

# CHELTENHAM BOROUGH COUNCIL

## PUBLIC PROTECTION DIVISION

### Framework Agreement on Food Law Enforcement

#### Food Service Plan 2006 - 2007

#### Introduction

This service plan is dedicated to the food safety enforcement function at Cheltenham Borough Council. It has been reviewed in accordance with the Food Standards Agency's Service Planning Guidance for Food Law Enforcement and sets out the Division's food safety objectives for the year 2006/2007.

The Food Standards Agency through powers contained in the Food Standards Act 1999 actively monitors and audits local authority performance against the requirements of the Framework Agreement including the content of the Service Plan in order to ensure they are providing an effective service to protect public health. The Food Standards Agency also requires that service plans be submitted for member approval to ensure local transparency and accountability.

This Service Aim is consistent with the council's stated aims in its plan *Our Town, Our Future* to 'maintain and develop the economic, social and environmental well being of Cheltenham.' It will contribute towards the overall health, safety and welfare of the community by:

- Protecting consumers using food safety and licensing control powers
- Raising awareness of food safety through education of both businesses and consumers
- Improving the quality of life and promoting the health of the community
- Working to reduce the incidence of food borne disease
- Encouraging businesses to offer healthier food options
- Assisting businesses to develop and sustain good practices leading to job creation and retention within the district
- By ensuring that services are appropriate and accessible to all sections of the community

#### Service Aims and Objectives

##### Our Aims are:

- To provide a comprehensive food service, which seeks to ensure the fitness of food produced and sold within the District.
- To increase public confidence in the safety of food sold within the District and in the Food Service the Council provides.
- To provide a food safety service that meets the requirements of the Food Standards Agency and guidance issued by LACORS (Local

Authority Coordinators of Regulatory Services) and agrees with the principles of the Enforcement Concordat.

- To encourage good hygiene practices by food handlers during inspection and through education and training.

#### **We will achieve this by:**

- Providing high quality advice and training to businesses to enable them to comply with legislative requirements and good practice.
- Using firm but fair application of legislation
- Investigating all complaints about the condition of food and food premises
- Ensuring that enforcement officers are competent and highly skilled
- Implementing a local sampling strategy and contribute towards national sampling initiatives

#### **Our Objectives**

- To inspect 100% of high risk food premises and 95% of low risk food premises between 1<sup>st</sup> April 2006 and 31st March 2007.
- To secure compliance with food safety law having regard to official codes of practice and guidance
- To ensure that food is fit to eat and free from extraneous matter
- Meet the demand for food hygiene training to businesses within the District.
- Take immediate and appropriate action to identify any risks to consumers through publicity, withdrawal from sale and ensuring the hazard is removed
- To encourage standards of hygiene higher than the minimum acceptable by law
- To improve the monitoring of officers for consistency of service delivery
- To continually develop and improve the service to meet the needs of customers, statutory requirements and maintain best practice.
- To liaise with local businesses, regulators and other local authorities to ensure a consistent approach to enforcement.

#### **Background**

##### **Profile of Cheltenham Borough Council**

Cheltenham is an attractive and vibrant, town serving an extensive catchment area in central and eastern Gloucestershire and the South Midlands. It is ranked in the top thirty regional shopping centres in the UK, third in the Southwest and having the eighteenth best consumer expenditure in Great Britain.

History records that Royal patronage from King George III led Cheltenham to become one of England's most fashionable spa towns, sparking off a huge wave of growth and investment. Since then, Cheltenham's economy has continued to grow, innovate and diversify. The town now offers a wide range of educational and employment opportunities, a year-round programme of festivals and events, plus a strong cultural and sporting profile.

The borough is based on the town of Cheltenham and is mainly urban with some areas of surrounding countryside. It covers an area of approximately 4,680 hectares and has a population of over 109,000.

The town has a wealth of restaurants and eating places and twice a month it hosts a farmers market offering a great opportunity to sample local produce. There are currently 993 registered food businesses in the borough.

## **Organisational structure**

The Food Safety Service at Cheltenham Borough Council is provided by a dedicated team within the Public Protection Division.

The Environmental Health Manager (Programmed Services) is responsible for overall service delivery and has specialist responsibility for food safety, health and safety, infectious disease control and certain licensing functions.

Management of the food service includes resource management, interpretation of the requirements of legislation and government departments, formulation of policy for approval by elected members and the provision of an enhanced level of formal quality control.

The Environmental Health Manager is also Member of the Gloucestershire Chief Officers Group and a mentor for the Gloucestershire Food Liaison Group.

Food Safety duties are undertaken by a multidisciplinary team of 5 officers that deal with the following service areas.

Food Safety enforcement

Food Complaints

Food Sampling

Food Export/ Import

Food EC Approvals

Investigation and control of food borne disease and other notifiable infections

Health and Safety Enforcement

Health and Safety Complaints

Accident Investigation

Licensing, health education/promotion in the associated work areas listed above

Food hygiene training

Registration of skin piercing activities and tattoists

Licensing of Animal welfare establishments

Licensing and planning consultations

Food safety and consumer protection matters relating to food standards (labelling, quality and nature) are dealt with by Gloucestershire County Council Trading Standards Department. A Trading standards Officer attends as a member of the Food Safety Liaison Group and where possible liaison and joint visits are undertaken between appropriate officers on specific problems and issues.

## **Scope of the Food Service**

The service is largely driven by statute, which places obligations and dictates the manner and extent of service delivery. The provision of the service is

governed by primary legislation supported by associated regulations, Codes of Practice and Central Guidance.

Food Hygiene Inspections are undertaken at a predetermined date and in accordance with the minimum inspection frequency detailed in Code of Practice. A 100% inspection rate is expected of all those premises due inspection within both high and low risk categories. The inspections are undertaken on a daytime and evening basis in order to comply with the Food Standards Agency requirement for more out of hour's enforcement. Food inspections will also encompass a slips and trips assessment as part of our contribution towards the Fit 3 Health and Safety programme, or a full health and safety inspection if the premises are newly registered.

EC Approvals - Premises whose food production brings them within the approval requirements of a specific Vertical Directive are inspected and issued with an approval number specific to the Borough.

The section provides the following services:

- Information, advice and guidance for local businesses to assist them in complying with their legal responsibilities and promote good practice.
- Planned inspections of food premises in accordance with risk to ensure they comply with food safety legislation.
- Ensuring that premises which require approval under vertical hygiene legislation (meat products, dairy products, and fish products) are dealt with in accordance with such legislation.
- Undertake sampling and analysis of foods to check their compliance with safety requirements.
- Investigate alleged contraventions in relation to the sale of food and lawful operation of a food business.
- Investigate complaints in relation to food and food businesses.
- Investigate, prevent and control outbreaks and incidences of food poisoning and food borne disease.
- Manage food hazard warnings (issued by the Food Standards Agency) as they relate to the local food trade.
- Carry out formal enforcement if necessary including the seizure of food, service of notices, closure of premises and prosecution of offenders.
- The education and training of staff in food hygiene matters.
- Keep a register of food businesses operating within the district.

The service also provides the following additional functions:

- Health and Safety inspections and enforcement in all commercial premises including food businesses.
- The investigation of alleged contravention's in relation to occupational health and safety in food businesses.
- Consultation with external agencies and internal services i.e. trading standards, planning.
- Health Promotion.
- Sampling of Private Water Supplies

## The Service Delivery Point

Address	Hours	Contact details
Cheltenham Borough Council Municipal Offices Promenade Cheltenham GL50 1PP	Mon, Tue, Thurs and Fri 09.00-17.00 Wed 09.30- 17.00	01242 775020 <a href="mailto:env.health@cheltenham.gov.uk">env.health@cheltenham.gov.uk</a> Out of hours – answer phone service or on call officer for significant emergencies.

## External factors impacting on the service.

The following factors have a significant impact on its delivery:

- Officers are responsible for a full range of duties including health and safety enforcement and licensing. They may, therefore, be called upon to respond to unforeseen emergencies within that work area i.e. deal with a fatality or serious accident.
- Being an attractive tourist area there are a number of outdoor events that take place during the year. These include the annual National Hunt Festival, Greenbelt, Mantra and Wychwood Festivals all held at Cheltenham Racecourse.
- Cheltenham's status as a shopping and tourism centre has made it attractive as a venue for street markets including the fortnightly run Farmers market and the Xmas German market.
- The Council also acts in a nominal sense as Home Authority for the multi-national food manufacturer Kraft Foods Ltd which is based in Cheltenham. This relationship can demand significant input from the council, especially in liaison with other enforcing authorities.
- The council's functions in respect of the safety of Private Water Supplies are discharged by the Food Service. The time commitment currently for this duty is two annual sampling rounds one taking place in March, the other in September. There are currently 24 premises served by private supplies registered with the council.

## Enforcement Policy.

Cheltenham Borough Council has adopted and published a corporate enforcement policy, based on the Enforcement Concordat, which will form the basis of all enforcement action undertaken by the Food Service.

## Service Delivery

### Staff Development and Training

All food safety officers will abide by this service plan and the quality of their work, their competency and consistency will be assessed by the Environmental Health Manager (Programmed Services) through management verification.

All staff undertaking food safety work will:

- be courteous and always identify themselves by name
- provide clear information and advice on food safety requirements
- discuss specific compliance failures and ensure these are clearly understood
- carry out their duties in a fair and equitable manner and consistent with good practice
- focus any course of action upon assessment of the risk to public health

All officers undertaking food safety work meet the qualifications and experience requirements detailed in the Food Safety Act Code of Practice.

Environmental Health Officers are issued with full authorisation including the ability to seize and detain food and serve Emergency Prohibition Notices. Technical Officers are authorised to serve Improvement Notices.

All authorised officers are required to receive a minimum of 10 hours relevant structured food safety training per year based on the principles of continuing professional development. Environmental Health Officers are required to complete 20 hrs in total of relevant core training.

The majority of training opportunities provided to all members of the team is aimed at ensuring their enforcement skills keep pace with good practice. The training needs of each member of staff is agreed and documented during annual appraisals.

## **Quality Assessment**

Officers are required to be consistent in their approach to food safety. To achieve and maintain this consistency officers will always have regards to appropriate guidance in statutory Codes of Practice, LACORS guidance and circulars and advice from the Food Standards Agency and the Chartered Institute of Environmental Health.

The following measures are in place to assess the quality of service and performance against the standard:

- Service delivery is controlled through implementation of documented enforcement and delivery policies and procedures, which are consistent with Food Standards Agency requirements.
- The quality and standard of inspections is monitored by the Environmental Health Manager (Programmed Services) who will periodically scrutinise letters, reports and enforcement decisions to identify inconsistencies. Consistency and good practice will also be discussed during regular team meetings as will the sharing of information and training.
- Accompanied visits with the Environmental Health Manager.
- Monitoring of customer satisfaction is undertaken through an ongoing customer survey.

- Participation in the Gloucestershire inter-authority audit process.
- The service is monitored against service standards and performance indicators and internal based systems monitor the performance of each individual officer.

## **Food Premises Inspections**

The Food Safety Act 1990 places a statutory duty on local authorities to undertake food hygiene inspections and provide returns detailing performance in respect of food regulation. For the purposes of the Act, the Council are the competent Food Authority charged with the responsibility of arranging through its Public Protection Division the carrying out of food hygiene inspections in the district in accordance with legislative requirements and associated Codes of Practice.

It is the council's policy to carry out programmed food hygiene inspections, in accordance with the national risk based scheme as detailed in Food Safety Act 1990 and Food Law Code of Practice. Revisits will be carried out where there are significant legal contravention's having due regard to the risk to health posed by these premises.

Inspections will be based on a documented inspection protocol. This protocol is in the process of being updated as part of a review of all procedures and to incorporate new legislation, which came into force on 1<sup>st</sup> January 2006. The protocol will assist officers and businesses by introducing a structured approach to the inspection process consistent with quality assurance practice.

A key part of this new legislation is the requirement for food businesses to put in place and maintain food safety management procedures based on Hazard Analysis Critical Control (HACCP) based systems.

The Gloucestershire Food Safety Liaison Group was successful in gaining a grant of £368,000 to assist businesses with this legal requirement. The group has also been commended by the Food Standards Agency for their work in this area.

The Agency recognises the crucial role Local Authorities will continue to play in assisting businesses to raise their standards through their routine inspection programmes. In addition the Agency will provide guidance packs, support material and training for enforcers.

The Gloucestershire Food Liaison Group intends to introduce a "Scores on the Doors" system across the County. This will involve publishing a hygiene and confidence in management assessment on the Councils Internet and a sticker placed in a prominent position for public view in food businesses. The details of this scheme are currently being considered and consultation is being undertaken.

The Food Standards Agency are also encouraging local authorities to raise awareness of food hygiene and nutrition issues and is offering grants to local authorities to support such work. The department are therefore considering applying for a grant to widen the current remit of a food hygiene inspection to include health eating advice for proprietors of food businesses. Consideration will also be given to working with schools and vulnerable groups. This will not

have a significant impact on resources and will only add a few minutes to the inspection process. The Environmental Health Manager is qualified to teach nutrition awareness and is currently considering the possibility of offering nutrition training in addition to food hygiene training to businesses within the Borough.

## **Demands on the Service**

Total number of food businesses registered with the authority under the Food Premises (Registration) Regulations 1991: 993

Food businesses approved under the Meat Products (Hygiene) Regulations 1994 (incl. in total above): 2

## **Programmed Inspections for 2005/2006**

<b>Risk Category</b>	<b>Number of Inspections due</b>	<b>Percentage of inspections to be carried out</b>
Category A (every 6 months)	28	100%
Category B (every 12 months)	224	100%
Category C (every 18 months)	275	100%
Category D (every 24 months)	32	100%
Category E (every 36 months)	14	100%
Category F (every 60 months)	15	100%
Unrated	21	100%
<b>Total</b>	<b>609</b>	<b>100%</b>

Local Authorities are encouraged to use alternative enforcement strategies for any premises in risk category E but due to the very low numbers and the work intensity and failure of such strategies in the past it has been decided that these premises will continue to be inspected on a programmed basis.

A total of 188 revisits were undertaken in 2005/2006

## **Food Complaints**

Food related response work generally falls within one of the following categories:

- complaints about food businesses (hygiene, pests, food handling practices)
- food contamination (microbiological, chemical and physical)
- food labelling
- 

Unless particular circumstances, and/or the professional opinion of a

duly authorised investigating officer dictate otherwise, any food complaint concerning mould, other microbiological deterioration, contamination with foreign matter or association with human illness, will receive an initial action within 1 working day of receipt. Other food complaints will receive an initial action within 3 working days of receipt in line with service standards. A significant number of food complaints relate to food sold within the district but manufactured abroad or elsewhere in the UK and these investigations are particularly time- consuming.

## **Home Authority Principle**

The council will consult at an appropriate level with the Home and /or Originating Authority for any food business, in accordance with the Principles laid down in The Food Safety Act 1990 Codes of Practice and Local Authority Co-ordinators of Regulatory Services (LACORS) guidance.

The Council will act as *de facto* Home Authority for Kraft Foods UK Ltd, to the extent that:

It will furnish enforcing authorities with such information as it has which may assist the said authorities to carry out such duties or investigations as are required of them by the Food Safety Act 1990 with respect to the food products of Kraft Foods (UK) Ltd.

It will provide written confirmation to enforcing authorities of such information, if requested.

If requested to do so, it will supervise the examination, under controlled conditions, of food samples and complaints, which may be required to be retained as items of evidence or for further examination or analysis by enforcing authorities, by representatives of Kraft Foods (UK) Ltd.

It will liaise with Kraft Foods (UK) Ltd. and the Food Standards Agency over emergency issues such as product recalls affecting the company's products.

On average, the Home Authority function of the council in respect to this company amounts to liaison with relevant authorities over an average of 8 food complaints per year, and 1 product recall per year. This level of activity accounts for approximately 3 working days for the council per year.

## **Advice to businesses**

It is the policy of the Section to provide assistance to local food businesses when requested to help them comply with the legislation and to encourage the use of best practice. This is achieved through a range of activities including:

- Advice given during inspections and other visits to premises.
- Provision of advisory leaflets
- Responding to service requests and enquiries

Whilst the resources of the Food Service will always be used in proportion to the risk to public health, every effort will be made to accommodate requests for advisory visits to food premises and this will constitute part of the normal work of the Food Service.

## **Food Sampling**

Food Sampling will be carried out in accordance with the sections Sampling Strategy and Sampling Procedure and also as part of a nation wide or regional sampling programme. Samples will be analysed by an UKAS accredited laboratory and in accordance with departmental procedures.

Our food sampling programme for 2005/2006 included the following:

### National Initiatives-

- Packed salad products, which contain meat or fish.
- Sandwiches from hospital or nursing home
- Eggs

### Local Initiative-

Cooked chicken pieces

The Gloucestershire Food Liaison Group working in partnership with Gloucestershire Trading Standards has agreed on a sampling initiative involving Imported Foods for 2006/2007 to address the Food Standards Agency's request for increased surveillance on such foods. There are currently no border inspection posts, enhanced remote transit sheds or importing agents within the District but officers will routinely look at food imports during routine visits to check traceability and fitness with respect to these foods.

Whilst subject to a specific sampling regime, samples of all Private Water Supplies in the borough will be taken by an officer of the Food Service twice per year. The tests to which the water samples are subjected will be in accordance with their supply classification in the Private Water Supplies Regulations 1991 and the samples will be treated in accordance with those Regulations.

It is estimated that an additional 10 samples will be submitted in relation to complaints per year.

The Authority is allocated a total number of credits for each financial year. In addition £2,000 is available for further sampling initiatives and complaint investigations.

The Authority's arrangements for analysis and examination of samples are as follows:

Food Examiner. The Public Health Laboratory Service, Public Health Laboratory, Gloucestershire Royal Hospital, Great Western Road, Gloucester GL1 3NN

Public Analyst. Worcestershire Scientific Services, County Buildings, St. Mary's Street, Worcester. WR1 1TN

## **Control and investigation of outbreaks and food related infectious disease**

The measures to be taken to control the spread of infectious diseases are contained in various acts of Parliament and their associated Regulations. This legislation places a duty on local authorities to control the spread of food poisoning and food and water borne diseases.

The total incidence of food poisoning is decreasing nationally however cases of Campylobacter associated with raw poultry remain high.

Rates vary from year to year and a summer peak in notifications is typical.

Figures can be affected by many variables including demographic factors and general public awareness and in the number of official notifications made by GP's.

The objectives in respect of this service are:

- To administer and implement our statutory responsibilities relating to the control of infectious disease.
- Investigate all notifications of food poisoning cases and likely sources of infection whether confirmed or not at the earliest opportunity.
- Where a source is identified take appropriate action to ensure risk of spread is controlled.
- Protect the well-being of individuals at risk by taking action to contain the spread of infection and provide advice and information regarding personal hygiene, food handling and control of infection.
- Exclude food handlers and people working with high-risk groups in consultation with the Consultant for Communicable Disease Control (CCDC).

## **Food Hazard Warnings**

The Food Standards Agency operates a system to alert the public and food authorities to serious problems concerning food that does not meet food safety requirements.

Such warnings vary in significance and require an appropriate response.

Category A and B hazard warnings are of high priority and require immediate action. This may involve contacting and/or visiting food premises and taking immediate action under powers contained in the Food Safety Act 1990.

Category C and D hazard warnings are for information only.

All hazard warnings are received automatically through an environmental health computer network system (EHC Net) and via the Environmental Health Managers mobile phone text messaging service. The EH Manager will instigate the necessary response and provide the necessary out of hours cover for this service.

Where the authority becomes aware of a serious localised incident or a wider food safety problem it will notify the Food Standards Agency in accordance with Code of Practice.

It is estimated that around 75 Food Hazard Warnings requiring various levels of action will be received on an annual basis. It is difficult to estimate the resource required to meet this responsive element of the service as the work associated with individual warnings can vary significantly.

## **Liaison with other organisations**

The Council is committed to ensuring that the enforcement approach it adopts is consistent with other enforcing authorities.

This takes place through regular meetings and attendance by the manager at the Gloucestershire Food Safety Group. This group comprises of peer representatives of each of the 6 districts and borough councils in the County, the County Council Trading Standards Service and the Public Health Laboratory Service. A local member of the Food Standards Agency Board also has a standing invitation to attend.

The forum provides a mechanism for discussion of relevant food matters, the provision of training on a county wide basis, the formulation of policy, documentation and guidance and co-ordinated responses to Government and Central Agencies.

The council attends the Consultant in Communicable Disease Committee at the Health Protection Agency. By means of this committee, which meets half yearly, members are kept informed about relevant subjects and are able to benefit from the liaison between the public health enforcement and the medical spheres. The CCDC Group has been responsible for several extremely well received training initiatives provided for the benefit of authorities in the county related to outbreak and emergency incident control.

A Divisional Veterinary Officer of the Ministry of Agriculture, Fisheries and Food (MAFF) sits on the CCDC committee and is able to brief the group on local and national issues regarding animal welfare, disease control and food safety.

Within the council, the Food Service is also a consultee for the planning, building control and licensing functions.

## **Food Safety Promotion**

Although not a statutory function, the Council will continue to promote awareness of food safety issues through direct contact with the trade on inspection and through initiatives such as the Food Safety Bulletin and Food Hygiene Training.

Guidance notes have also been produced to sector specific areas such as bed and breakfast accommodation and childminders.

Promotional work undertaken will include regular press releases on additional food safety matters as they arise.

## **Resources**

### **Financial allocation**

The Food Safety budget is one element of the larger Public Protection budget.

<b>Financial Year</b>	<b>2005/06</b>	<b>2006/07</b>
Total (£)	£149,400	£166,600

Notes:

Staffing, travel subsistence, I.T. development, legal action, and office overheads necessary as part of the food safety enforcement function. Specific Food Safety related insurances.

Recharges for I.T. support, Human Resources, accountancy, audit and typing services.

Corporate insurances, communications, E government and asset management.

Income from food hygiene courses.

## Variation and Service Review

At the end of the last financial year the intended actions as specified in the 2005/2006 plan were compared with that achieved and the reason for any variance identified.

### Achievement 2005/2006

Risk Category	No of planned inspections	Premises which changed category	Premises which closed	Total inspections	Achievement
A	82	21	8	65	100%
B	233	38	18	227	100%
C	204	37	16	183	100%
D	32	7	3	34	100%
E	8	5	1	3	100%
F	2	0	2	1	100%
Unplanned	27	0	0	27	100%

## Areas of improvement and Annual Objectives.

Objective and target date	Objective Met	Notes including variances
To undertake a programmed review of documented procedures in line with proposed changes to Food Safety Act 1990 Codes of Practice.	Partly – target date November 2006	Review necessary to incorporate new legislative changes
Incorporate an evaluation of the SFBB training and implementation of SFBB pack or alternative method of hazard analysis produced by food businesses.	March 2007	Officers will monitor the quality of the training provided by appointed consultants at workshops and during one to ones and report findings to Environmental Health Manager
To complete the process	Completed	This is however an

of coding, configuring and validating the accuracy of the Uniform database in line with Food Standards Agency audit requirements.		ongoing project which will involve an audit protocol and constant monitoring and development. The Uniform database is also to be upgraded within the next few months. This will require all access reports relating to food safety and health and safety data being rewritten.
Ensure that appropriate officers receive relevant training on the database system and requirements relating to the completion of returns as a basis for compiling accurate statistical returns to the Agency.	Completed	There are however ongoing difficulties in that the access reports do not accurately provide data and this data can not be transported into the Food Standards Agency Monitoring returns.
Ensure that an accurate food premises profile is maintained on the database and ensure that the database is configured, managed and operated in a way that enables the Authority to provide accurate statistical monitoring returns to the Agency.	Completed	A great deal of time and effort has been put into validating the accuracy of the database and setting up new reports. These reports are currently managed by the Group ICT Coordinator.
To introduce a "Scores on the Doors" system for food businesses within the District	November 2007	County wide project
Produce a Food Safety Bulletin	Completed – new Bulletin being produced for Food Safety Week in June 2006	Excellent response received from businesses and a greater uptake of food hygiene training as a result.
New letter formats produced with the introduction of colour photographs to be included with the work schedule.	From July 2006	Templates are being set up and training is to be provided for officers.