been received of large groups of people collecting shellfish from the River Adur in the Norfolk Bridge area. This area is not classified for shellfish harvesting and consumption of these shellfish is likely to lead to serious illness. The area is also a Site of Special Scientific Interest. FOH will investigate these claims this year in conjunction with the Police, Sussex Inshore Fisheries & Conservation Authority, Gangmasters Licensing Authority and other interested groups.

## 4 **RESOURCES**

- 4.1 *Staffing Allocation.* There are 7 full time equivalent officers allocated to food safety work, plus a Team Leader, working across Adur and Worthing. (The pre-joint working set-up comprised 4 full time equivalent officers for food in Worthing and 3 in Adur.) Two of the Senior EHOs also undertake health and safety enforcement duties. One Senior Technician and one Technician are qualified EHOs and therefore have full competency but will not necessarily be used to carry out prohibition work. The full time Senior EHO is currently on long-term sick leave. The following table shows the allocation of staff:

Position	Full or part time	Competency
Team Leader – FOH	Full	Full
Senior EHO	Full	Full
Senior EHO	P/T	Full
Senior EHO	P/T	Full
Senior EHO (mainly H&S)	P/T	Full
Senior EHO (mainly H&S)	P/T	Full
Senior EH Technician	Full	Full
Senior EH Technician	Full	Restricted
Senior EH Technician	Full	Restricted
EH Technician	P/T	Restricted
EH Technician	P/T	Full

This staff resource will be insufficient to complete the inspection programme identified in section 3.1. It will therefore be necessary, as in previous years, to engage suitably qualified external Environmental Health Officers on a per visit contract basis to ensure adequate performance on the programme. (Some provision for the use of external contractors is already encompassed within the budget). Where possible, external staff will only inspect medium or low risk premises. It is anticipated that approximately 160 inspections will need to be allocated to external staff.

- 4.2 *Staff Development* – The identification of officer training needs is a fundamental part of the Council wide annual staff appraisal process. Training needs will be met by a combination of in-house briefings, and external seminars and short courses. Records of training for each individual officer will continue to be maintained. The Food Law Code of Practice requires each officer to undertake a minimum of 10 hours continuous professional development annually.

## 5 **QUALITY ASSESSMENT**

- 5.1 Performance against inspection programme targets and response times to

service requests is kept under review by the Team Leader. A documented monitoring procedure is in place.

## **6 NATIONAL PERFORMANCE INDICATOR NI 184**

- 6.1 The national indicator introduced for 2008-9 measured the percentage of food premises in the borough which are broadly compliant with food hygiene legislation. Broad compliance is clearly defined in national guidance based on the risk assessment scores in the Food Law Code of Practice. Although the target has now been removed from the national indicator list, it has been retained as a local indicator for the time being. The target for 2014-15 is to achieve at least 80% broad compliance across Adur and Worthing and interventions will be focused on bringing non-compliant premises into compliance. 'Compliance' is defined by 3 elements within the scoring system– hygiene, structure and confidence in management and is indicated by a Food Hygiene Rating of 3 or above. Those premises that are non-compliant do not necessarily pose a risk to health, but their standards need improving. The longer term aim is clearly to achieve 100% compliance.

## **7 REVIEW**

Performance on the premises inspection programme and on service level standards for response times will be monitored by the Team Leader and reviewed quarterly. A review of performance against this 2014/15 Plan will be reported to the Cabinet members after March 2015.

Paula Mitton  
Team Leader – Food and Occupational Health & Safety  
June 2014