

COUNCIL

30 April 2009

Agenda Item 84

Brighton & Hove City Council

Subject:	Official Feed and Food Controls Service Plan 2009/10		
Date of Meeting:	30 April Council		
	23 March 2009 Overview and Scrutiny Commission 26 March Environment Cabinet Member Meeting 23 April Cabinet Meeting		
Report of:	Director of Environment		
Contact Officer:	Name:	Nick Wilmot	Tel: 292157
	E-mail:	nick.wilmot@brighton-hove.gov.uk	
Key Decision	Yes	Forward Plan No. ENV6355	
Wards Affected:	All		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 To agree the Official Feed and Food Controls Service Plan previously known as Food Law Enforcement Service Plan required by the Food Standards Agency.

2. RECOMMENDATIONS:

- 2.1 (1) That the Cabinet Member for Environment notes Official Feed and Food Controls Service Plan 2009/2010 and recommends that it be approved by the Full Council.

3. RELEVANT BACKGROUND INFORMATION/IMPLICATIONS

- 3.1 The Food Standards Agency's Framework Agreement on Local Authority Food Law Enforcement requires the production and publication of a service plan. Every local authority is required to develop an annual food enforcement service plan, which provides the basis on which local authorities are monitored and audited by the Food Standards Agency.
- 3.2 To ensure local transparency and accountability, it is a requirement that the Official Feed and Food Controls Service Plan is submitted to the relevant member forum for approval.
- 3.3 The attached plan (Appendix A) is an integral part of the organisation of the food service within Environmental Health & Licensing and Trading Standards. Both service come within the Public Safety Division. As a result of this close relationship a joint service plan is submitted. This reduces duplication, improves the effectiveness of service delivery and meets the monitoring requirements of the Food Standards Agency.

- 3.4 In accordance with the Standard outlined in the Framework Agreement the food service should be a mix of enforcement, intelligence based work, investigation and education. It is planned that a performance targets of the completion of 98% of programmed food safety interventions of risk category A to D premises, the employment of an alternative enforcement strategy in respect of low risk premises (category E and F) and 90% of complaints responded to within 5 days are met.
- 3.5 In addition, areas of current good practice, and opportunities for further improvement, have been identified, both in Food Safety and Food Standards, in section 6.3 of the Service Plan. The targeting of resources to these areas of work aims to provide a balanced mix of services, which is most likely to benefit both the business sector, consumers and other stakeholders. In line with the amendment to the Food Safety Code of Practice in June 2008 the service will continue to focus enforcement action on the poorer performing businesses.

4. CONSULTATION

- 4.1 This integrated report covers Food Safety and Food Standards, has been produced after close consultation and joint working between the relevant officers of Environmental Health & Licensing and Trading Standards.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications

- 5.1 **Food Safety** - The projected budget for 2009/2010 providing the food safety service within Environmental Health is detailed below. The staffing figures include a figure to cover the appropriate proportion of the Head of Environmental Health & Licensing and administrative support:-

	Food Safety	Infectious Disease
Staffing	616,770	52,550
Transport	13,260	1,090
Supplies and Services	<u>11,030</u>	<u>1,440</u>
Total	<u>641,060</u>	<u>55,080</u>

- 5.2 **Food Standards** - It is difficult to detail the time spent on the food standards function as it is carried out during a comprehensive inspection. Time monitoring is not currently used to apportion time to the food function. It is estimated that the resources are allocated as follows:

Inspection, complaints and advice

Staffing

Management	£ 2950
Food Team	£ 27450
Total	£ 30400

Sampling

Purchases	£ 1000
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Supplies	£12000
Total	£13000
Total	£43400

Finance Officer consulted: Karen Brookshaw Date: 02/02/09

Legal Implications

- 5.3 The Food Standards Agency under The Framework Agreement on Local Authority Food Law Enforcement that incorporates the latest guidance, places a requirement on local authorities to develop and submit a service plan. Local authorities are audited and assessed by the Food Standards Agency on the basis of their food law enforcement service as provided for in their Service Plans. The Council's Commercial Enforcement Policy (currently being amended) gives due regard to the Human Rights Act 1998 in respect of the Council's enforcement powers under food safety laws. The Food Safety Act 1990 (Code of Practice) places a requirement on local authorities to operate an inspection rating scheme, which determines frequency of intervention of food premises. The Council's Service Plan 2009/2010 identifies the planned number of interventions for that period. The Council's Constitution requires the adoption of the Official Feed and Food Controls Service Plan be reserved to full Council.

Lawyer consulted: Liz Culbert Date: 11/02/09

Equalities Implications:

- 5.4 See 2.4 of appendix 1 for profile of food premises registering with the food service during the year 2007/2008. The service is mindful of the greater assistance food business operators require where their first language is not English. Written information, translation and interpreting services are employed where necessary to assist businesses to comply with regulatory requirements.

Sustainability Implications:

- 5.5 Liaison with relevant agencies in connection with local food initiatives, including the Brighton & Hove Food Partnership

Crime & Disorder Implications:

- 5.6 None

Risk and Opportunity Management Implications:

- 5.7 SMART target for the food safety service is (98%of due interventions achieved x 0.3 + 90 %of broadly compliant premises x 0.7)

Corporate / Citywide Implications:

- 5.8 None

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

6.1 There is no legal alternative to the statutory service plan.

7. REASONS FOR REPORT RECOMMENDATIONS

7.1 In order to comply with the Food Standard Agency Code of Practice.

SUPPORTING DOCUMENTATION

Appendices

1. Official Feed and Food Controls Service Plan 2009/2010

Documents In Members' Rooms

None

Background Documents

None

Brighton & Hove City Council

Official Feed and Food Controls Service Plan 2009/2010

1. Service Aims and Objectives

1.1 Aims and Objectives

Within Brighton & Hove City Council the food service function is enforced by Environmental Health & Licensing and Trading Standards. Both sections come within the Public Safety Division of the Environment Directorate.

The Environmental Health & Licensing service is primarily concerned with protecting and improving public health and the environment across the City. Within this service, the Food Safety Team works to ensure the safety of food prepared and sold. This is achieved by carrying out a programme of interventions at food businesses, sampling and investigating complaints. In addition, the Team aims to respond promptly to requests for advice from both businesses and members of the public. Wherever practicable, links are formed with the business community and all relevant professional groups with the objective of increasing and promoting food safety awareness.

The overall objective of the service is to provide a comprehensive food safety service to consumers and the business community, with a considered balance between enforcement, investigation, advice and education.

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

In respect of food standards the aims are to: -

- Accurate and informative labelling of food
- That compositional standards of food are maintained

The objectives being: -

- To carry out risk based and intelligence led activities
- To undertake screen testing and food sampling to reflect identified areas of concern.
- To respond appropriately to food complaints and initiate proportionate action.
- Respond to trader requests in a timely manner
- To educate the public on compositional and labelling issues to improve eating habits

1.2 Links to Corporate Objectives and Plans

The City Council's core priorities published in the summer of 2008 have five priorities:

- *protect the environment while growing the economy;*
- *better use of public money;*
- *reduce inequality by increasing opportunity;*
- *fair enforcement of the law;*
- *open and effective leadership.*

The feed and food service has strong links in with these priorities. In particular the service objective to provide advice, education and enforce relevant standards in the food industry is key to protecting the environment while growing the local economy. The service recognises the impact of current economic conditions on all businesses. Wherever practical, assistance and guidance is offered to ensure feed and food businesses comply with legal requirements and do not pose an undue risk to public health or the environment.

The service reduces inequality by funding training and coaching to small and medium businesses that may otherwise struggle to comply with legal requirements. Where English is not the first language, interpretation and translation services are provided.

The Official Feed and Food Control Service Plan is part of the corporate annual planning and development process.

In line with the core priorities and central Government's better regulation agenda, the Environmental Health service is currently consulting on a revised Enforcement Policy. This revised policy will provide the cornerstone for fair and open enforcement.

The service reports on two key national indicators:

NI 182 – Satisfaction of businesses with local authority regulation services.

This indicator measures whether businesses think they have been treated fairly and helpfully by local authority regulators. The aim is to inspire local authorities to recognise the important contribution regulatory services make to local and national priorities, and encourage regulatory services to recognise their own role in supporting local business.

NI 184 – Food establishments in the area which are broadly compliant with food hygiene law.

This indicator monitors the level of compliance of local businesses using information collected by the Food Standards Agency (FSA). The indicator uses information on business compliance standards for structure, operational hygiene and management controls, and brings the data together within an overall 'broad compliance' measure.

Measurement and performance against NI 184 is detailed in 6.1 of this plan.

The food service also has links with other National Indicators:

NI 53 Prevalence of breastfeeding at 6 – 8 weeks from birth

See under 3.8

NI 55 Obesity among primary school age children in Reception Year

See under 3.8 & 3.9

NI 56 Obesity among primary school age children in Year 6

See under 3.8 & 3.9

NI 120 All-age all cause mortality rate – The whole service.

NI 122 Mortality from all cancers at ages under 75 – See under 3.8 & 3.9

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. 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.

Key Statistics from the 2001 Census:

Resident Population	247,817
Number of households	114,479
Average household size	2.09
Area (hectares)	8,267
<i>Density (residents/hectare)</i>	<i>30 per ha</i>

Ethnicity

White	94.2%
Mixed	1.9%
Asian or Asian British	1.8%
Black or Black British	0.76%
Chinese	0.53%
Other	0.65%
Total non-white	5.8%

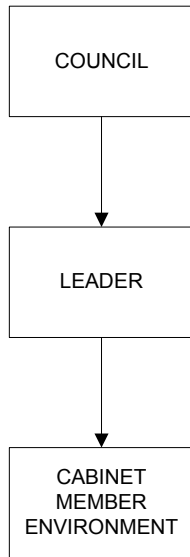
Figures from the Economic Impact Assessment Study for 2005 showed that eight million people visit Brighton & Hove each year. The value of tourism to the economy is estimated at £388 million per annum, supporting 13,000 jobs. The city boasts 4293 bedrooms, offering a bed stock of approximately 10,000. There are a large variety of hotels, many food retailers, and over 400 restaurants serving cuisine from around the world. The VisitBrighton Visitor Survey 2007 identified that 70% of visitors put going to a restaurant or place to eat as one of the most popular activities to do in Brighton & Hove.

2.2 Organisational Structure

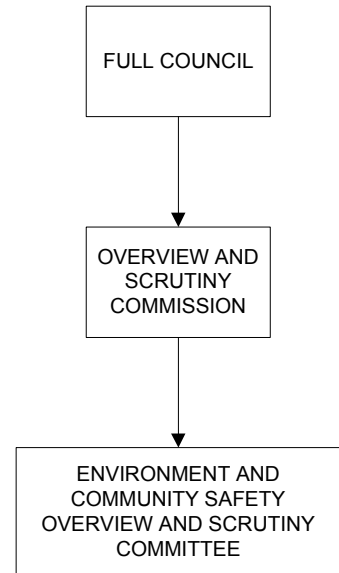
The Environmental Health & Licensing and Trading Standards sections come within the Public Safety Division of the Environment Directorate. Brighton & Hove City

Council has a cabinet style structure with the Public Safety Division under the responsibilities of the cabinet member for Environment. The service reports to the Environment and Community Safety Overview Scrutiny Committee. Relevant structures are detailed below.

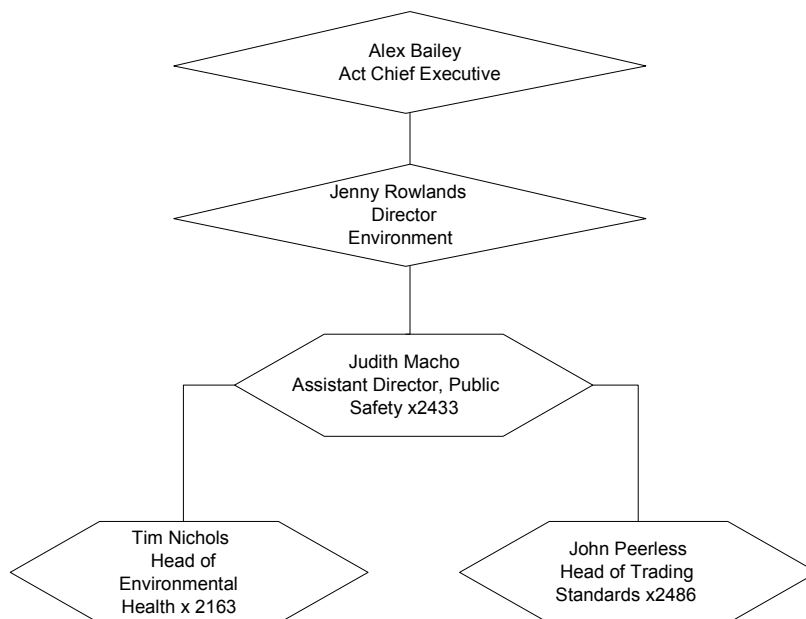
CABINET STRUCTURE



COMMITTEE STRUCTURE



PUBLIC SAFETY DIVISION



The Head of Trading Standards is responsible for the food standards function. In conjunction with the food officers an Inspection and sampling programme is established to ensure that specific targets are met or areas of concern are identified and/or addressed.

A formal arrangement is in place with the Health Protection Agency's Food Water & Environment laboratory based at the Ashford, Kent for the analysis of samples that require microbiological examination.

The Public Analyst contract is currently out to tender. This process is being led by West Sussex County Council and includes East Sussex CC. The aim is to reduce duplication and costs and improve service delivery. It is intended that one Public Analyst will be appointed by May 2009. £12000 is currently allocated for Sample Analysis. The focus of the contract remains composition and labelling plus some chemical contamination.

The entomologist from a local natural history museum assists with insect identification.

2.3 Scope of the Feed and Food Service

A specialist Food Safety Team within Environmental Health carries out the food safety function. The work of the team includes the following:-

- Inspecting food premises;
- The investigation of food safety complaints;
- Food poisoning investigations when linked to a premises;
- Investigating infectious disease notifications;
- Microbiological food sampling;
- Food safety training;
- Responding to requests for advice;
- Initiatives relating to working with the community and businesses;
- Taking appropriate steps to publicise and act upon national food alerts;
- Publicising the food hygiene standards of local businesses.

The food standards function is carried out by Trading Standards Officers in the Business Support Team. The work of the team includes the following: -

- Risk based enforcement activity
- Complaint investigation
- Food Analysis and investigation
- Service Requests from businesses
- Education programmes
- Reacting to Food Alerts

Food Standards work is undertaken in conjunction with work on other areas of Trading Standards law. For instance, a programmed food visit will also include giving advice about other matters such as prices, business names and weights and measures. In this way a comprehensive visit is undertaken so as to minimise any inconvenience caused to the general day-to-day running of the business.

Trading Standards are responsible for enforcing relevant legislation in respect of imported feedstuff, whilst Environmental Health & Licensing enforce relevant legislation controlling imported food of non-animal origin and products of animal origin.

2.4 Demands on the Feed and Food Service

Food Safety

As at February 2009 there were 3053 food businesses registered with the Council. These premises are broken down into the following profile:-

4	Primary Producer
30	Manufacturer/Processor
1	Importer/Exporter
37	Distributors/Transporters
635	Retailers
2283	Restaurants and other Caterers
63	Manufacturers mainly selling by retail
3053	TOTAL

Three food businesses are approved under Regulation (EC) 853/2004 for specific dairy, fish and meat products processing.

The nature of the City causes a considerable seasonal variation in the department's workload. Some businesses only open during spring, summer or school holidays so the intervention programme has to be tailored to meet these service needs. There is a dramatic increase in the number of visitors in the spring and summer and this increases the volume of requests for service, enquiries and other reactive work. Outdoor events such as music events, festivals, markets such as French markets, farmers' markets, open-air concerts and funfairs also add to the seasonality of the workload.

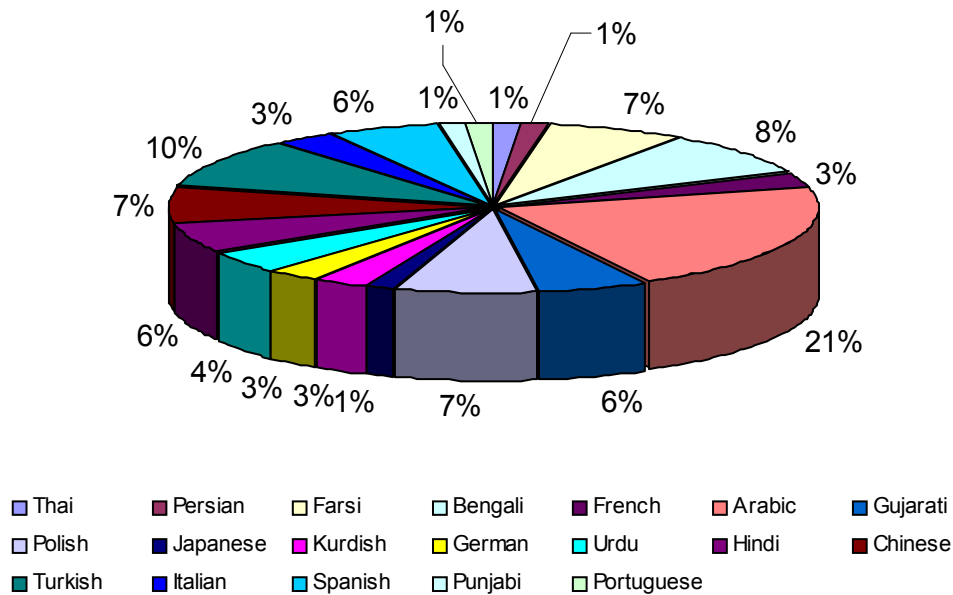
Food Standards

Premises data is captured on Uniform and therefore the premises profile is the same but as the risk assessment is based on the LACORS scheme the individual premises have a different inspection frequency for Food Standards. As of the 1st January 2007 2230 premises were considered to have an inspectable risk for Food Standards work. It has been noted that there is a high turnover of new premises requiring food standards advice.

Access to services

When businesses apply to register as a food business they are asked if they would like information in another language in addition to English. Of the 462 businesses who register in the year 2007/2008, 71 (15.4%) said they would like information in other languages. See below for a breakdown of the languages requested.

**Request for Information in Languages Other Than English
2007 / 2008**



In addition to having a number of key food safety advice leaflets in a variety of languages, the service has the capacity to have any leaflet, letter or other document translated as required. Wherever possible, opportunities are taken to provide information about services to ethnic communities. Food safety training courses have been staged in languages other than English including Bengali, Cantonese, Thai and Turkish which have proven to be successful and popular with traders. Where necessary, interpreters accompany officers on planned interventions. Where necessary, officers can access *thebigword* On-Call Language Service translation service by telephone when carrying out visits.

Service users are able to access the service by visiting either of the two City Direct Advice Centres situated in central Brighton, open between 9am and 4:30pm Monday to Friday and central Hove, opening hours 8:45am to 4:30pm on weekdays. Remote access to council services is facilitated through 'self-help' in 25 locations across the city including all the main council offices, libraries, leisure centres and some schools. General telephone calls are fielded via a Call Contact Centre on (01273) 292161. Advice can also be accessed via the council's web site, brighton-hove.gov.uk, or by email to ehl.food@brighton-hove.gov.uk.

Food Standards complaints are initially received by Consumer Direct South East. There is a referral protocol with them regarding food issues requiring enquiries to be sent to Trading Standards within 24 hours.

The Food Safety Team operate a Food Safety Hotline where businesses and consumers can obtain immediate advice from a food safety officer, during office hours. Senior food competent Environmental Health staff provide cover for an out of hours service to respond to food safety emergencies and incidents.

New food businesses registering with the service are provided with a detailed information pack and offered a one to one advice meeting to assist with compliance with food safety legislation.

2.5 Regulation Policy

In 2008, Brighton & Hove City Council adopted a new corporate Enforcement Policy in line with the national Compliance Code for Enforcers. This provides an overarching policy for all regulatory services provided by Brighton & Hove City Council. To bring the Environmental Health services in line with this corporate policy, a draft service Enforcement Policy is being consulted on at the time of preparation of this plan. The draft policy has been developed in line with the national Compliance Code, Statutory Codes of Practice and relevant guidelines issued by Central Government departments and co-ordinating bodies. A final draft is due to be considered by the cabinet member for Environment in March 2009. As with previous policies, the finalised Environmental Health Enforcement Policy will be posted on the council's website.

Any breaches of food law noted in businesses where Brighton & Hove City Council has an interest, either as proprietor or responsibility for structural repair, are brought to the attention of the Chief Executive without delay.

3 Service Delivery

3.1 Interventions at Food and Feedingstuffs Establishments

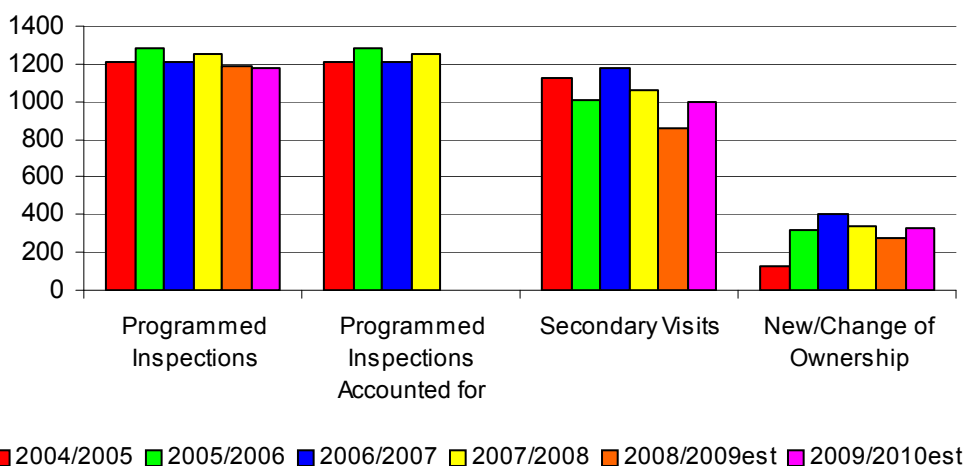
Food Safety

Each food and feed enforcement service must document, maintain and implement a food hygiene intervention programme that covers all relevant premises in the area. This section details the programme for 2009/2010.

The level of achievement in food safety intervention-based activity over the past four years is shown in the chart below along with estimates for completion of the current year 2008/2009 and 2009/2010.

The revised Food Safety Code of Practice published in June 2008 gave local authorities flexibility to introduce a mixture of interventions. Implementation of an intervention-based programme enables services to reduce the level of burden on compliant businesses and focus more resources on those with poorer standards. See detailed in 3.1.4 below the approach to be adopted by the food safety service for the year 2009/2010.

Chart of Intervention-Based Activity 2004-2010



See tables 3.1.1 and 3.1.3 for further details.

The service follows a risk-based approach when implementing the local food safety intervention programme. It aims to deal with a minimum of 98% of businesses due for intervention in the year 2009/2010 in accordance with the Food Safety Code of Practice as detailed in 3.1.4 below. Table 3.3.1 gives details of performance against target since 2004 and estimates the number of planned interventions for the years 2008/2009 and 2009/2010. The target is set at 98 % to take account of possible service or operational problems such as a turnover of staff at the end of the year, emergencies or difficulties contacting seasonal or home caterers.

Year	04/05	05/06	06/07	07/08	08/09est	09/10est
Programmed Interventions	1209	1283	1208	1255	1193	1173
Accounted for	1205	1282	1208	1248		
Target %	98 A-D	98 A-D	98 A-D	98 A-D	98 A-D	98 A-D
Achieved%	99.7 A-D	99.9 A-D	100 A-D	99.4 A-D		

Table 3.1.1 Achievement of Planned Food Safety Inspection/Intervention Programme 2004-10.

The Food Safety Code of Practice contains a mechanism for risk rating each businesses based on factors such as:- if open high risk-food is handled, prepared or cooked; size of the business; any high-risk operations are undertaken; number of customers; vulnerability of the customers to illness; standards of hygiene; condition of the structure and confidence in management. By scoring all of these factors, an overall risk rating of A to E is arrived at. Category A premises are the highest risk and E the lowest. As category E premises tend to present a minimal risk due to the limited types of food they deal with and/or they cater for a limited number of people, they are monitored differently.

In line with the Food Safety Code of Practice, an alternative enforcement strategy was introduced for maintaining surveillance of the low-risk, category E premises in 2004. Introduction of this strategy enabled the service to provide greater focus on higher risk category A to D premises.

The alternative surveillance of low-risk businesses follows a structured documented procedure. The strategy employs postal questionnaires, sample inspections to

check the validity of the information gained and follow up inspections where either the information returned leads to the conclusion that an intervention is necessary or no information is returned. Table 3.1.2 below shows the number of premises dealt with by this alternative method since 2004.

Table 3.1.2 shows a more than doubling of the numbers of businesses for the year 2007/2008 on the previous year. The increase came about as a result of guidance from the FSA that childminders who provide food as part of their service should be requested to register as a food businesses. Childminders that provide limited food, such as biscuits and drinks, or are responsible for a limited number of children, have been included in the alternative surveillance strategy. The influence of this has carried on in to 2008/2009. The number due in 2009/2010 represents those already risk rated and does not include the influence of new childminder registrations.

Year	04/05	05/06	06/07	07/08	08/09 est	09/10 est
Number of premises	119	107	131	285	243	188

Table 3.1.2. Number of Premises dealt with under alternative strategy.

The planned food safety interventions programme for the year 2009/2010 as at February 2009 is:-

Risk Category of Premises	Number of Interventions Due
A	8
B	123
C	804
D	238
Total	1173
Low-risk premises to be dealt with Under alternative strategy	188

It is the intention of the service to carry out interventions at a minimum of 98% of the 1173 high-risk (A –D) premises due during the year as above. The three product-specific premises approved under Regulation (EC) 853/2004 will receive interventions within the risk rated programme as necessary.

The Food Safety Code of Practice published in June 2008 encourages food enforcement services to provide greater focus on the outcomes of activities rather than the traditional approach of reporting on activity alone. From the year 2008/2009, local authority performance will be monitored by the FSA through the Local Authority Enforcement Monitoring System (LAEMS). The new key performance indicator will be:-

$$\% \text{ of due interventions achieved} \times 0.3 + \% \text{ broadly compliant premises} \times 0.7$$

In addition to achieving 98% of the intervention due the service will aim to achieve a target of 90% of premises broadly compliant. The overall target will therefore be:-

$$(98\% \times 0.3) + (90\% \times 0.7) = 92.4 \%$$

As at January 2009 the level of 'broadly compliant' businesses stands at 92% of all food businesses. This measure has been greatly influenced by the 'Scores on the Doors' scheme which has driven up food safety standards. It is envisaged that this improvement will be sustained.

3.1.1 Secondary Interventions

The main purpose of secondary interventions is to monitor food business that fail to comply with significant statutory food hygiene requirements, or where directly required by Regulation. Failure could include:-

- Failure to comply with a single requirement that compromises food safety, public health or prejudices consumers;
- Failure to comply with a number of requirements that, taken together, indicate ineffective management; or
- Service of a hygiene emergency prohibition notice or order.

When considering both the need for and timing of a secondary intervention, consideration is given to the seriousness of any failing, history of the business, confidence in management and the likely effectiveness of this action when compared to any other enforcement option.

Secondary interventions are categorised as those that are not primary interventions but include:-

- Additional interventions of establishments that are subject to product-specific food hygiene regulations;
- Sampling visits;
- Visits to check on the progress of measures required after a previous intervention;
- Visits to investigate food and food premises complaints;
- Visits to discuss implementation of Hazard Analysis of Critical Control Points based system;
- Visits involving training of food handlers;
- Inspections of premises to assess a licence.

3.1.2 Interventions at New Businesses/Change of Ownership

Where the service becomes aware that ownership of a food business has changed or a new business has commenced, it aims to undertake an intervention within 28 days of the business starting trading.

The purpose of the intervention is to establish the scope of the business, gather and record information, determine if food sampling or swabbing is necessary, identify food safety breaches, determine relevant enforcement action to be taken by the food service, communicate this to the business and evaluate risk rating score. Based on the last five years data, it is predicted that there will be 333 new businesses or changes of ownership in 2009/2010. It is unclear how the current economic conditions will affect the number of new businesses or changes of ownership.

3.1.3 Monitoring of Vacant Premises

Where food premises fall vacant, arrangements are made to monitor activity at the premises. When new businesses open, it is important that support and guidance on food safety issues are given at an early stage.

Year	04/05	05/06	06/07	07/08	08/09est	09/10est
Secondary inspections	1127	1013	1180	1060	855	1000
New Premises or Change in Ownership	131	317	399	336	300	333

Table 3.1.3 Estimate of secondary inspections & new businesses inspections for 2009/2010 based on data since 2004.

The estimation of the number of staff required to carry out the programme of inspections plus other visits as estimated above is 8 full time equivalents. Resources required to undertake secondary visits generated by complaints, enquiries or to undertake sampling are included in the appropriate part of this plan.

3.1.4 Intervention Plan 2009/2010

The Food Safety Code of Practice suggests a sliding scale of interventions, with the better performing businesses requiring a lesser level of intervention.

The practical use of interventions in the Brighton & Hove area is heavily influenced by the local 'Scores on the Doors' scheme. All high-risk food businesses operators scoring less than the maximum five stars must be given the opportunity to improve their score. Establishments may only be rescored if the intervention used is an audit, inspection or part audit/inspection. The service therefore plans to:-

- inspect all high-risk food premises scoring less than five stars;
- carry out inspections or another official control ie audit, monitoring, surveillance, verification or sampling as appropriate of all other high-risk establishments;
- carry out an either an official control or other control ie education, advice and coaching or information and intelligence gathering including sampling where the analysis is not carried out by an official laboratory at category D establishments;
- Continue with Alternative Enforcement Strategy for category E establishments.

All official controls must include a visit to the food premises, have appropriate accompanying documentation and a measurable outcome. The risk rating score of the business may be revised in the case of the first two interventions only.

Food Standards

The LACORS system requires high-risk premises to be visited each year, medium risk every two years and low risk every five years. This means that 24 high risk, 284 medium risk and 324 low risk premises should be visited each year.

If the revised Code of Practice is not in place by April the target for 2008-9 will be to visit

100% High 40% of those medium risk premises liable to inspection

There is no commitment to visit low risk premises but an alternative enforcement strategy is to be devised.

Approximately 5% of inspections require a follow-up visit. Officers do not work exclusively on the food function. Follow up visits will be made to all premises when a non-compliance is detected and formal action is contemplated.

Three officers make up the food team. They are all part time basis and their time is equivalent to 1.37 FTE. About 50% of their time is spent on the food function. The following intervention programme will be implemented.

New Businesses

All new businesses will be inspected within 56 days of being identified. The initial visit will be to establish the scope of the businesses activity, identify its compliance with food standards legislation and to determine the level of support required. An intervention programme will be designed to reflect the businesses needs and reviewed after one year..

High Risk Premises

All premises will be assessed to determine the most appropriate intervention method for them. Premises with good management control, no history of contraventions or complaints will be advised that they will be the subject of a 'light touch' approach and will only be inspected if they change their product range or complaints are received.

Poorer performing High Risk Premises

These premises will be inspected every year but may be the subject of additional interventions depending on their compliance.

Medium Risk premises

These premises will receive an intervention at two yearly intervals. These interventions will alternate between comprehensive inspections, and a mix of sampling visits, complaint visits or other monitoring or surveillance. At least 50% of the premises liable to an inspection will be subject to a comprehensive visit.

Low risk premises

A programme of interventions will be based on the intelligence received about the individual premises.

3.2 Feed and Food Complaints

Food Safety

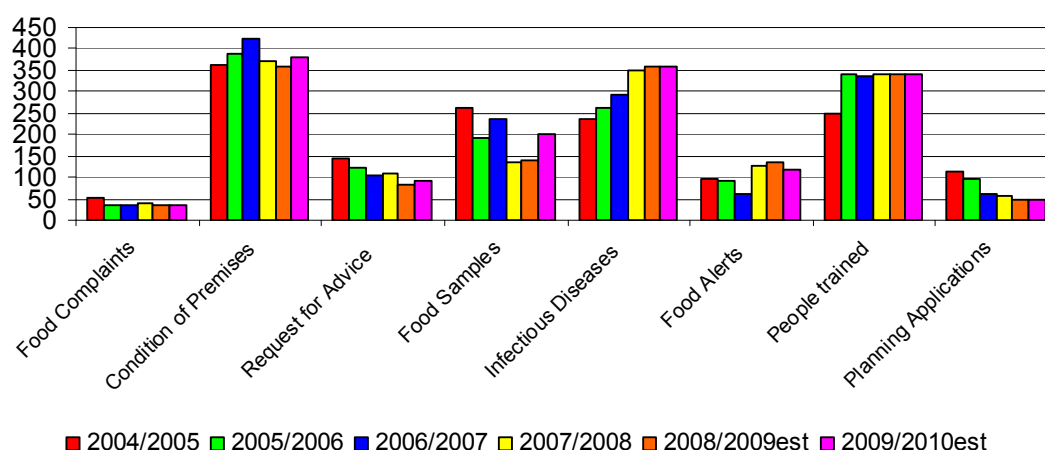
It is the policy of this Authority to respond promptly to all requests for advice from business. It is the target of the service to respond to 90% of planning application consultations within 10 days, and all other demand driven work within 5 days.

Year	04/05	05/06	06/07	07/08	08/09 est	09/10 est
Within target %	95.4	97	96.6	97	96	

Table 3.2 Percentage of Demand Driven Work within Target

All food complaints received are investigated in accordance with the council's Enforcement Policy and documented procedures. See below for a chart showing the pattern of demand driven work since April 2004 and estimates for the years 2008/2009 and 2009/2010. The source figures for this chart are contained in tables within the relevant part of the plan.

Chart of Demand Driven Work 2004-2010



See tables 3.2.1, 3.4.1, 3.4.3, 3.5.1, 3.6 and 3.8 for the source of data.

Year	04/05	05/06	06/07	07/08	08/09 est	09/10 est
Food Complaints	51	35	37	41	35	35
Condition of Premises	361	391	422	370	360	380

Table 3.2.1 Estimate of Number of complaints 2008/2009 and 2009/2010 based on data from 2004 onwards.

It is estimated that 1.5 Full Time Equivalent officers will be required to meet this level of complaints.

Food Standards

It is the policy of this Authority to respond promptly to all food complaints and to carry out enquiries in accordance with the complaints' procedure.

Level of Complaints:					
2003	2004	2005	2006	2007	2008
79	64	170	183	253	295

3.3 Home Authority Principle and Primary Authority Principle

Brighton & Hove Council fully supports the LACORS Home Authority principle, and has entered into six formal and 18 informal arrangements with businesses whose operational activity extends outside of the city.

3.4 Advice to Businesses

Food Safety

The service follows a policy of graduated enforcement in assisting businesses to comply with legal requirements. The key first step of this approach is to provide advice and information to businesses. Contact is made with new or potential businesses through the provision of new business information packs and via the development control planning process.

In addition to this, advice is given by an officer when carrying out interventions, making an officer available for one to one advice sessions and having a duty hotline service covering office opening hours.

Advice and information is also available through the council's website.

Year	04/05	05/06	06/07	07/08	08/09est	09/10est
No of Requests	153	121	105	108	85	90
Planning Applications	120	98	59	55	50	50

Table3.4.1 Showing number of requests received since 2004 and estimates for 2008/2009 and 2009/2010

It is estimated that 0.5 Full Time Equivalent Officer is required to meet this estimated demand.

The Authority is committed to good liaison arrangements with proprietors of food businesses, to encourage effective two-way communication and to provide information and training on legislation and good practice.

Part of the consultation for the revised Environmental Health Enforcement Policy was facilitated by the Brighton & Hove Businesses Forum.

During the process of preparing to launch the 'Scores on the Doors' scheme in October 2007, a series of open fora were arranged with food businesses. These took the form of a short presentation at food businesses by team members to invited traders, followed by a question and answer session.

A Food & Safety newsletter is produced twice a year, which informs proprietors of new legislation, advice on good practice, and general items of interest. This is widely distributed throughout the city and sent out with intervention reports.

Food Standards

Requests by businesses for advice are recorded as Service Requests. There has been a significant increase in the number of requests for advice in 2007.

Level of Service Requests

2003	2004	2005	2006	2007	2008
24	30	28	32	150	192

3.5 Feed and Food Sampling

Food Safety

The service participates in national sampling initiatives organised by LACORS, countywide programmes co-ordinated by the Chartered Institute of Environmental Health (CIEH) Sussex Food Liaison Group, local Health Protection Agency (HPA) and those instigated by the FSA. The sampling programme includes food or food-contact surfaces at approved premises, food manufacturers, and manufacturers selling mainly by retail as well as caterers and retailers. Samples of food and swabs of food-contact surfaces are also taken as part of routine work and when investigating specific issues at food premises.

During 2008/2009, the service took part in national food sampling programmes:-

1. Speciality meats from markets and delicatessens from April 2008 to March 2009;
2. Egg mix and environmental samples from restaurants and takeaways, six month study May to October 2008;
3. Ready-to-eat shelled nuts from retail premises, six month study October 2008 to March 2009.

In addition to these nationally agreed programmes, the service took part in local Sussex wide sampling programmes.

1. Egg mix and environmental sampling to include extra swabs of food- or hand-contact surfaces in conjunction with 2 above (e.g. fridge handles, reusable food containers etc).
2. Imported ready-to-eat foods from outside the EU (e.g. dried fish, frozen prawns etc).
3. Environmental swabs, cleaning cloths, cooked meats and ready-to-eat foods from butchers'.

Results were analysed as part of each of the programme. No unsatisfactory results were obtained.

The national topics set for 2009/2010 by LACORS/HPA had yet to be set at the time of preparing this plan.

The CIEH Sussex Food Liaison Group has yet to finalise countywide studies but are considering a shopping basket of foods, possible subjects being roast meats, cooked rice, takeaway foods including salads and sandwiches, ice for drinks, food

contact surface swabs, spicy sauces, dips and pick & mix sweets. It is envisaged that at least one of the studies will include an element of imported food.

An Environmental Health Officer within the Food Safety Team is responsible for organising and co-ordinating food safety sampling: it is estimated 0.25 Full Time Equivalent officer will be required for this service.

Year	04/05	05/06	06/07	07/08	08/09est	09/10est
No. of samples	264	194	237	137	140	200

Table 3.4.3 Number of Food Safety Samples Submitted for Analysis 2004-2008 & estimate for 2008/2009 and 2009/2010.

Arrangements are in place with the local Health Protection Agency laboratory for the analysis of samples that require microbiological examination. The allotted cost for sampling for the financial year 2008/2009 was £11,238.

As at the beginning of February 2009, the allocation for the year 2009/2010 had not been confirmed.

Food standards

Food Standards work is performed during a comprehensive inspection of the premises and generally linked to the metrology function. One part time Fair Trading Officer and two part time retired Trading Standards Officers undertake the food standards programme and deal with enquiries from consumers and businesses. The percentage of Officer time devoted to these functions has already been described earlier in this document. The food standards function equates to approximately 0.625 FTE.

There is a budget of £12,000 to facilitate a contract with the appointed Public Analyst for the purposes of food analysis. Sampling will be initiated to reflect perceived or identified problem areas but it is intended that we will be involved in at least one FSA led initiative, two regional projects, and two local projects. Sampling is undertaken in accordance with documented procedures and in accordance with the Codes of Conduct produced under the provisions of the Food Safety Act. A further £1000 is allocated for sample purchases.

Food Sampling Plan 2008/2009

<u>MONTH</u>	<u>PROJECT</u>
April to June	FSA Imported Food Activity
TBC	Intel led Regional activity
TBC	Intel led Regional activity
TBC	Value Brand Nutritional properties
TBC	GM Foods
Year long	Spirits Sampling as a part of the inspection programme
Year long	Home Authority Sampling

The national initiative is fully funded and takes account of potential problems requiring further investigation. The cost for the regional and local projects will be set to allow for contingencies, such as, complaints and reacting to food hazard warnings.

Control and Investigation of Outbreaks and Food-related Infectious Disease

Specific infectious diseases are notifiable to the local authority. The department investigates these cases in an attempt to identify the cause of illness and any practical measures to control potential outbreaks. See below for the number of cases investigated from 2004 to 2008 and an estimate of the numbers expected for the current year and 2009/2010. Investigations of outbreaks must commence as soon as practical. In individual notifications, the investigation has to commence within 5 days. It is estimated that 0.5 FTE officer will be required to meet this level of complaints.

Year	04/05	05/06	06/07	07/08	08/09est	09/10est
No. of reports	234	264	294	348	360	360

Table 3.5.1 Estimate of Number of notifications for 2008/2009 & 2009/2010 based on data from 2004 onwards.

The number of notifications included in table 3.5.1 has been corrected to discount those illnesses not associated with food such as mumps, measles and hepatitis. Table 3.5.2 below shows the number of Campylobacter and Salmonella cases notified from 2004 onwards. The number of Campylobacter confirmed notifications have increased in recent years, whilst the number of Salmonella cases reported are predicted to fall for the year 2008/2009. Due to the number of variables involved, it is unsure if these patterns will continue. The FSA has the reduction in incidents of these two food poisoning bacteria as a national core aim.

Year	04/05	05/06	06/07	07/08	08/09est	09/10est
Campylobacter	136	124	174	220	220	220
Salmonella	68	61	71	70	40	60

Table 3.5.2 Estimate of Number of specific notifications for 2008/2009 & 2009/2010

3.7 Feed/Food Safety Incidents

An out of hours emergency service is staffed by senior staff who are suitably authorised to carry out the full range of food safety functions including responding to emergency food safety incidents.

Information regarding national food safety alerts, such as product recalls from the FSA, are received during office hours via the national alert system.

The Environmental Health Manager (Food Safety) and senior staff within the food safety team are registered on the rapid alert system to receive food alerts through a text message scheme direct to their mobile phones. The information contained in the food incidents is distributed and acted on as deemed necessary.

Year	04/05	05/06	06/07	07/08	08/09est	09/10
Food Alerts	94	92	60	127	135	120

Table 3.6 Estimate of Food Alerts for 2008/2009 & 2009/2010 based on data from 2004 onwards.

The large increase of alerts for 2009/2010 is due to increased notifications about product recalls for food allergy reasons. It is expected that this elevated level will be sustained. During the year 2008/2009, there was an additional increase due to alerts linked to Melamine contamination of milk products from China. It is anticipated that this level of service can be absorbed as part of the reactive work staffing estimate.

3.8 Liaison with Other Organisations

Food Safety

There are a number of arrangements in place with other professions and local authorities to promote consistency: -

- The Environmental Health Manager (Food Safety) attends the Sussex Food Liaison Group, where common approaches to food safety legislation, promotion of best practice and training needs across the whole county are discussed and agreed.
- A Senior Environmental Health Officer in the Food Safety team represents the service at the Chartered Institute of Environmental Health Sussex Food Study Group. This group discusses common food safety delivery problems and develops joint procedures and practices for food safety issues.
- The Food Safety Team has regular liaison meetings and agreed working arrangements with Educational Services and catering contract supervisors to ensure consistent enforcement within schools.
- The service joint funds a Senior Health Development Adviser post with Brighton & Hove City PCT to promote healthy options in local food businesses and take forward initiatives such as increasing breastfeeding in restaurants.
- In 2008, the service launched the Healthy Choice Award to promote healthy menu options in eateries.
- Officers have liaised with the Corporate Health & Safety Division to develop a Food Safety Management System for the council.
- An officer from Environmental Health & Licensing attends the District Control of Infection Committee co-ordinated by the Community Consultant in Disease Control that reviews procedures and agrees communicable disease outbreak and food poisoning control measures.
- The authority is a member of the Brighton & Hove Food Partnership. The partnership includes representatives from local business and community groups, community workers and members of the Sustainability Commission. The partnership raises awareness of food producers in supporting health, the economy and the environment increasing access to nutritious, safe, affordable food and providing a network for information exchange.
- A liaison arrangement is in place with Sussex Career Services and local schools to enable teachers and students from Brighton & Hove to come into the department and gain work experience.
- This authority participates in a variety of Best Value benchmarking exercises in conjunction with other councils, and the Sussex Chief Officers' group including the Sussex Inter Authority Agency Audit.

- Administrative arrangements are in place whereby the Food Safety Team is advised of all Planning Applications and Building Control applications relating to food premises in the city.

This work is accounted for in the reactive work estimate of resources required.

Food Standards

We work closely with 19 other Trading Standards Services in the southeast that together make up Trading Standards South East (TSSE). Activities include liaison on all trading standards issues, coordinated activities, sampling and advice projects and sharing of information via the TSSE intranet.

Trading Standards attends the Sussex Food Liaison Group, and will be involved in joint food standards and food safety activity across the whole County.

Trading Standards Liaise closely with Food Safety regarding healthy eating issues and support the Food Partnership activity wherever possible.

Feed and Food Safety and Standards Promotional Work, and Other Non-Official Controls Interventions

The service organises a number of food hygiene training courses per year. The Food Safety Training Activity January 2008 to December 2008 and total numbers of people trained are given below.

Type of Course	Number of Delegates
CIEH Level1 Award in Food Safety in Catering Awareness	86
CIEH Level 2 Award in Food Safety in Catering	219
TOTAL	305

Year	2004/05	2005/06	2006/07	2007/08	2008/09est	2009/2010est
No. Trained	250	341	337	340	340	340

Table3.8 Total Training Undertaken Since 2004

12 CIEH Level 2 Awards in Food Safety in Catering and 3 CIEH Level 1 Awards in Food Safety in Catering have already been scheduled for 2009/10.

The service is now in a position to offer the new qualification CIEH Level 3 Award in Implementing Food Safety Management Procedures designed specifically to assist food businesses to comply with requirements introduced in 2006.

In addition to this training, the service has allocated funds to arrange free training for the poorer performing businesses to help them comply with the legal requirement to introduce a documented system of food safety control measures. This builds on the work carried out from October 2005 to March 2007 training businesses on the 'Safer Food Better Businesses' system. 60 businesses attended

workshops and associated 1-2-1 training sessions mounted during 2007/2008 and 55 attended similar training during 2008/2009.

Staff from the Food Safety Team work closely with the Brighton & Hove Primary Care Trust to encourage the promotion of healthy eating options by food businesses. The authority has been involved in raising awareness of food safety in schools by promoting and organising a food safety school poster competition as part of National Food Safety Week.

Officers of the Food Safety Team have given hygiene training sessions at a number of schools, and taken part in the week long 'Safety in Action' promotion event. The Team has also taken part in multi agency training workshops for small guesthouses.

Two Food and Safety newsletters are produced per year. The newsletters carry articles and information for businesses and members of the public. A copy is posted on the web site and sent out with correspondence.

For the past four years the Food Safety Team has been invited to have an information stand at the Chinese New Year celebration event at Hove Town Hall.

4. Resources

4.1 Financial Allocation

Food Safety

The 2009/2010 projected budget for the food safety service within Environmental Health & Licensing is detailed below. The staffing figures include a figure to cover the appropriate proportion of the Head of Environmental Health and administrative support and management time: -

	Food Safety	Infectious Disease
Staffing	£ 616,770	£ 52,550
Transport	13,260	1,090
Supplies and Services	<u>11,030</u>	<u>1,440</u>
Total	£ <u>641,060</u>	£ <u>55,080</u>

These figures are provisional as at the time of preparing this plan the 2009/10 budget had not been set.

Food Standards

It is difficult to detail the time spent on the food standards function as it is carried out during a comprehensive inspection. Time monitoring is not currently used to apportion time to the food function. It is estimated that the resources are allocated as follows:

Inspection, complaints and advice	
Staffing	
Management	£ 2950
Food Team	<u>£27450</u>
Total	£ <u>30400</u>
Sampling	
Purchases	£ 1000
Supplies	<u>£12000</u>
Total	<u>£13000</u>
Total	<u>£43400</u>

4.2 Staffing Allocation

Food Safety

Establishment of the Food Safety Team for the year 2009/2010 is 11.8 full time equivalent field officers plus two full time equivalent administrative Technical Support Officers and management, broken down as follows:-

- 1 x Environmental Health Manager
- 2 x Senior Environmental Health Officers
- 5.8 x Environmental Health Officers
- 2 x Senior Technical Officers
- 1 x Technical Officer

Officers and external contractors have to comply with strict guidelines governing qualifications and competencies before they are permitted to undertake food safety duties. The Senior Technical Officers hold Higher Certificates in Food Premises Inspection and are able to inspect all risk categories of food businesses. All Environmental Health Officers are qualified to undertake inspections of all risk categories of food businesses.

Five officers within the other Environmental Health & Licensing teams retain competencies to undertake food safety inspections. All food competent officers must undergo a minimum of 10 hours food safety training per year to retain their authorisation to undertake food safety inspections. In addition to the competencies and qualifications required by the Food Safety Code of Practice, officers engaged in food safety inspections must have undergone additional 'Scores on the Doors' consistency training.

The establishment has increased by one on the 2007/2008. Resources were transferred in January 2009 to the Food Safety Team to service the investigation and control of infectious diseases.

Food Standards

The Inspection and Sampling team is responsible for Food Standards Inspection. The proportion of time allocated to this function is estimated as follows

Support	0.05
Management	0.05
Food Staff	0.625
Total	0.635 FTE

4.3 Staff Development Plan

The Authority has a structured appraisal and development system. During staff appraisals, individual training needs and any gaps in competence are identified. The information is used to produce individual training and development plans for each officer for the coming year. Brighton & Hove City Council was awarded accreditation to Investors in People in early 2009.

The Food Safety Team also has team meetings every six weeks. Any training needs of the service as a whole are identified and discussed at these meetings.

Through this system, the service ensures that all food competent officers receive sufficient good quality focused food safety training to comply with relevant codes of practice and professional membership schemes.

5.0 Quality Assessment

5.1 Quality Assessment and Internal Monitoring

Food Safety

The service has a documented procedure relating to food safety duties. Internal audits are carried out to ensure compliance with these procedures. The service is accredited to ISO 9001 and externally audited by the British Standards Institute.

The service actively seeks the views of businesses by giving out post-inspection questionnaires to traders inspected. In 2007/2008, 210 businesses returned the questionnaires. The key findings of these returns were:-

- 98% of respondents were either very satisfied or satisfied that Brighton & Hove City Council had done all that it could to help deal with their premises inspection.
- 100% of respondents understood the purpose of the visit to their premises.
- 98% found the information given to them by the visiting officer easy or very easy to understand.

Similar high levels of satisfaction were recorded from questionnaires returned in the previous four years.

In the future, this post-inspection survey will be incorporated in Brighton & Hove City Council's return in respect of national performance indicator NI 182 'Satisfaction of Businesses with Local Authority Regulatory Services'.

The Environmental Health & Licensing department has volunteered to take part in the national Regulatory Services Peer Challenge. During 2009, a team of staff will carry out a self-assessment of the department. The review findings will be assessed by an external Peer Challenge team who will identify areas of best practice and those where improvement may be necessary. The associated action plan will be acted on by the management team.

Food Standards

We aim to continually improve the level of service provided. Procedures are implemented and reviewed where necessary to incorporate identified improvements.

6. Review

6.1 Review Against the Service Plan.

Food Safety

In addition to the quality checks detailed in 5.1, performance is reviewed against the service plan by comparing the number of interventions achieved against the number programmed. Monthly statistical reports are produced so that performance can be closely monitored and managed through the year, and any problem areas promptly identified and resolved through management reviews, team meetings and monthly one to one's between field staff and their line manager.

Official Food and Food Controls Service Plans are produced and reviewed on an annual basis by management review, consideration by the Environment and Community Safety Overview and Scrutiny Committee and Full Council.

In the year 2007/2008, 99.4% of the programmed food safety interventions were accounted for. This included interventions carried out and businesses that ceased trading before they could receive their planned intervention. In addition, 336 interventions were undertaken of new businesses or premises that had changed ownership. Last year's service plan predicted that a total of 1193 food safety interventions would take place in 2008/2009. To the end of January 2009, 209 inspections of new businesses were undertaken and the service is on target to achieve the goal of carrying out interventions in at least 98% of the businesses due.

The level of enforcement has been maintained in 2008/2009 with four successful prosecutions and three simple cautions being completed by the end of February 2009. The prosecutions attracted total fines of £ 12,550 and costs of £ 16,753.

It is estimated that 1070 primary food safety interventions will be undertaken, this will include at least 98% of the food safety intervention programme, and 300 inspections of new premises or premises where the ownership has changed.

Charts in section 3 give a detailed break down of service activity to from April 2004 to March 2008 and an estimation of the activity for the remainder of the current and coming year.

As at the end of December 2008, 92.4% of the food establishments in the city were graded 'broadly compliant' or better with food hygiene law, see 1.2 of this plan for further guidance on this outcome measure, NI 184.

Food Standards

Service reviews are carried out on a quarterly basis to check that our inspection programme is on target and to ensure that projects are being completed in the agreed timescale.

The Service Reviews indicate that we are on target to achieve our interventions programme. We undertook an additional Screening project on GM Foods in the Autumn.

During staff 1:1's, each officer's performance is monitored, to identify good performance and any areas of improvement.

Complaints are responded to within the stated timescales. Since 2005 there has been a 73% increase in food complaints. We believe that is due to the transfer of calls to Consumer Direct South East.

The number of requests from businesses has increased 500% since 2006. Increasing voluntary contacts is a key area for improvement and this statistic seems to show that our focus on business support is working.

6.2 Identification of Any Variation from the Service Plan

Food Safety

The service intended to use the flexible intervention approach introduced in the draft Food Safety Code of Practice issued in early 2008. The intervention programme published in the 2008/2009 service plan stated that the service would:-

- Inspect poorer performing establishments ie those less than 'broadly compliant';
- Inspect category A & B establishments;
- Inspect the 50% poorer performing category C & D establishments;
- Carry out interventions where due at the 50% better performing category C & D establishments that were broadly compliant;
- Alternative enforcement strategy for category E establishments.

However, the final Code of Practice published in June 2008 stated that in order to re-rate a food establishment, an inspection or audit should take place. The service is mindful to give all food establishments not graded with five stars under its 'Scores on the Doors' system the opportunity to obtain the maximum score. During 2008/2009, the service therefore carried out inspections of all category A-C premises not scoring five stars. Interventions were used for those scoring five stars or category D. As at the time of preparing this plan this activity was underway and no management information was available.

Food Standards

There was no significant variation from the plan except that one project was not completed.

6.3 Areas of Improvement

Food Safety

The food safety service is provided by a specialist Food Safety Team as opposed to a generic Environmental Health & Licensing team providing other functions. This approach has continued to provide a high quality service and give opportunities to officers to develop areas of expertise linked to project work for service improvements. Examples of planned and ongoing improvements include: -

- The draft departmental Enforcement Policy to comply with the national compliance code is currently being consulted on. It is hoped that a revised policy can be agreed in March 2009.
- The Food Safety service along with the other services under the Head of Environmental Health & Licensing is planning to carry out a self-assessment under the national Regulatory Services Peer Challenge. This review will take place during 2009 and identify areas for improvement. Any relevant areas for improvement will be acted on as appropriate.

Additional project areas and associated staff training and development requirements are identified through team meetings and the appraisal scheme.

Food Standards

Advancements have been made in the delivery of food law enforcement. There are many examples of joined up working and cooperation where coordinated sampling programmes and officer training feature highly. However there are still areas for improvement. They are as follows:

- Improved use of the Environmental Health newsletter to provide businesses with information.
- Increasing the number of voluntary contacts by businesses
- Developing the access to on line business advice.
- Better publicity for the healthy eating education message.
- Developing links with the schools

- Increasing and maintaining the competency and professional development of food officers.
- Establishing consumer concerns and reflect in local activity.

