

CHELTENHAM BOROUGH COUNCIL

PUBLIC PROTECTION DIVISION

Framework Agreement on Food Law Enforcement

Food Service Plan 2005 - 2006

Introduction

This service plan 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 2005/2006.

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 1st April 2005 and 31st March 2006.
- Produce a food safety newsletter for food businesses
- Meet the demand for food hygiene training to businesses within the District.
- To achieve a greater uptake of the Spa Award in local food businesses and, in conjunction with other authorities, consider the feasibility of developing a county wide award for food businesses.
- Take immediate and appropriate action to identify any risks to consumers through publicity, withdrawal from sale and ensuring the hazard is removed
- To format the standard operating procedures and distribute a copy to each officer.
- To improve the monitoring of officers for consistency of service delivery
- To continuously monitor the Uniform database to ensure its accuracy and improve the quality and detailed information available to managers, officers and the FSA.
- To continually develop and improve the service to meet the needs of customers, statutory requirements and maintain best practice.
- To continue with the spot checks initiative and introduce new inspection and revisit forms.
- To liaise with local businesses, regulators and other local authorities to ensure a consistent approach to enforcement.

Background

Profile of Cheltenham Borough Council

Cheltenham Borough comprises principally of the town of Cheltenham and a small area of greenbelt countryside on the periphery of the urban area. It is situated at the edge of the Cotswolds approximately ten miles North East of the City of Gloucester. Its population is approximately 110,064 and its economic mix is principally retail, tourism, services, financial, hospitality, and light industrial with a substantial decentralised retail park, several small

industrial estates and a busy town centre with many well known high street retailers and a large number of hospitality and restaurant type premises.

Notable features are the Racecourse, which plays host to the annual National Hunt Festival, the largest outdoor catered event in Europe, and the two large Government Communications Headquarters sites (GCHQ). The strong tourism trade of the town and its proximity to the Cotswolds ensures large numbers of visitors, particularly in summer.

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.

Food Safety duties are undertaken by a multidisciplinary team that deals with the following service areas.

- Food Hygiene Inspections
- Food Complaints
- Food Sampling
- Food Export/ Import
- Food EC Approvals
- Infectious Disease control
- Health and Safety Enforcement
- Health and Safety Complaints
- Health and Safety Co-ordinator Corporate Health and Safety
- Accident Investigation
- Food and Health and Safety promotion and training
- Licensing – Public Protection and Animal welfare
- Licensing and planning consultations

The team comprises (full time equivalent dedicated to food safety):

1 Manager	- 0.49
2 Senior EHO's	- 1.0
3 Senior Technical Officers	- 1.54
1 Support Officer	- 0.54

The team has recently been restructured coinciding with the retirement of a Senior EHO and the re-designation of that post to a Senior Technical Officer position. Unfortunately despite two advertisements and interviews the post remains unfilled.

One of the Senior EHO posts was also vacant for 9 months due to long term sickness and maternity leave, with the Support Officer position vacant since January 2005.

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 hours enforcement. Food inspections may also encompass a health and safety inspection, if they are due for inspection at the same time as food hygiene visits.

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 following services are provided by the section:

- 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.
- Licensing of Butchers Shops.
- Ensuring that premises which require approval under vertical hygiene legislation (meat products, dairy products, 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 contraventions 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 env.health@cheltenham.gov.uk 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 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 Christmas 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 No 19.

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, LACOTS 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 takes place on an annual basis.
- The Department holds the Charter Mark for the service and is subject to assessments pertaining to this award.
- 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 is 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 Code of Practice 9. Revisits will be carried out where there are significant legal contraventions having due regard to the risk to health posed by these premises.

Inspections will be based on a documented inspection protocol. This has been developed in-house and is intended to assist officers and businesses by introducing a structured approach to the inspection process consistent with quality assurance practice. The inspection protocol has recently been reviewed to encompass changes in Codes of Practice, and new EU regulations which come into force on 1st January 2006.

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 Food Standards Agency has been working to prepare UK food businesses for the new EU legislation and has developed guidance focussing on small catering and retail businesses. The regulation requires businesses to set up appropriate food safety management systems and the Agency has worked with stakeholders to develop an approach for smaller businesses called 'Safer Food Better Business'.

The Agency recognises the crucial role Local Authorities will continue to play in assisting businesses to raise their standards through their routine inspection programmes. To support Local Authorities further the Agency is making available additional funding of more than £10 million over a three year period starting in 2005/2006. An application for funding has been made by the Gloucester Food Safety Liaison Group.

In addition the Agency will provide guidance packs, support material and training for enforcers.

With the impending regulations, officers will adopt an educative and focused approach during inspections ensuring that business proprietors are assisted in meeting the requirements of the new legislation

The Gloucestershire Food Liaison Group has also agreed to take part in the Food Standards Agency's survey on hygiene standards in food premises. Information will be gathered nationally but it is also intended that the results will be correlated within the County.

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 Dairy Products (Hygiene) Regulations 1995 (incl. in total above): 1

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

Butchers' shops licensed under the Food Safety (General Food Hygiene) (Butchers' Shops) (Amendment) Regulations 2000 (incl. In total above): 15

Programmed Inspections for 2005/2006

<u>Risk Category</u>	<u>Number of Inspections due</u>
A	82
B	233
C	204
D	32
E	8
F	2

New Codes of Practice have recently been introduced which have made minor changes to the risk scores for food premises. Category F has now been eliminated and will not appear on the list after this financial year. 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.

Average number of revisits carried out per year = 300

Variation and Service Review

At the end of the last financial year the intended actions as specified in the 2004/2005 plan were compared with that achieved and the reason for any variance identified.

Alternative strategies to that set out in the Service Plan may have been used to achieve the outcomes in particular this year to address the staffing shortfall.

This review details the performance of the food service for 2004/2005 and outlines any significant issues that impacted on the delivery of the service.

Achievement 2004/2005

Risk Category	Number of Premises	Programmed Inspections Undertaken	Unprogrammed inspections Undertaken	Total Inspections	Premises which closed during 2004/2005
A	37	53	4	57	3
B	222	217	4	221	26
C	229	199	6	205	28
D	21	21	8	29	11
E	14	2	0	2	5
F	6	2	0	2	3

Due to this continued high number of programmed food inspections and the need to establish an effective health and safety service it is difficult to project an expected improvement for the coming year although alternative strategies are being considered as a way forward.

Food Complaints

The Council will investigate food complaints in accordance with Food Safety Act 1990 Code of Practice 2 (Legal Matters) and in accordance with its own service profile for complaints.

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.

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.

The council acts as Home and Originating Authority for the following two local businesses:

- Hyde Farm Dairy, Hyde Lane, Cheltenham - an Approved Dairy Products Processing Establishment.
- Mike Davies Meats, Hewlett Road, Cheltenham - an Approved Meat Products Processing Establishment.

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.

The Food Service receives and responds to between 70 - 80 advisory requests from business each year in relation to advice.

Food Sampling

Food Sampling will be carried out in accordance with the Sections Sampling Strategy and Sampling Procedure and also as part of a nationwide or regional sampling programme. Samples will be analysed by an UKAS accredited laboratory and in accordance with procedures laid down in Code of Practice No 7 and the Food Safety (Sampling and Qualifications) Regulations 1990. Our agreed food sampling programme for 2005/2006 includes the following national:

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

In addition the Gloucestershire Food Liaison Group has agreed on a sampling initiative involving Imported Foods to address the Food Standards Agency's request for increased surveillance on such 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 has been allocated a total of 1790 credits (approximately 139 samples) for this 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 GPs.

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 CCDC.

146 notifications of actual or alleged food-related infectious disease were received in the period 2004/2005.

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.

The Section fully endorses the system and will respond appropriately and in accordance with Code of Practice No 16. 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 this Code of Practice.

A total of 75 Food Hazard Warnings requiring various levels of action were received in 2004/2005. 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 Technical Sub -Committee (FSTSG). This group comprises of peer representatives of each of the 6 district 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 Spa Award.

An initiative to assist proprietors with the burden of carrying out a hazard analysis assessment of their businesses is likely to be staged during Food Safety Week in June of the year.

A food safety bulletin will also be produced giving updates and advice to all food businesses. Guidance notes have also been produced to sector specific areas such as bed and breakfast accommodation and childminders.

Resources

Financial allocation

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

Financial Year	2004/05	2005/06
Total (£)	£163,000	£149,000

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	The Codes of Practice were not published until November 2004 when the Environmental Health Manager was on sick leave. The review therefore is in the process of taking place.
To undertake a programmed review of the monitoring of the quality and consistency of work and adherence to service standards through implementation of documented audit and monitoring procedures	Partly	Audit protocols have been developed and are in the process of being implemented.
To complete the process of coding, configuring and validating the accuracy of the Uniform database in line with Food Standards Agency audit requirements.	Completed	This is however an ongoing project which will involve an audit protocol and constant monitoring and development
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.	Arranged for July 2005	The appropriate Support Staff positions have been vacant since January 2005 – posts will be fully staffed in June 2005.
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.	Partly met	A great deal of time and effort has been put into validating the accuracy of the database and setting up new reports. Unfortunately these are still managed by the Group ICT Coordinator. However it is proposed that this function is in time transferred to the Environmental Health Manager.

Develop and implement a documented procedure to ensure that its food premises database is accurate and up to date.	Not met	EH Manager is currently implementing data in the absence of Support staff – procedure will be put in place when section is fully staffed.
Produce a Food Safety Bulletin	Completed	Excellent response received from businesses and a greater uptake of food hygiene training requirements
To introduce a new inspection form and a “spot check” inspection regime for premises which are consistently of a high standard.	Completed	New forms are more effective and have reduced paperwork. Spot check inspections have received excellent feedback from both officers and food business proprietors.