

**Appendix A**



**CENTRAL BEDFORDSHIRE COUNCIL  
PUBLIC PROTECTION**

**FOOD LAW ENFORCEMENT SERVICE PLAN**

**2009-2010**

*In accordance with the Food Standards Agency  
Framework Agreement, issued September 2000 as  
amended.*

## **FOREWORD**

Central Bedfordshire Council, as a new Unitary Authority, has a clear and influential role in safeguarding consumers and businesses of Central Bedfordshire and is committed to comprehensively discharging its duty as an enforcing authority under consumer law.

This annually published plan provides a clear statement of enforcement policy and practice as well as detailing the Council's aims and objectives for the enforcement and improvement relating to food law enforcement. It also sets out arrangements for ensuring consistent good practice, and for benchmarking performance against other local authorities.

### **Better Regulation**

This plan has taken into account and is fully committed to the Government's Better Regulation Agenda. Over the next few years and where possible the Public Protection service will look at ways of:

- Reducing the inspection burden on businesses
- Making it easier to read and improving written communication with businesses
- Providing simple and helpful advice via the council website
- Providing face-to-face or telephone advice which does not automatically lead to enforcement
- Providing small business training courses
- Devising and provide positive incentive schemes
- Reviewing sanctions and penalties for non compliance, in particular where such action will reduce the prospect of prosecution

These and other initiatives in conjunction with new Public Protection managers and teams, and improvements in officer competency, will result in significant improvements in the regulation of food businesses.

### **Portfolio Holder for Sustainable Communities**

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## 0.0 INTRODUCTION

0.1 This Food Law Enforcement Service Plan outlines the food law enforcement functions carried out by the Public Protection Service of Central Bedfordshire Council to meet the requirements of the Food Standards Agency (FSA) Framework Agreement. It covers functions carried out by officers under the provisions of the Food Safety Act 1990, the Food Hygiene (England) Regulations 2006, relevant regulations made under the European Communities Act 1972 and the Official Feed and Food Controls (England) Regulations 2007.

0.2 The scope of this Plan includes:

- Food Hygiene Interventions
- Licensing and Approval of Food Businesses
- Food composition and labelling
- Food sampling and analysis
- The control and investigation of outbreaks of food related infectious disease
- Food safety incidents
- Food complaints
- Food safety promotion
- Controls on animal feeding stuffs

0.3 In order to comply with FSA requirements and in the interests of transparency and accountability this Plan will be submitted to the Executive of the Council on 23 June 2009. Once approved the Plan will be published and made available on the Council's website.

0.4 The stated aim of the FSA is to make food law enforcement more effective and for all agencies to undertake their duties in a more effective, comprehensive and collaborative manner. This Plan sets out how Central Bedfordshire Council intends to achieve these objectives.

## 1.0 SERVICE AIMS AND OBJECTIVES

The Public Protection Team within the Sustainable Communities Directorate actively seeks to achieve the Council's vision to improve the quality of life of all in Central Bedfordshire and enhance the unique character of our communities and our environment (Strategic Plan 2009-2011)

In seeking to realise this vision the service sets a number of detailed objectives, which are outlined below:

- To achieve effective intelligence-led risk based interventions of a range of businesses and other activities to secure the safety of food and feedingstuffs
- To develop, simple and helpful information for small businesses, including participation in the ERWIN (Everything Regulation Whenever It's Needed) which has as its basic concept the provision of Regulatory Services information in an innovative way that makes it more accessible and useful for businesses. This collaborative project involves the Trading Standards, Environmental Health, Fire and Rescue and Licensing services across the East of England
- To improve communication to small businesses on food and feedingstuffs safety issues via the Council's website, targeted communications and letters following inspection
- To work in partnership with the FSA, Local Better Regulation Office (LBRO), East of England Trading Standards Association (EETSA), Local Authorities Coordinators of Regulatory Services (LACoRS), local businesses and others to reduce the burdens on businesses whilst at the same time improving food and feedingstuffs safety;
- Develop positive incentive schemes
- Consider new initiatives in line with the Regulators Compliance Code
- To take risk-based enforcement action where appropriate and necessary

### **Cross - linkages with other Corporate Plans and Policies**

The Council's Strategic Plan 2009-2011 contains a number of themes which link to the Food Law Enforcement Service Plan:

- *growing our economy and raising the profile and identity of the county as a great place to live, work and visit.* This Service Plan, in implementing the governments Better Regulation Agenda will assist the Council helping to grow the economy by removing unnecessary regulatory burdens from local businesses whilst at the same time, improving food safety education and

information services for businesses, making them better places to work, and safer for the public to visit.

- *reducing health inequalities and delivering good health and well-being for our communities.* This service plan is fully aligned with central government's drive to improve the health and well-being of all sectors of the community through the promotion of safe and healthy food choices.

As stated in the Sustainable Communities Directorate Plan 2009-10, the five agreed Council priorities are:

1. Supporting and caring for an ageing population
2. Educating, Protecting and Providing Opportunities for children and young people;
3. Managing Growth Effectively;
4. Creating Safer Communities;
5. Promoting healthier lifestyles.

The Food Law Enforcement Service Plan has cross-linkages with these priorities as follows:

1. The Council is the enforcing body for food safety and standards in care homes, luncheon clubs etc where Council interventions safeguard the health of elderly clients
2. The Council, as part of its inspection programme, educates and where necessary, takes enforcement action, to secure food safety in schools and other child care settings
3. Implementation of the Better Regulation Agenda will reduce administrative and regulatory burdens on local business thereby helping economic growth

## **2.0 Background**

### **2.1 Central Bedfordshire profile**

Central Bedfordshire lies in the heart of the country, covering some 712 square kilometres from Leighton Linlade and Dunstable in the west to Sandy and Arlesey in the east. The area is diverse with picturesque villages and towns as well as numerous industrial estates. It is home to a number of industries including leisure, aircraft and defence-related engineering. The district is traversed by a number of major trunk roads including the M1, A1 and A6. It is one of the most rapidly growing areas in England and is planning for substantial additional development as part of the Milton Keynes and South Midlands growth areas. The largest communities within central Bedfordshire are Ampthill, Biggleswade, Dunstable, Flitwick, Houghton Regis, Leighton Linlade, Sandy and Shefford.

### **2.2 Demographics**

The evidence base which is currently being developed for Central Bedfordshire's Community Strategy states that the overall population in 2007 was 252,100. From the 2001 Census we know that Black and Minority Ethnic communities comprised 6% of the population. The largest groups were White Irish 1.3%, White Other 2% and Indian 0.6%.

### **2.3 Local Food Poisoning Statistics**

The overall rate of food poisoning in Bedfordshire continues to be above the national average.

Campylobacter is the most commonly reported infection followed by Salmonella. Seasonal variation is evident in reported cases with Campylobacter infection peaking in late spring and early summer and Salmonella infection increasing in late summer and early autumn. A large proportion of food poisoning is acquired abroad, which also affects seasonality. A high proportion of Campylobacter infections may be acquired in the home. In some cases individuals handling cooked and uncooked meat together, (e.g. at barbecues) has been the source of infection. However it has to be said that in the majority of cases the source cannot be categorically proven.

No food poisoning outbreaks have occurred in the district in the previous year. The majority of food poisoning cases have been confined to the household and in the majority of cases have affected only one individual.

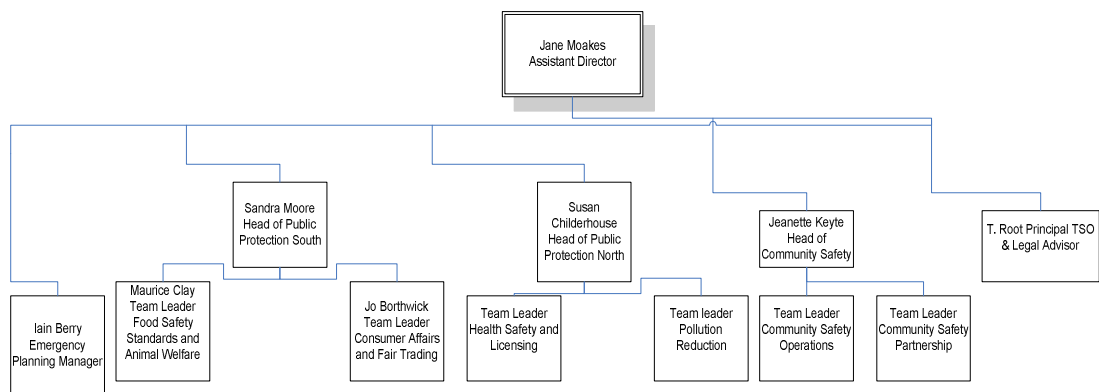
### **2.4 Organisational structure**

The food safety and standards function is part of the Public Protection service which also deals with emergency planning, occupational health and safety, contaminated land, air quality and environmental protection in commercial businesses. It operates under the Director of Sustainable

Communities who is accountable to the Chief Executive. The officer structure in relation to food law enforcement is illustrated in Figure 1. Overall co-ordination of the service's food law enforcement is the responsibility of the Head of Public Protection.

Specialist services are provided by external agencies such as the Public Health Analyst and Food Examiner. Details of these may be found in Appendix 1.

Figure 1



## 2.5 Committee Structure

The Constitution and Committee Structure for the new unitary authority was adopted by the Central Bedfordshire Shadow Council on 26 February 2009.

Following the elections in June 2009, the Council will elect a Leader to serve a two year term of office (until the next full Council elections in 2011). The Executive will consist of the Leader together with at least two, but not more than nine, councillors including a Deputy Leader. Members of the Executive will be appointed by the Leader.

The Executive is responsible for making most operational decisions. However the Council is responsible for approving or adopting the Policy Framework and the budget.

An Executive Portfolio Holder (currently the Portfolio Holder for Sustainable Communities) represents the Public Protection service of the Directorate of Sustainable Communities.

The Council will establish five Overview and Committees (mirroring the Council's Departmental Structure). The Overview and Scrutiny Committees assist the Council and the Executive in the development and review of its Budget and Policy Framework and reviews and scrutinise the decisions made by and performance of the Executive. The Overview and Scrutiny Committees may, from time to time, appoint Task Forces to



investigate in depth matters of concern. All non-Executive members are eligible to serve on task forces and are appointed on the basis of their interest in or experience of the matter being reviewed. The Sustainable Communities Overview and Scrutiny Committee will be responsible for matters relating to the environment and public protection.

## **2.6 Scope of Food Law Enforcement**

The food safety function covers the following specific areas:

- Food Safety Enforcement.
- Food standards (composition and labelling) enforcement.
- Imported food inspection.
- Food Hygiene Inspections.
- Infectious disease investigations and control and investigation of outbreaks and food related infectious disease.
- Licensing and approval of food businesses.
- Food sampling and analysis.
- Food Safety Incidents.
- Food Safety Promotion.
- Animal feedingstuffs enforcement

## **2.7 Use of Contractors**

It has been the policy of this Council to engage the services of outside contractors to assist in programmed food hygiene inspections, subject to:

- There being insufficient resources to complete programmed inspections within the capacity of the employed establishment
- Agency contractors meeting the requirements of the Food Law Code of Practice; and
- Costs being met within existing budgets;

A three year contract for the inspection of medium and low risk food premises in the south of the council's area was let in April 2007 and will terminate in March 2010. The engagement of contractors to assist with service delivery will be subject to review during the current service plan year.

## 2.8 Demands on the Food Safety Service

### Food hygiene interventions

At 1<sup>st</sup> April 2009 2051 food premises are registered and subject to programmed food hygiene interventions. The split between risk categories (as defined by the Food Law Code of Practice Annex 5) for 2008/09 and 2009/10 is shown in Table 1 below. The area has a high turnover of food businesses as a result of new business start-ups and changes in ownership. This can significantly increase the inspection workload of the team during the course of the year but this is difficult to predict and quantify accurately.

**Table 1**

*Number of food businesses (food hygiene)*

<b>Risk</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>Total</b>
<b>No of Premises</b>	5	132	893	231	478	2051

The Service becomes aware of new food businesses by:

- receiving food premises registration forms (food businesses are required by law to register with local councils);
- general surveillance of the area by officers;
- advertisements seen in the local press.
- information from existing businesses and the public on changes in ownership, usage etc.

New businesses are flagged for an initial inspection following which they will be risk rated in accordance with Annex 5 of the Food law Code of Practice. Until that happens the business is unrated.

The FSA re-issued the Food Law Code of Practice in June 2008, to bring the document into line with the better regulation agenda and the Regulatory Reform Act. The new Code can be viewed at <http://www.food.gov.uk/enforcement/enforcework/foodlawcop/copenpla/nd/> and includes a number of changes. The two fundamental changes relate to a complete overhaul of the Local Authority Enforcement Monitoring System (LAEMS) and the replacement of a strictly inspection-focused approach to food law enforcement in certain medium and lower risk premises (risk categories C and below). This is intended to allow for a more flexible approach in those premises

assessed as being “broadly compliant”. Although these businesses must still receive an intervention at the prescribed frequency, the approach allows local authorities to use a wider range of defined intervention options in order to work towards increased business compliance within a set framework, while focusing resources on those businesses requiring more effort to secure compliance. High-risk premises rated A or B for hygiene must continue to receive a full inspection or audit as their main intervention. Given the make-up and turnover of food businesses in the area it is anticipated that the majority of Central Bedfordshire’s food businesses in risk category C may also continue to require a full inspection as their main intervention.

Where D rated premises are deemed broadly compliant the Code allows for every alternate intervention to be an unofficial control, the intention being to reduce the officer time spent on lower risk premises and reduce burdens on compliant businesses.

Premises with an intervention rating of category E for hygiene may be dealt with by an Alternative Enforcement Strategy (AES). This allows for the removal of very low risk food businesses (e.g. those having only vending machines or providing very low risk items such as teas, coffees etc) from the inspection programme. However businesses classified in this way must still receive a food hygiene intervention at least once every three years. Mobile food vendors and similar businesses which are registered with the Council, but only trade outside its area, are subject to an initial inspection but are not included in the inspection programme. Businesses falling into these two groups will receive mail shots on food law enforcement issues, and may also receive targeted enforcement visits, but will not be included in the programme of inspections unless complaints or referrals from other local authorities are received.

It should be noted that a potentially significant change in approach to food hygiene interventions may flow from the Pennington Report into the E. coli 0157 outbreak in 2005, published in March 2009. The FSA at its Board Meeting in April 2009 established a programme management board which will report back with initial proposals in response to the report recommendations in July 2009. The following areas of work will be addressed:

- uptake of food safety management systems by food business operators
- knowledge, training and skills of enforcement officials
- consistent and appropriate risk based enforcement
- audit and monitoring of enforcement
- evaluation to ensure programme objectives of securing public health protection are met
- improving our understanding of the science
- the adequacy of legal powers to ensure food safety and effective penalties for non-compliance

- joined-up working, between organisations in the food safety system, not only at working officials level, but also at the higher echelons of organisations.

The FSA Board has acknowledged that a change of culture is required to ensure that identified weaknesses are properly identified and escalated within the enforcement hierarchy. Furthermore it has clearly signalled that it does not endorse “light touch” enforcement. It is anticipated that significant changes in approach will be imposed by FSA during the life of this plan which could impact on officer resource as a result of the need for training and re-prioritisation of the intervention strategy.

### **Food standards inspections**

As at 1<sup>st</sup> April 2009 a total of 1577 premises were subject to food standards (composition and labelling) interventions. The risk profile at 1<sup>st</sup> April 2009 is shown in Table 2 below.

Food standards inspections are carried out in accordance with the LACoRS Trading Standards Risk Assessment Scheme. The basis of the scheme is that each business within the local authority’s area receives a score to direct enforcement actions to deal with the risk posed by the business, as opposed to a scheme which is based purely on inspection as a means of dealing with the risks. This means that businesses which would not otherwise be on the database are included, as they can pose a trading standards risk which may be dealt with via other mechanisms (e.g. surveys, test purchases etc).

The scheme comprises a national element that is scored on a national basis and a local element that is particular to the individual business and determined by the local authority. The national element of the scheme deals with the potential risk while the local element of the scheme deals with the particular business’ systems of risk management. The local authority determines this by assessing compliance levels, complaints received and systems of management control used in the particular business. The overall risk score for the business is determined by adding the national score for the business type, to the local score for the individual business. The scheme categorises businesses into high, medium, and low risk. The overall score is used to determine the frequency of enforcement actions. These can take the form of inspections, test purchasing, sampling, targeted enforcement projects etc.

**Table 2**

*Number of food businesses (food standards)*

<b>Risk</b>	<b>High</b>	<b>Medium</b>	<b>Low</b>	<b>Total</b>
<b>No of premises</b>	<b>27</b>	<b>650</b>	<b>900</b>	<b>1577</b>

At 1<sup>st</sup> April 2009 there are a total of 310 feedingstuffs premises in the area. The risk profile is shown in Table 3 below. Feedingstuffs inspections are also carried out in accordance with LACoRS Trading Standards Risk Assessment Scheme. Those premises that require Feed Hygiene inspections are currently risked scored using the Animal Feed Law Inspection Rating Scheme in the Animal Feed Law Code of Practice. The relevant score from either of these schemes is used to determine the frequency of interventions, which may take the form of inspections, sampling or targeted enforcement projects.

**Table 3**

*Number of feedingstuffs premises*

<b>Risk</b>	<b>High</b>	<b>Medium</b>	<b>Low</b>	<b>Total</b>
<b>No of premises</b>	<b>0</b>	<b>23</b>	<b>287</b>	<b>310</b>

## **2.9 Access to the service**

The Public Protection is currently located at Priory House, Monks Walk, Chicksands, Shefford; District Offices, High Street North, Dunstable; or Borough Hall, Cauldwell Street, Bedford. Customers may contact us in the following ways:

- By telephone between 8:30am – 5:30pm (4:30pm on Fridays) on 0300 300 8000
- By Fax on 08702 432122
- By email on individual officer email addresses or [customer.services@centralbedfordshire.gov.uk](mailto:customer.services@centralbedfordshire.gov.uk)
- Out of regular office hours there is an officer on call for emergency situations. The number to access this service is 01582 665698
- In person by calling into our reception areas at Priory House, Monks Walk, Chicksands, Shefford; District Offices, High Street North, Dunstable; or Borough Hall, Cauldwell Street, Bedford.

In order to assist customers whose first spoken or written language is not English the authority is able to offer through Language Line the following:

- a 24 hour telephone interpreting service,
- a written translation service
- a face-to-face interpreting service.

In addition to the main offices listed above, the Council operates three one-stop shop advice points known as Customer Contact Centres in Ampthill, Biggleswade, and Leighton Buzzard. The Customer Services team deals with enquiries face to face, via telephone and by email. The centres are open to the public from 8.30am - 5.00pm (4.30pm on Fridays) for all services.

## **2.10 Enforcement Policy**

The Public Protection service is bound by the Directorate Enforcement Policy. It also operates in accordance with the Food Safety and Health and Safety Enforcement Policies. All of these policies comply with the principles of the Central and Local Government Concordat on Good Enforcement Practice and the Regulators' Compliance Code.

### **3.0 Service Delivery**

#### **3.1 Food and Feedingstuffs Premises Inspections**

It is the Council's policy to ensure that inspection activity is focused on the higher risk premises as a priority and that inspections are undertaken in accordance with the Food Law Code of Practice and other recognised guidance, such as that issued by LACoRS.

Officers will determine the risk by using the risk rating schemes identified in the Food Law Code of Practice Annex 5. All officers undertaking inspections, investigating complaints, giving advice and taking samples will meet the qualification and experience requirements which are detailed by the Food Law Code of Practice, Chapter 1.2.

The Feed Law Code of Practice sets out instructions and criteria to which local authorities – the feed authorities – should have regard when engaged in the enforcement of animal feed law. Feed authorities must follow and implement the provisions of the code that apply to them. The code of practice has been issued under the Official Feed and Food Control Regulations 2006. These permit Ministers to issue codes of practice in their capacity as competent authorities, under EC Regulation 882/2004 on official controls performed to ensure verification of compliance with feed and food law, animal health and animal welfare rules.

An AES for lower risk premises during the year will continue, in accordance with the Code of Practice following the successful use of self-assessment questionnaires in previous years, whereby all low risk food premises were asked to complete a detailed assessment of their operation. Businesses that either fail to return a questionnaire or are deemed to require an inspection are re-included in the inspection programme.

Businesses in category E for food hygiene are no longer subject to programmed inspections, but will receive information, and enforcement interventions as deemed appropriate to the nature of their operation. The Code of Practice requires that all premises falling outside the routine inspection regime for food hygiene must be subject to alternative enforcement strategies not less than once every 3 years. For low risk food standards inspections this must be not less than once every 5 years. Interventions targeted at these businesses will focus on issues commonly associated with the low risk premises and identified through local, regional or national intelligence. Despite the overall low risk nature of such businesses, development and delivery of appropriate interventions will also demand a significant amount of officer time, which is accounted for in this plan.

The proposed inspection activity for 2009-2010 is set out in Tables 4 and 5 below. The estimated figures do not include new premises which

will register and require inspection and also those premises which become Category A rated requiring a 6 monthly inspection and therefore 2 inspections in the year period. It also varies from Figure 3 as some premises have changed risk category following inspection, i.e. moved from a C to a B category. It is estimated that the total staffing resources for programmed food hygiene and standards inspections in 2009-2010 is 3.62 FTE.

**Table 4**

*Food hygiene inspections due 2009/10*

<b>Risk</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>Total</b>
<b>No of Inspections</b>	10	132	542	100	159	943

**Table 5**

*Food standards inspections due 2009/10*

<b>Risk</b>	<b>High</b>	<b>Medium</b>	<b>Low</b>	<b>Total</b>
<b>No of Inspections</b>	25	51	26	102

### **Feedingstuffs premises**

There are currently 135 businesses known to sell animal feeds located in the area. These businesses will be visited in the event of any complaints being made and may be targeted for sampling during the year should intelligence suggest a need, or if specifically directed by the FSA. There are also currently 144 livestock farms registered for the purposes of Feed Hygiene legislation, therefore targeted enforcement will be carried out in combination with an animal health and welfare routine inspections. Other Feed Hygiene registered businesses will be visited in the event of a complaint or other intelligence received.

### **3.2 Food and feedingstuffs service requests**

Food related service requests investigated by the service fall into one of the following broad categories:

- Foodstuffs (contamination, composition, labelling)



- Complaints about food businesses (hygiene, pests, etc.)
- Food Alerts (issued by the FSA)
- Health and safety concerns in food premises
- Refuse/general public health/drainage
- Home Authority enquiries from businesses or other local authorities

Investigations of foodstuff complaints are carried out in accordance with LACoRS guidelines. Other service requests are investigated in accordance with established procedures. A response time of 3 days must be met.

A total of 129 service requests were received for 2008-2009. Of these, 45 related to complaints about food premises within the area and 84 specifically related to foodstuffs purchased by residents of the area. Based on previous years complaints it could be estimated that 150 complaints will be received in 2009-2010, requiring an estimated staffing resource of 1.7 FTE.

### **3.3 Home Authority Principle and Primary Authority scheme**

The service supports the Home Authority Principle of liaising with Home or Originating Authorities on issues which have national implications to ensure consistency of approach and implementation of good practice. A local authority acting as a home or originating authority will place special emphasis on the safety of food originating within its area. It aims to prevent infringements by offering advice and guidance at source in order to maintain high standards of public protection at minimum cost.

With effect from 6<sup>th</sup> April 2009 Central Bedfordshire is participating in one of three national pilots for the Primary Authority Scheme with Moto Hospitality. Initially the scope is limited to food safety and trading standards activities, but work is ongoing to expand this to cover health and safety and environmental permitting.

The scheme is administered by the LBRO and benefits local authorities by providing a platform for assisting businesses in generating economic prosperity without compromising consumer protection from harm and fraud. It delivers a means of applying environmental health and trading standards legislation that is linked to area priorities but coordinated more widely.

Through partnerships with businesses the focus can shift to securing compliance by providing proactive advice with added confidence that this will be respected by colleagues in other localities. Primary authorities will be able to support proportionate decision making by local authorities through their detailed understanding of the business. They will also enable resources to be focused on the areas of highest need, while avoiding the duplication of effort.

There are currently 27 Home Authority partnerships for food standards, food hygiene and, where applicable, feedingstuffs. As well as liaising with the businesses, complaints referred from other local authorities will be assessed and investigated as necessary. Details of all home authority contacts are listed on a secure, national database maintained by LACoRS and used by all local authorities.

It is estimated that the operation of formal partnerships within Central Bedfordshire will require approximately 0.35 FTE. Additional resources may be required if the premises are implicated or subjected to a complaint.

### **3.4 Advice to Businesses**

The Council will work with businesses to help them comply with the legislation and to encourage best practice which will be achieved through:

- The provision of certificated food hygiene courses
- Enabling access to other accredited courses locally.
- A bi annual newsletter to all food businesses within the area.
- The provision of advice leaflets and access to information via the Council's website.
- Advice provided during the course of inspections.
- Responding to enquiries and requests for information.
- Issuing press releases for Food Alerts.
- Promoting Food Safety Week.

Food Hygiene Regulations now require all food businesses to have demonstrable food safety management systems in place. The FSA has established the Safer Food Better Business (SFBB) project to assist catering businesses to achieve this via a "self-help" route. A joint Hertfordshire and Bedfordshire local authority consortium was established to deliver the project which secured £144k from the FSA to deliver SFBB training and support across the two counties. This project was delivered during 2006/07 and continued throughout 2007/08 and 2008/09 on a smaller scale. Officers will continue to provide SFBB coaching as required by businesses, and specific seminars for businesses on this topic will continue to be delivered, on a demand driven basis.

It is estimated that during 2009-2010 that responding to enquiries and requests for information will require a staffing resource of 0.35 FTE.

### **3.5 Food and feedingstuffs sampling**

The Council will target its food sampling programme for microbiological sampling and analysis using the following criteria:

- Food poisoning outbreaks.
- Importers and distributors located in the area
- Food complaints where relevant.
  
- Manufacturers and producers in the area.
- Businesses engaged in the handling and or preparation of high-risk foods.
- Businesses identified for sampling as part of a national, regional or EU scheme.
  
- Businesses subject to consumer complaints.

All sampling will be undertaken in accordance with the relevant legislation and in particular the Food Law Code of Practice, Chapter 6.1.

In preparing the annual sampling programme consideration will be given to participating in the relevant sampling initiatives which are devised and co-ordinated by the following local and national partners:

- LACoRS
- London Food, Water and Environmental Microbiology Laboratory, Colindale
- EETSA
- Public Analyst
- HEBEG Food Study Group
- Bedfordshire Food Liaison Group
- FSA funded surveys

A minimum number of samples will be taken to satisfy the requirements for each local authority as part of any microbiological survey. The likelihood is that approximately 160 samples will be taken for analysis, including food complaints.

Samples will be analysed by the laboratories authorised by the Council as outlined in Appendix 1. These will be taken in accordance with the procedures laid down in the Food Law Code of Practice.

It is estimated that the sampling programme during the year 2009-2010 will require a resource of 0.40 FTE.

### **3.6 Control and Investigation of Outbreaks and Food Related Infectious Disease**

Food related infectious disease would be investigated in accordance with procedures agreed with the Consultant in Communicable Disease Control (CCDC). All notifications of illness will be responded to within three days

and any infection activity indicating an outbreak will be communicated to the CCDC without delay and responded to within 24 hours. Investigation of outbreaks will be in accordance with the Outbreak Control Plan agreed by the Bedfordshire Control of Infection Committee.

The Service will continue to work with the Bedfordshire and Hertfordshire Health Protection Unit in the development of working arrangements for the investigation of infectious diseases and protocols for outbreak management. This will include regular liaison with Bedfordshire Health Protection Committee, to review infectious disease issues in the area and identify actions to deal them.

Based on the demand for this service in 2008-2009, it is estimated that in excess of 250 infectious disease investigations will be undertaken in 2009-2010, which will require a staffing resource of 0.49 FTE. In the event of an outbreak this estimate may significantly increase.

### **3.7 Food Safety Incidents and food alerts**

The Council will respond as appropriate to Food Alerts and in accordance with the Food Law Code of Practice, Chapter 2.2.

Food Alerts are transmitted electronically via a designated secure e-mail link from the FSA. On receipt of the Alert the responsible officer will ensure it is distributed electronically as appropriate to other Council services, the Council's Communications Team, Home Authority businesses who have requested food alert details and the Trading Standards Consumer Advisors. All actions taken will be in line with the advice given in the Alert.

It is difficult to predict with accuracy the level of resources required. However, it is estimated that in excess of 60 Food Hazard Warnings can be expected which is likely to require approximately 0.11 FTE.

### **3.8 Liaison with other organisations**

The Council have made a number of arrangements to ensure that enforcement action is consistent with other neighbouring authorities. Regular dialogue and meetings take place at the following local forums:

- HEBEG Food Study Group
- EETSA Food Task Group
- Bedfordshire Food Liaison Group
- LACoRS
- Bedfordshire and Hertfordshire Control of Infection Committee
- Care Quality Commission, Enforcement Liaison Group
- HEBEG Food Sampling Group

- Three Valleys Water Health and Local Authority Liaison meetings
- Anglian Water Health and Local Authority Liaison meetings
- APP (Formerly FLARE) User Group

Officers also have access to the following information databases to assist with queries and to promote fair and consistent enforcement:

- Barbour Online reference resource.
- Publications reference library.
- Consultancy advice from Campden and Chorleywood Food Research Association (CCFRA).
- Networked EHCnet access.
- Access to Environmental Health Briefing via EHCnet.

It is estimated that during the year 2009-2010 this activity will require a staffing resource of 0.11 FTE.

### **3.9 Food and feedingstuffs safety and standards promotion**

Subject to resources, the following projects aimed at promoting food law enforcement are planned for 2009-2010:

- Continue to operate and promote the Scores-on-the-Doors (SoD) scheme with a view to driving up standards in the area's food businesses, and work with the Herts and Beds SoD Steering Group to review the existing scheme in the light of the FSA's progress towards a national scheme.
- Continuing with the FSA national food hygiene campaign, particularly progressing the work done during 2008-2009 on SFBB
- Expand the range of advice materials available to food businesses via the Central Bedfordshire website.
- Explore opportunities for alternative means of delivering food hygiene training in partnership with other agencies / venues
- Work with the Early Years Service to ensure all child minders / childcare providers are registered as food operators and provide advice and training
- Continue to revise all advice leaflets and guidance notes relating to food hygiene and food standards in line with recent regulatory changes and the corporate standard and improve accessibility to the information
- Continue to explore potential for joint working with health providers on issues of public health for example, the healthy eating agenda.
- Focus on new opportunities for publicising Scores on the Doors.

Promotional work undertaken will include press releases and elected member briefing notes.

Where resources permit, at least six Level 2 Food Safety Awareness Courses (formerly Foundation Certificate in Food Hygiene) in English and at least one in a minority ethnic language, will be delivered subject to demand. The latter course will be made available in collaboration with other local authorities. We will also explore opportunities for alternative means of delivering training in partnership with other agencies / venues.

The effectiveness of Food Hygiene training will continue to be assessed by way of an evaluation sheet completed by candidates finishing the course. Efforts will continue to explore ways of evaluating the effectiveness of each promotional activity before commencement.

It is estimated that during 2009-2010 a staffing resource of 0.23 FTE will be required to undertake these promotional activities.

## 4.0 Resources

### 4.1 Financial Allocation

The budget allocation for Food Safety in 2008-2009 and 2009-2010 is set out in Table 6 below.

*This information is awaited following closure of accounts for the legacy authorities*

Budget	2008 - 2009	2009 - 2010 (Estimate)
Staffing		
Transport costs		
Supplies and services		
Premises costs		
Central support costs		
<b>Gross expenditure</b>		
Income		
<b>Net cost of service</b>		
Population		
Cost per head of population including central support costs		

Costs are met from the overall service budget for court action and where Counsel opinion or a barrister is required after consultation with Legal Services each case will be considered on its merits with the enforcement policy as a guide. All costs arising from successful cases in the magistrates' court will be paid back into Democratic and Legal Services. Consultants costs or in rare cases of requesting costs for witnesses, will be paid over to the Public Protection budget.

### 4.2 Staffing Allocation

The qualifications for all officers having a direct food law enforcement role are shown in Table 7 below.

Authorised Officers	No. of Officers
Degree / Diploma in Environmental Health	5
Higher Certificate in Food Premises Inspections	2
Food standards enforcement	5
Administrative support/Non-authorised officer	3
<b>Total (Authorised officers only)</b>	<b>7</b>

The Table 8 below states what types of enforcement activity officers are authorised to undertake given their qualifications and experience. Levels of competencies are expressed with reference to the Food Law Code of Practice

<b>Authorisation</b>	<b>No. of Officers</b>
Inspect Risk category A –B	7
Inspect risk category C – E	7
Inspection seizure and detention of food	4
Service of improvement notices	7
Service of Emergency Prohibition Notices (closures)	4
Informal Sampling	7
Formal Sampling	7

#### **4.3 Staff development plan**

Officers will be appropriately qualified and receive regular training to maintain and improve their level of competence. For 2009-2010 all officers will have access to at least 10 hours update training per year, as required by the Food Law Code of Practice.

The training structure comprises:

- Recruitment of officers with appropriate levels of competence in food law enforcement
- Evidence of formal qualifications commencing appointment and copies held on personal file
- In-house professional Competence Framework
- Performance appraisals and formal identification of training need

An estimated 8 days training has been allocated per full time team member (pro rata) which equates to 0.53 FTE.



## 5.0 Quality Assessment

The measures and monitoring arrangements which will be taken to assess the quality of the Authority's service including performance against the standard are outlined below:

- Inspection evaluation questionnaire sent out following a programmed inspection, food complaint, infectious disease case or food hygiene training course.
- Review samples of post inspection paperwork and undertake shadow visits as to be determined.
- Peer Group inspection performance.
- Benchmarking for Best Value for key services in Hertfordshire and Bedfordshire.
- Regular Team Meetings.
- One-to-one meetings between individual staff and their line manager.
- Six monthly appraisals and development reviews.
- Annual review of practice against enforcement policy.
- Development of on-line consistency exercise for Herts and Beds officers in relation to food premises risk ratings

The Public Protection South team was accredited to the ISO 9001 quality standard in January 2009 across all of its regulatory activities. This provides a framework to monitor and improve performance including managing risk, driving continuous improvement and raising levels of customer satisfaction. It is also intended that the documented procedures required by the FSA framework agreement will be reviewed and harmonised.

## **6.0 Review**

### **6.1 Review against the Service Plan**

Local Performance Indicators, which include response times to complaints and the level of programmed inspections, form part of the Sustainable Communities Service Plan. This is monitored and reviewed quarterly by senior management, the Portfolio Holder and the Executive.

Enforcement activity for 2008-2009 is summarised at Appendix 2. Targets for 2009-2010, which have been identified within the service plan, relevant to food safety are illustrated in Appendix 4. A full review of the Service Plan is undertaken annually and the Head of Public Protection will integrate any changes into the Food Safety Service Plan concurrently.

### **6.2 Identification of any Variation from the Service Plan.**

Performance Indicators are reviewed on a quarterly basis and significant variations reported identifying remedial action when required. These are illustrated for 2009-2010 in Appendix 4.

### **6.3 Areas for Improvement.**

Any service issues identified during the reviews or by routine performance monitoring will be recorded in writing and an appropriate action plan to address those service issues agreed with the Head of Public Protection.

## **Appendix 1 External experts for food examination and analysis**

### **Public Analyst appointed by the Council**

Hampshire and Kent Scientific Services, Southsea, Hampshire

### **Food Examiner**

*Microbiological examination of foodstuffs*

Public Health Laboratory Service, Communicable Surveillance Centre, 61  
Colindale Avenue, London.

### **Entomology**

Examination and identification of insects.

Dr J Maunder, Medical Entomology Centre, Cambridge.

### **Consultant in Communicable Disease**

Dr M McEvoy, Bedfordshire and Hertfordshire Health Protection Unit  
(Health Protection Agency), Letchworth

### **Provision of Food Technology advice**

Campden BRI (formerly Campden and Chorleywood Food Research  
Association), Chipping Campden

### **Contractor for Food Hygiene Inspections**

Hadley Environmental Services, St Ives, Cambs

**Appendix 2** Schedule of Enforcement Activity 1<sup>st</sup> April 2008 – 31<sup>st</sup> March 2009

<b>Enforcement Activity</b>	<b>Number</b>
Food Hygiene Inspections	1049
Food Standards Inspections	33
Written Warning Letters	489
Informal Letters	44
Hygiene Improvement Notices	7
Emergency Prohibition Notices	0
Voluntary Closure	4
Prosecution	0
Simple caution	1

**Appendix 3** National Performance Indicators

<b>Reference</b>	<b>Indicator</b>	<b>Target</b>
NI184	Food establishments in the area which are broadly compliant with food hygiene law	100%
NI182	Satisfaction of Businesses with local authority regulatory services	98-100%

**Appendix 4** Estimated Staff Resources per Activity 2009/2010

<u>FOOD SERVICE ACTIVITY</u>	<u>FULL TIME EQUIVALENTS</u>	
FOOD SAFETY INTERVENTIONS	3.60	
FOOD STANDARDS/FEEDINGSTUFFS INTERVENTIONS	1.20	
FOOD AND FEEDINGSTUFFS COMPLAINTS	1.70	
HOME/PRIMARY AUTHORITY PRINCIPLE	0.35	
ADVICE TO BUSINESSES	0.35	
FOOD SAMPLING	0.40	
OUTBREAKS/INFECTIOUS DISEASES	0.49	
FOOD SAFETY INCIDENTS	0.11	
LIAISON WITH OTHER AGENCIES	0.11	
FOOD SAFETY PROMOTION	0.23	
OFFICER TRAINING	0.53	
QUALITY ASSESSMENT	0.25	
REVIEW AND PROCESS CONTROL	0.40	
TOTAL	9.72	<b>FTE per year</b>

**Estimated Staff Resources Available in Food Service 2009/10**

TOTAL 9.40 **FTE per year**

*Plus contractor at 0.32 FTE*

## Glossary of Terms

**Emergency Prohibition Notice** – Legal notice requiring immediate closure of premises, equipment or a process

**Food Alert** – Communication from the Food Standards Agency to a Food Authority concerning a food hazard or other food incident.

**Food Examiner** – A specialist analyst capable of and accredited to carry out examination of foodstuffs for microbiological safety

**Food Legislation** – This encompasses both European and domestic legislation

**High risk premises** – Premises requiring inspection at a minimum frequency of 6 or 12 months (risk band A & B respectively)

**Health Protection Agency (HPA)** - Its role is to provide an integrated approach to protecting UK public health through the provision of support and advice to the NHS, local authorities, emergency services, the Department of Health and the Devolved Administrations.

**Hygiene Improvement Notice** – Legal notice requiring works to be completed within fixed timescale

**Low risk premises** – Premises inspected at a minimum frequency of 24 months or less (risk band D)

**Medium risk premises** – Premises requiring inspection at a minimum frequency of 18 months (risk band C)

**Public Analyst** – A specialist analyst formally appointed by the Council to carry out examination of food complaint samples

**Simple Caution** - Under certain circumstances, a simple caution may be used as an alternative to prosecution. If a simple caution is offered the defendant must admit the offence and understand its significance. A caution is recorded as a conviction on the Central Register of Convictions held by the Office of Fair Trading and may be cited in subsequent court proceedings. A simple caution is recorded for a period of 3 years.