



Official Feed and Food Controls Service Delivery/
Recovery Plan

1 October 2021 to 31 March 2023

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1 Service Aims and Objectives

1.1 Introduction

The food service function of Brighton & Hove City Council sits within the Safer Communities Service of the Housing, Neighbourhoods & Communities Directorate. This directorate consolidates Environmental Health and Trading Standards teams in one service.

The service is primarily concerned with protecting and improving public health across the city. Within this service food safety officers work to ensure that food prepared and sold from local establishments is safe. This is achieved by carrying out a programme of interventions at food businesses, sampling and responding to service requests. Wherever practicable links are formed with the business community and all relevant professional groups with the objective of increasing and promoting food safety awareness.

Trading Standards officers aim to provide a comprehensive range of enforcement and advisory services to the community within a statutory framework. Its goal is to contribute, in conjunction with other agencies, to the development of a safe, fair and equitable trading environment for all consumers and businesses, by means of advice, information, education and enforcement.

1.2 Links to Corporate Objectives and Plans

This plan links into the themes of 'Brighton & Hove City Council Our Plan 2020 to 2023, A fairer city, a sustainable future', which has identified the following six outcomes:

- A city to call home
- A city working for all
- A stronger city
- A growing and learning city
- A sustainable city
- A healthy and caring city.

2 Background

2.1 Profile of the Local Authority

Brighton & Hove is a unitary authority on the south coast of England. It is approximately 50 miles from London. It is bounded by the English Channel to the south and the South Downs to the north, it covers an eight-mile stretch of seafront and extends inland for approximately five miles.

Demographic information reported in the Corporate Plan gives a population of 290,395 (2017). One in five residents, or 19.5%, are from a Black or Minority Ethnic groups and

the population profile is younger than the national with 62% being 20 to 59 years old against the average across England of 53%.

Tourism plays a major part in the local economy supporting over 21,000 jobs in the area.

2.2 Organisational Structure

Brighton & Hove City Council is a unitary authority that operates a committee system model. Responsibility for the food safety and standards services is delegated to the Environment Transport & Sustainability Committee.

2.3 Regulation Policy

The Council has a Corporate Enforcement Policy in line with the national Regulators Compliance Code for Enforcers and is published on the Council's website. The enforcement policy is grounded in better regulation principles of proportionality, accountability, consistency, transparency and targeting.

[Environmental Health Enforcement Policy \(brighton-hove.gov.uk\)](https://www.brighton-hove.gov.uk/environmental-health-enforcement-policy)

2.4 Scope of the Food Service

Both services, Food Hygiene and Trading Standards, in normal circumstances carry out a range of interventions such as, inspections of food premises, food complaint investigation, food sampling, investigating infectious disease cases and service requests relating to businesses.

Since 1 January 2021, when the EU Exit transition period ended the Council provides a non-statutory function, the certifying of Export Health Certificates, to our food businesses who are exporting food consignments (fish/fishery products) into the EU.

Officers working within the Food Service may also carry out health and safety interventions in a range of food premises and non-food premises when matters of evident concern are identified. They also may respond to complaints from the public and investigate specific accidents which occur in the workplace.

As of 27 July 2021 a total of **3,538** food premises are subject to programmed interventions as per the following table.

Premises Type	Number
Primary Producer	5
Manufacturer/ Processor	33
Packers	8
Importers/Exporters	43
Distributors/Transporters	30
Retailers	389
Restaurants and other Caterers	3,026
Manufacturers selling mainly to retail	4
TOTAL	3,538

2.5 COVID-19 Pandemic

On 31 January 2020 the first 2 cases of COVID-19 virus were confirmed in the United Kingdom. The number of cases increased, and the first death was confirmed in the UK on 5 March 2020. In response to the pandemic, in March 2020, The Health Protection (Coronavirus Business Closure) (England) Regulations 2020 came into effect, enforcing the closure in England of businesses selling food and drink for consumption, as well as other businesses where a high risk of infection could be expected. Since then and up until 19 July 2021 there have been a variety of restrictive measures in place which have been instructed by government and being based on levels of the virus in the population.

The pandemic has impacted on the delivery of our Food services and the Food Standards Agency (FSA) obtained permitted deviations from the Food Law Code of Practice to minimise regulatory footfall in businesses and to enable local authorities to divert resources to urgent reactive work and other wider public health actions required locally during the pandemic.

The FSA advised that local authorities should concentrate on sector specific official controls and controls to support trade and enable export, such as conditional and full approval visits and inspection of fishing vessels.

Other food hygiene and food standards activities were set on a priority basis and local authorities were expected to continue with proactive surveillance of the business landscape identifying changes in businesses such as closures, new opened and changing operation activities.

At this time, unless there were concerns around public health or consumer protection which necessitated an actual visit, these activities were carried out remotely by telephone, email and /or video conferencing.

The FSA requested local authorities return information in relation to 2020/21 to obtain a picture of service delivery.

The table below represents aspects of the food service delivery during 2020/21.

FSA Information Requested as of 31 March 2021	Food Hygiene	Food Standards
Number of Staff for service delivery. Full time Equivalent (FTE).	7.3	1.6
Number of Staff diverted to COVID-19 reactive work (FTE).	3.2	0.3
Activities to support trade and enable export carried out?	Yes	Yes
Food hygiene and food standards activities carried out?	Yes	Yes
Was formal enforcement undertaken when required?	Yes	Yes
New food registrations received	397	397
Food Complaints received	21	74
Complaints about premises hygiene received	306	n/a
Food samples taken.	12	35
Inspections carried out	36	173
Requests for business advice	-	43

The table highlights how the pandemic response reduced staff resource for carrying out food service delivery, for food hygiene a reduction of 3.2 and food standards a reduction of 0.3 FTEs.

All essential controls such as enabling export activities, and urgent and essential enforcement activities continued.

Our service delivery during this period was adapted to utilising remote interventions where this was possible and actual site visits were conducted only when necessary.

3 Service Delivery/Recovery Plan from 1 October 2021 to 31 March 2023

3.1 FSA Local Authority Recovery Plan

The FSA have devised a Recovery Plan which commenced on 1 July 2021 to 2023/24. This Plan aims to ensure that resources are targeted where they add greatest value in providing safeguards for public health and consumer protection in relation to food. It also aims to safeguard the credibility of the Food Hygiene Rating Scheme.

The Recovery Plan provides a framework for re-starting the delivery system in line with the Food Law Codes of Practice for new food establishments and for high-risk and/or non-compliant establishments while providing flexibility for lower risk establishments.

This should be implemented alongside delivery of:

- official controls where the nature and frequency are prescribed in specific legislation and official controls recommended by FSA guidance that support trade and enable export
- reactive work including enforcement in the case of non-compliance, managing food incidents and food hazards, and investigating and managing complaints
- sampling, and
- ongoing proactive surveillance.

Brighton & Hove City Council's Service Delivery/Recovery Plan shall align with the FSA Local Authority Recovery Plan.

Figure 1: Outline of the FSA Local Authority Recovery Plan



Figure 1 depicts the duration of Phase 1 and 2 of the Plan. The key milestone dates within the Recovery Plan for higher risk establishments are shown.

3.2 Food Hygiene Interventions

3.2.1 Programmed Food Hygiene Inspections

The following table displays the food premises risk category and the number of premises due, as of 27 July 2021, that are required to be inspected by 31 March 2023. This number also includes the backlog of premises that require an inspection due to the impact on our service by the pandemic (1 January 2020 to 31 March 2023).

Risk Category/Frequency of Intervention	Number of Food Premises that require an onsite intervention
New food businesses	605
A/ every 6 months	4
B/ every 12 months	69
C/ every 18 months	417
D/ every 24 months	1,147
TOTAL	2,424

It should be noted that the above figures are correct as of 27 July 2021. For example, Category A premises may generate two further inspections and Category B premises may generate a further inspection within the period when inspected.

3.2.2 Control of Outbreaks and Infectious Disease

Food related infectious disease notifications are investigated in accordance with procedures agreed with the Consultant in Communicable Disease Control.

Investigation of outbreaks in accordance with the Outbreak Control Plan agreed with Public Health England. Officers within the team will be first responders in the event of a serious outbreak.

3.2.3 Food Hygiene Complaints

It is the policy of this authority to investigate food complaints in accordance with the Council's Enforcement Policy and documented procedures. It is anticipated we shall receive approximately 10 food complaints and 450 complaints in relation to condition of food premises.

3.2.4 Food Hygiene Sampling

A formal arrangement is in place with Public Health England, Food Water & Environment laboratory based at Porton Down for the analysis of samples that require microbiological examination. This authority will participate in the current national food sampling programmes where resources permit.

3.2.5 Food Safety Incidents

Food safety incidents are responded to 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.

3.2.6 Supporting movement of Fish/ Fishery Product into the EU

On 31 December 2020 the Brexit Transitional Period ended and on 1 January 2021 the requirement to process and certify Export Health Certificates for consignments of fish/fishery products commenced.

We support our businesses involved in this process to enable guaranteed movement of these products into the EU. This is a non-statutory function and going forward the introduction of a charging system for this function shall be considered.

3.2.7 Food Hygiene advice to businesses

There is a strong commitment to providing advice to business, both new and existing, on legislative and good practice requirements. Advice is given by signposting businesses to the Council website, during inspections and by group emails which are sent to food businesses who have supplied us with their email address.

3.2.8 Ongoing Proactive Surveillance

In the recovery phase of the pandemic ongoing proactive surveillance is essential to re-establish an accurate picture of the local business landscape and to identify open/closed/ recently re-opened/ new businesses; as well as businesses where there has been a change of operation, activities or Food Business Owner.

In line with specific FSA Funding, all new food registrations received during the pandemic shall be subject to triage to identify premises which are deemed to be high priority for inspection.

3.2.9 Primary and home authority principle

The Primary Authority and the Home Authority Principle is supported by the Council. Currently there are no Primary Authority Partnerships in place.

3.3 Food Standards Interventions

3.3.1 Food Standards Inspections

The following table highlights the food standards category and the number of inspections that are due as per Phase 2 of the recovery plan.

Standards Category	Expectation	Number of Food Premises that require an onsite intervention
A (high risk)	Over the period to 30 June 2022.	690
B & C (medium & low risk)	No interventions will be required during the recovery period unless intelligence/information suggests that risks have increased or if the establishment is otherwise considered a priority for intervention due to the risk posed or because of the impact on the establishment of the new requirements on allergen labelling for products prepacked for direct sale.	As required.

3.3.2 New Businesses

Trading Standards Officers aim to assess new food businesses with 56 days of a referral. All new food businesses are risked as high until they have had an inspection, they are then re-risked accordingly.

3.3.3 Feed Hygiene

The Trading Standards service participates in the National Trading Standards feed programme. We will undertake inspections of premises identified by the national team as requiring a visit. This equates to approximately 12 visits per annum.

During 2020/2021 Trading standards have also carried out work funded by the FSA via NTSB (National Trading Standards Board) on animal feed which ties into the Official Feed and Food Controls, due to Covid restrictions this work couldn't be done and so was carried over to 2021/2022. This work will be funded again in 2021/22 but funding is likely to be reduced.

3.3.4 Food Standards Complaints

Regulations governing the labelling of food and whether they contain allergens, came into force in 2014, this is high priority as lack of allergen information and controls can

cost lives. We are already seeing a rise in allergen complaints; this could be due to businesses not having had the usual level of inspection due to the COVID pandemic.

Following the tragic death of Natasha Ednan-Laperouse, the teenager who died after suffering an allergic reaction to a 'Pret a Manger' baguette, the government have implemented stronger laws to protect consumers with allergies and give them greater confidence in the food they buy. The new allergen labelling requirement will come into force on the 1st October 2021 and will apply to food prepacked for direct sale. It is likely we will see a rise in complaints from businesses and consumers in relation to these Regulations.

3.3.5 Food Standards Sampling

The Public Analyst contract was awarded to Kent Scientific Services in 2017. The focus of the contract remains on composition, allergens labelling and chemical contamination.

Due to restrictions and resourcing issues caused by Covid 19 all 2020/21 TSSE (Trading Standards South East) led food projects and all local projects were cancelled. Instead, a decision was taken locally to undertake some Public Analyst led projects as well as participating in the FSA imported food project. We were successful in our bid to be involved in the FSA funded imported food and feed sampling project. As part of this project we tested for colours in USA Soft drinks and undeclared allergens in variety of bread products. We also participated in a project that was led by Public Analyst where we looked at testing for contaminants in coffee targeting Brighton & Hove producers, non permitted additives in USA soft drinks and undeclared sesame in bread products where we targeted local bread producers. In total we took 35 samples in total, 11 were microbiological, 16 other contaminants, 3 composition and 5 related to labelling and composition.

We are awaiting info about TSSE led food projects for 2021/2022. We have agreed to participate in the public analyst project sampling items that are prepacked for direct sale due to the new Regulations as well as meat species. The FSA recovery plan has us focusing on inspections at high-risk premises however, it is planned that in 2021/2022 we will do some allergen sampling at some medium risk premises as allergen management is the area of greatest risk.

3.3.6 Food Standards advice to businesses

Regulations governing the labelling of food and whether they contain allergens came into force 2014, as previously stated this is high priority as lack of allergen information and controls can cost lives. Officers have undertaken work to inform and educate businesses of their obligations under these regulations; compliance with the requirement to provide allergen information however remains an issue and therefore this work will continue in 2021/22 prioritising advice and support to small independent traders and new businesses. We have partnered with Allergy UK and have developed a 3-hour virtual live allergen training which we offer to all Brighton & Hove food businesses. We have been offering 2 training sessions per month at a cost of £20 per person. Since May 2020, 78 people have so far been trained from numerous businesses in the city and the feedback has been very positive.

Advice to new businesses will be a priority in relation to the Regulations that come into force in October 2021 for food items sold prepacked for direct sale. It is likely that we will see a rise in service requests for business advice relating to these new

regulations. We are also expecting a rise in referrals from Environmental Health colleagues where they pick up non-compliance on their inspections.

In October 2022 it is the intention that the Regulations relating to Restricting promotion of products high in fat, sugar and salt will come into force. We are awaiting guidance on how the regulations will apply and how they will be enforced

Advice and support to business on the changes to labelling following Brexit will also be a priority.

4 Resources

4.1 Financial Allocation

4.1.1 Food Hygiene

The Food Safety Service net budget for 2021/22 is £ 472,310. The budget for 2022/23 has yet to be agreed. It is anticipated that a similar budget for 2022/23 shall be allocated.

4.1.2 Food Standards

The Food Standards net budget for 2021/22 is £74,800. It is anticipated that a similar budget for 2022/23 shall be allocated.

4.2 Staffing Allocation

4.2.1 Food Hygiene

There are 6.55 full time equivalent (FTE) authorised officers, except 1 FTE is currently seconded to Public Health until March 2022, this means there are 5.55 FTE's. There are 2.55 FTE Technical Officers, all have recently joined the Team and are working towards being suitably authorised.

External food contractors are also carrying out food hygiene inspections on behalf of the Council.

The team is transitioning as we emerge from the pandemic. We have addressed the shortfall in authorised officers by using the services of food contractors until March 2022. We have invested in new trainees and will provide training to enable them to become 'authorised' by March 2022.

The seconded Authorised Officer will also return to the Team by March 2022.

The following tables illustrate the full complement of staff.

Job Title	Full Time Equivalent	Competency
Regulatory Services Manager	.25	Lead Food Officer
Senior Environmental Officer	1.0	Authorised
Environmental Health Officer (EHO)	1.0	Authorised (seconded)
EHO	1.0	Authorised
EHO	0.8	Authorised
Senior Technical Officer (STO)	0.8	Authorised
STO	0.7	Authorised
STO	1.0	Authorised
Technical Officer (TO)	1.0	Not Authorised
TO	0.55	Not Authorised
TO	1.0 (fixed term)	Not Authorised
Senior Technical Support Officer	0.25	---
Technical Support Officer	0.9	---
Food Nutrition Project Officer	1.0	---

4.2.2 Food Standards

Job Title	Full Time Equivalent	Competency
Regulatory Services Manager	0.05	Authorised
Trading Standards Officer	1.5	Authorised
Technical Support Officer	0.05	---

5 Quality Assessment

The service has a documented procedure relating to food control duties. Internal audits are carried out to ensure compliance with these procedures. Staff performance is reviewed, monitored and managed through the appraisal system, monthly 1-2-1 and review by the departmental management team.

6 Service Delivery Review

The FSA have set milestone dates (see Figure 1: Outline of the Recovery Plan). Service Delivery shall be gauged against these dates.

7 Summary

This report sets out the service delivery/ recovery pathway for a 18-month period. The approach is based on risk and focuses on the highest priority premises first.

It is acknowledged that service delivery methods have changed over the period of the pandemic and going forward we will endeavour to utilise a variety of approaches when required.

The training of new staff is required so that they obtain the 'suitable' qualification as required by the Food Law Code of Practice. This is necessary to obtain the full requirement of full-time equivalent staff to achieve the proposed plan.

The plan also incorporates the services of external food hygiene contractors as this is necessary to address the backlog of inspections.

It is anticipated that by 31 March 2023, that Food Service Delivery shall have normalised and that premises will be subject to the frequency of inspection based on their risk category.

