CHELTENHAM
BOROUGH COUNCIL

FOOD SAFETY SERVICE PLAN 2023-2024

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1. Food Safety Service

1.1 Legal Background

The Official Control Regulations EU 2017/625* came into force in December 2019 repealing and replacing Regulation (EC) no 882/2002. They provide for the execution and enforcement of the food elements on official controls and other official activities, which must be carried out to ensure the proper application of food law. They set out a framework of requirements for competent food authorities, which have responsibilities for organising and performing official controls and activities to verify compliance with agi-food chain legislation. Assessment of the effectiveness of performance of the UK control system is reported annually in the UK Multi-annual National Control Plan (UKMANCP). It also lays down the organisation, structure and tasks of competent authorities, including Local Authorities. The Food Law Code of Practice (England) (FLCOP) March 2021, 'the code,' outlines how the requirements of regulation EU 2017/625 apply to this authority.

We have a statutory duty to monitor and verify compliance with food law and to have due regard to 'the code'.

The Food Standards Agency (FSA) Framework Agreement on Official Feed and Food Law Controls by Local Authorities, Amendment number 5 sets out the planning and service delivery requirements based on requirements within 'the code'. It requires the Authority to have an approved food service plan. The framework agreement sets out a standard approach to service planning which the FSA uses for audit and monitoring purposes. This plan outlines the activities and the resources needed to enable delivery. It takes into account the requirements of the FLCOP, the Food Law Practice Guidance (FLPG) (England) March 2021, the Framework agreement and the Covid19 Local Authority recovery plan. This authority must have sufficient resources to fulfil the requirements detailed within the FLCOP. In meeting our objectives, we must follow the principles of good regulation as outlined in the Regulators Code.

*The FSA is updating all EU references to accurately reflect the law in force since the transition period ended. Any references to EU regulations should be read as meaning retained EU law

1.2 The Covid Recovery Plan

The recovery plan had 2 phases. Phase 1 covered the period from 1 July 2021 to 30 September 2021 and phase 2 covered 1 October 2021 to March 2023.

The plan ensured that during the period of recovery from the impact of COVID-19, local authority resources were targeted where they added greatest value in providing safeguards for public health and consumer protection in relation to food. It also aimed to safeguard the credibility of the Food Hygiene Rating Scheme (FHRS).

The recovery plan provided a framework for re-starting the official control delivery system in line with the Food Law Code of Practice for new food establishments and for high-risk and/or non-compliant establishments while providing flexibility for lower risk establishments.

The recovery plan has now been withdrawn but the requirements detailed within phase 2 of the recovery plan will continue until the new modernized food hygiene

delivery model is in place in 2024. This proposed delivery model is currently under consultation until 30 June 2023. Following consultation a new food hygiene delivery model will be introduced which will:

- modernise the food hygiene intervention rating scheme.
- provide an updated risk-based approach to the timescales for initial official controls of new food establishments, and for undertaking due official controls.
- increase flexibility as to the methods and techniques of official controls that can be used to risk rate an establishment, including the appropriate use of remote assessment.
- extend the activities that officers, such as Regulatory Support Officers, who do not hold a 'suitable qualification' for food hygiene can, if competent, undertake.

2. Service Aims and Objectives

2.1 Aim of Service

The key food safety function of Cheltenham Borough Council is to ensure that the food sold, offered or stored for sale is safe and fit for human consumption. Everyone has a right to expect that the food they eat will not cause adverse health effects. As detailed in the corporate plan, Cheltenham has a collective commitment to ensure that residents, communities and businesses benefit from Cheltenham's future growth and prosperity and our objectives within this plan align with this commitment.

2.2 Statutory Service Objectives:

- To continue the delivery system of food premises control within the Borough in accordance with phase 2 of the recovery plan. We will move at a faster pace on our inspection programme in line with the FLCOP the for lower risk and complainant businesses where resources allow.
- To investigate and manage complaints of noncompliance with appropriate enforcement actions.
- To manage food incidents and hazards including outbreaks of food borne illness.
- To conduct reactive and proactive samplings or where sampling is necessary to determine business compliance with legal requirements.
- To conduct pro-active surveillance to obtain an accurate picture of the local business landscape to include new or recently closed businesses plus businesses where the overall risk has increased.
- To prioritise new businesses for an onsite intervention based on risks to public health. All new businesses will be inspected with 28 days of receiving a valid food business registration form.
- To maintain the credibility of the food hygiene rating scheme, in particular responding to requests for revisits in line with our documented procedure.

- To conduct sector specific controls to support trade and enable export.

- To ensure all Officers delivering official controls meet and maintain the competency requirements within the FLCOP.

- To engage with the FSA and stakeholders during the development phase of the new food hygiene delivery model.

2.3 Principles of service delivery

We aim to maintain a level playing field for honest and diligent businesses, whilst reducing the burden on businesses with an intelligence led approach. Our resources will be targeted where they have most value for public health in relation to food. Service capacity is prioritised at the high-risk food activities and/or the poorest performing food businesses, with the aim of improving standards across Cheltenham whilst supporting business growth.

3. Organisational Structure and Resources

Currently the food safety function sits within the Environmental Health Team under the direction of the Head of Public Protection and the Communities and Place Director. The structure is shown in Appendix 1. There are 3 full time posts allocated to authorised food officers to deliver official controls and other interventions within food businesses. The allocated posts are 1 Senior Environmental Health Officer (SEHO) and 2 Environmental Health Officers (EHOs). They are supported by 0.2 full time equivalent (FTE) Business Support Officers. The Public and Environmental Health Team Leader acts as the Lead Officer for Food Safety, a specific role required by the FSA. The Public and Environmental Team structure is shown in Appendix 2.

The current Team Leader became substantive in July 2022. The current SEHO is working though a lead officer competency framework and the EHO completed their food competency framework in Dec 2022. A contractor EHO (0.8 full time equivalent) was employed until March 2023 to help meet our objectives and is backfilling the redeployment of food competent EHO's during the pandemic. Due to challenges with recruiting to the vacant EHO post, this contract has been extended until Jun 2023 until a permanent Officer is in post. It is recognised that recruitment of fully competent officers is challenging for all local authorities due to a number of factors.

4. Food Sampling

As detailed in our food sampling policy, sampling is required for a number of reasons including:

Investigation of food contamination, food poisoning and complaints.

Imported food responsibilities.

Primary Authority and Originating Authority responsibilities.

Participation in national, regional and locally coordinated sampling programmes.

Surveillance/Intelligence sampling to identify foods that could pose a hazard.

Sampling on request of a food business eg new product and/or process.

Informal sampling to assist with giving advice to businesses.

Resampling from previously unsatisfactory results.

4.1 Sampling Officers

Formal samples taken in accordance with the provisions of the Food Safety and Hygiene (England) Regulations 2013, section 29 of the Food Safety Act 1990 or the Food Safety (Sampling and Qualification) (England) Regulations 2013 can only be undertake by authorised officers with the relevant qualifications and sampling competencies as defined in Chapter 4.8 of 'The Code'. Other officers will be used for sampling for information gathering purposes only.

4.2 Sampling Resources

Specialist analytical services such as the public analyst and the food examiner are provided externally by the Public Analyst Scientific Services (PASS), Wolverhampton and UK Health Security Agency (UKHSA formerly PHE) Food, Water & Environmental Laboratory, Porton Down, respectively.

We have a service level agreement with UKHSA for microbiological testing. Cheltenham Borough Council is allocated a baseline level of sampling credits. Once the credits are used then costs may be incurred however in some cases credits can be shared between County liaison groups. Samples directly associated with an outbreak will not be charged and the cost will be borne by UKHSA but certain sample types will incur a charge as detailed in the Service Level Agreement. The allocation for 2022-23 was £4,948. We await a revised agreement for 2023-24 but do not anticipate significant change and consider this allocation sufficient for our needs. We have a small budget for samples sent to the Public Analyst which are not part of the UKHSA allocation.

4.3 Private water supplies

In addition to food sampling, we have a duty to inspect, risk assess and where necessary take samples in relation to private water supplies (PWS). These are supplies which are not provided by a water company. PWS need to be properly assessed and treated as they can be a source of contamination and pose a risk to health. Owners of the supply may be required to take certain remedial action. The Authority is required to submit an annual return to the Drinking Water Inspectorate giving details of PWS. Currently there are 12 single dwellings with private water supplies and 3 premises with private water supplies with commercial activities.

5. Infectious disease

This authority must appoint a proper officer to receive and forward information of notifications of infectious disease within their area. Under the Local Government Act 1972 Sec 270 (as amended), and the Public Health (Control of Disease) Act 1984 sec 74 (as amended), this authority has appointed the Consultant in Health Protection UKHSA South West as the proper officer. The Authority must also appoint authorised officers to exercise powers contained within the Public Health (Control of Disease) Act 1984 and associated regulations, to carry out prompt investigations and response to infectious disease that may pose a risk to public health, including food poisonings, and food/water borne disease. Officers within the food team are

authorised for this purpose. Our health protection powers are used when voluntary measures to avert a health risk cannot be secured.

The policy in respect of this infectious disease service is to:

- 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 in accordance with standard procedures developed by UKHSA.
- Where a source is identified, take appropriate action to ensure risk of spreading is controlled.
- Work in conjunction with the proper officer to protect the well-being of individuals at risk, including taking action to contain the spread of infection and provide advice and information regarding personal hygiene, food handling and control of infection.

A Countywide "Outbreak Control Plan" has been developed including standard operating procedures for the investigation of single cases of infectious disease.

6. Other duties

Officers within the food team provide some resilience when necessary to other environmental health functions in emergencies including authorised Health and Safety Inspectors assisting with the health and safety intervention plan in food businesses.

Officers within the food team provide a specialist role as part of the Authority's emergency response.

Officers within the food team are also responsible for food safety advice at events and festivals in the district of Cheltenham, and for monitoring planning and licensing consultations as a means of identifying and engaging with new or developing food businesses.

We continue to offer chargeable service for advice, sampling, and attestation certificates for export on request.

The lead Officer for food is validated as the Authority's Food Competent Certifying Officer (FCCO) on behalf of the Animal and Plant Health Agency APHA.

We continue to be an active partner of the Gloucestershire Food Safety Liaison Group.

7. Scope of the Food Service

The responsibility for UK Official controls is divided between various organisations. Overall responsibility for food law is held centrally but the day-to-day responsibility for monitoring and enforcement is divided between central government and this Authority as a Borough Council. This Authority is not a Unitary Authority and therefore shares its Local Authority duties with the Trading Standards Department of Gloucestershire County Council. Cheltenham Borough Council is responsible for food hygiene and Gloucestershire County Council Trading Standards are responsible for

food standards and on-farm food hygiene. Where there are areas of overlap, appropriate Memoranda of understanding are in place.

8. Demands on the Food Safety Service

8.1 Out of hours Service:

We are not an emergency service and therefore do not have an out of hours food service available which addresses the closure of premises, food product withdrawal and outbreaks of food associated disease. It is expected that any emergency would form part of the emergency planning arrangements through which the duty emergency planning officer would be contacted. This service has not been required during 2023-24.

9. Establishment Profile

At the time of writing, 1 April 2023, there were 1102 food businesses registered with this authority. There were 1113 registered the same time last year 2022. This number fluctuates throughout the year as new business open, businesses change ownership and others close. The business type distribution is shown in Table 1 below:

Table 1: Cheltenham Food Business Establishment Profile 1 April 2023

Business Type	Number 2022	Number 2023
Restaurant/Café/Canteen	280	294
Restaurant and caterers- other*	160	153
Small retailer	126	124
Take away	111	101
Pubs/Clubs	100	99
Caring premises	92	101
Schools/colleges	66	66
Mobile Food Units	43	35
Hotel/Guest House	34	34
Supermarket/Hypermarket	32	33
Retail other**	31	29
Manufacturers/Packers	21	19
Distributors/Transporters	12	9
Importers/Exporters	3	3
Primary Producers	2	2

*Home caterers and village halls
**retailers who sell a very limited range of food products

9.1 Approved Premises

The council has one premises approved under Regulation (EC) No. 853/2004: The approval regime covers premises which handle products of animal origin and require approval (as oppose to registration) before trading. The business is a manufacturer and packer supplying to its own-brand shops.

9.2 Specialist or complex processes

The council does not currently have any such processes in its area.

9.3 Business Compliance:

Business compliance within the Borough is high with 92% of registered businesses rated 3 (satisfactory) or above on the Food Hygiene rating Scheme with 74% rated 5 (very good). Only 0.5% of businesses are currently recorded as non-compliant. New business, which have not yet been inspected, are also classed as non-compliant until they receive a rating. When these businesses are included, the figure is approximately 3%. The full break down of compliance is in Appendix 3

In addition to the hygiene ratings above, each business is risk rated in accordance with the Food Law Code of Practice England (FLCOP). The risk rating is graded A-E. This is based on a number of set criteria, which determine potential risk, both inherent risks, which the business operator cannot control, and risks over which the food business operator has full control. It is this rating, which determines the frequency of inspection as shown in Fig 1. The food hygiene rating of 0-5 aligns with this risk rating. (This risk rating methodology is under review as part of the modernization of the food hygiene delivery model).

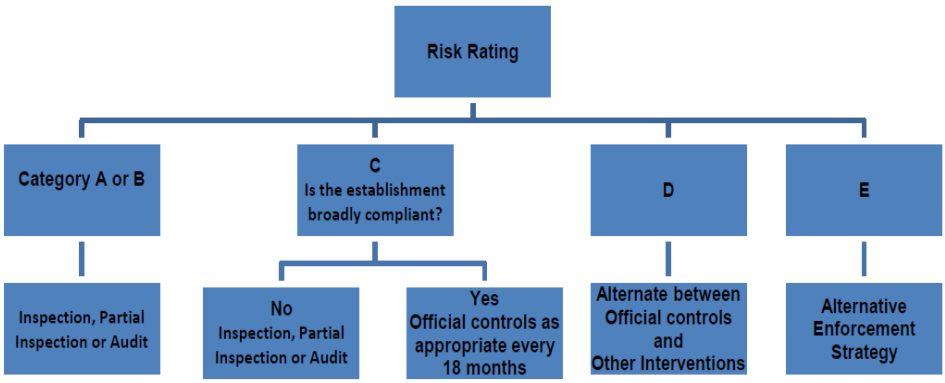


Figure 1: Risk rating Intervention policy schematic

The current risk ratings for businesses within Cheltenham is shown in Table 2 below:

Risk Rating	Number of businesses in Rating
A inspection every 6 months	0
B inspection every year	19
C Inspection every 18 months	204
D inspection every 2 years (can alternate with another intervention in some cases)	529
E Alternate enforcement strategy	350

Table 2: Risk ratings for food businesses in Cheltenham

The majority of businesses are currently D rated, requiring an intervention every 2 years, however it is common for some business not to have sustained compliance or allow compliance to fall and thus move between ratings so this is only ever a 'point in time' overview.

10. Predicted Service Demands

10.1 2022/23

As shown in Table 3, the demand on the service has been driven by the Covid recovery plan and will continue until the new food hygiene delivery model from the FSA is implemented in 2024. Periodic data returns known as 'temperature checks' were submitted throughout 2022 to the FSA. These gave details and assurances on work activity against the minimum FSA expectations for this authority.

10.2 2023/24

Table 3 predicts the **main** future demands on the Service based on previous demands and the requirements of the FLCOP. It is difficult to predict all future demands due to a number of variables including the implementation of a new hygiene delivery model and a rapidly changing food hygiene landscape. We will carry out the minimum demands required within the Covid recovery plan and move at a faster pace for lower risk businesses where resources allow.

Table 3: Summary of Service Demands 2022/23 and projected demands 2023/24

Activity	Demand on Service 2022-23	Minimum projected demand on service 2023-24
Inspection 100% A rated establishments	1	1
Inspection 100% B rated establishments	19	19
Inspect 100% non-compliant C rated premises	1	1
Inspect all 100% non-compliant D	0	0
Inspect 100% compliant C	153	86
Prioritise all new business registrations*	114	114
Investigate and manage complaints (including request for advice, complaints about premises, food and allegations of food poisoning)**	98	98
Investigations of confirmed infectious disease	136	136
FHRS requested revisits	14	25
Food Alert for action***	4	4
Reactive Food Sampling	0	10
Ongoing proactive surveillance	Monthly check of delivery platform, websites, social media and site surveying.	Monthly checks of delivery platforms, websites, social media and site surveying
Officer professional development in line with Institute regulations	Min 70 hrs	Min 90 hrs
Action required beyond the recovery period in line with FLCOP		
Inspect all compliant D rated	-	367

premises		
Alternative enforcement Intervention at E rated premises	-	248
Site visit at 10% of E rated businesses	-	25
Proactive sampling	-	50
Review and training of statutory plans and procedures x 24	-	240 hrs

*All new businesses and new food business operators must register with the Council 28 days before they intend to open. There is no charge for registration and it cannot be refused. A large proportion of businesses register but do not subsequently trade for a number of reasons. Under the FLCOP businesses would be inspected within 28 days of registration. The recovery plan requires Officers to focus on risk by considering the information provided at registration together with any intelligence. Site interventions are carried out soonest where there are concerns around public health. Where they are no immediate concerns around public health they will be inspected in accordance with the Code of Practice and practice guidance.

** 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. Annual notifications vary from year to year.

*** 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. Food alerts vary in significance and require an appropriate response. Some are of high priority and are food alerts for action. Others are for information only. Only food alerts for action are recorded on the Council's Uniform system. All alerts are received directly from the Food Standards Agency via a secure dedicated 'Smarter Comms' platform. The Lead Officer will instigate the necessary response for this service. Where the Council becomes aware of a serious localised incident or a wider food safety problem, it will notify the FSA in accordance with the FLCOP.

11. The Food Hygiene Rating Scheme (FHRS)

The FHRS aims to improve public health through behaviour change. This authority operates the scheme in partnership with the FSA. It enables consumers to make informed decisions about the places where they eat out or shop for food by providing them with information about the standards of hygiene found at the time of intervention. The scheme recognises those businesses that meet legal requirements on food hygiene matters and incentivise others to improve standards. The aim is to reduce the incidence of food-borne illness and the costs to the economy. FHRS ratings and inspection results are uploaded from this authorities management information system to the FSA ratings portal. They are then published on the FSA website. We encourage businesses to display their rating at the entrance to their premises but this is not mandatory in England. The Authority continues to operate the scheme in accordance with the brand standard guidance to ensure a consistent approach with adequate safeguards in place for the business. We take part in the FHRS national consistency exercises as required by the FSA.

12. Imported Food Control

As an inland Authority, enforcement of imported food is carried out during our day-to-day responsibilities including examination of imported food during premises

inspections, routine and programmed sampling and analysis, and through responding to service requests.

13. External factors that may impact on service delivery

13.1 Covid-19

The significant impact of Covid 19 on local authority food service delivery has been acknowledged by the Food Standards Agency by way of the Covid recovery plan as detailed earlier. As restrictions have been lifted there are no officers currently redeployed however should the need arise officers may be required to support the work of the County public health teams on request. Covid 19 created a backlog of medium/low risk inspections mainly due to Officers redeployment as Environmental Health Officers were given the powers to enforce the Coronavirus regulations.

This means that many businesses are overdue an intervention and standards may have dropped. The recovery plan has now been withdrawn and it is expected that this authority brings the service back in line with the normal expectations within the FLCOP. We will continue to work with the FSA to address some of the challenges which still lie ahead.

13.2 Competency:

Only fully competent officers can effectively deliver this plan. The FLCOP outlines the requirements for delegation of official food controls and other official activities. It outlines the qualifications and competency requirements for officers undertaking official food controls, other official activities, and any other activities related to these. The FLCOP implements the training provisions of Regulation (EU) 2017/625. The competency framework for officers carrying out official food controls was revised in July 2021 and is again under review as part of the modernisation of the food delivery model. The recently appointed EHO has completed the competency framework and the EHO has been promoted to SEHO and is working through competency as the Lead Officer. Each Officer must maintain ongoing competency training in line with the FLCOP and Chartered Institute of Environmental Health membership regulations. The Team Leader is a Chartered Environmental Health Practitioner and competent to carry out official controls but also leads other Environmental Health Teams thus capacity is limited. There is little resilience in the event of any long-term sick or other absences.

13.3 Recruitment:

We continue to recruit to fill the current vacant EHO post, currently filled by a contractor. This contractor can leave with 5 days' notice. As a team we work with our recruitment and human resources partners to ensure there is no hindrance to the flow of potential new officers in the official control system. We recruit to 'career graded' posts and support 'on the job' training where possible. This results in additional supervision and monitoring work for the team leader and existing qualified staff. We are also at risk of losing existing staff to other authorities and roles as the pool of qualified officers reduces. We work with our human resource partners to retain existing staff. Recruitment is recognised as a national issue and the FSA have commissioned a study to understand the barriers which hinder the flow of new officers into the official control system.

13.4 Time factors:

The time taken to carry out an inspection has increased due to a number of factors including the introduction of legislation regarding allergen labelling for food pre packed for direct sale and the potential for more food fraud. There is evidence from the national temperature checks that standards within some businesses have dropped. This will have an impact on the number of inspections done in a given time.

13.5 The modernisation of the food hygiene delivery model:

When implemented, the new model will redefine the expectations of local authorities enabling us to use resources more effectively and address risks in the food system. This intelligence led model is in the pilot stage with full implementation from 2024. It also includes the use of artificial intelligence to predict FHRS ratings for newly registered establishments to assist officers with triaging and prioritisation. Any such changes to processes will require training and information cascade during the transitional period. There will also be implications for our management information system which would need to be reconfigured. This will have a cost implication. The FSA have commenced high-level engagement with all local authority management information system (MIS) providers to understand the impacts of data management changes for local authorities and we continue to engage with the FSA on this matter.

13.6 Commercialisation:

We continue to explore opportunities to work more efficiently and charge for discretionary service, using the most of technology during site interventions, using the flexibilities within the Code, utilisation of technology for 'digital' low risk inspections in line with the new delivery model and primary authority partnership opportunities.

In conclusion, subject to the above it is considered that we will have sufficient resource to meet the minimum current expectations from the FSA. This is based on the establishment profile in the Cheltenham area, including new businesses, the number of staff within the food team and the work done in phase 1 and 2 of the recovery plan, analysis of historic service data and maintenance of a duty officer system. However, we may not be able to complete the backlog of low risk inspections nor the ongoing low risk inspections nor our full proactive sampling plan if recruitment of a fully competent officer to the vacant post is unsuccessful. The considerable uncertainty of the current operating environment must be recognised.

14. Performance measurement

The FSA have statutory powers to monitor and audit this authority. Based on these powers established audit schemes are in place to assess performance against specified standards within the FLCOP and the framework agreement. If we failed to discharge our statutory functions adequately then the FSA may consider using their powers of direction contained within the Food Standards Act 1999. 6 data returns or 'temperature checks' and 1 annual return was required by the FSA during 2022/3 The FSA is reviewing the way it monitors the performance of Local authorities. Previously the Local Authority Enforcement Monitoring System (LAEMS) collected performance data. This will be reconfigured to collect new data and support a transition to a more intelligence based risk assessment approach. Change is required to reflect the significant changes to the food business operating environment. It will result in a more qualitative assessment of the Authority's performance focusing on achievement of outcomes within the food system with less emphasis on inputs and outputs. The aim is to have this system ready for 2023 and replace the current interim monitoring arrangements which covered the period of the

recovery plan. It is expected that a quarterly data return requirement will apply during 23/24 with a full annual end of year return in April 2024.

14.1 Internal monitoring

All officers use standard inspection forms and have undergone consistency training.

The premises database (which also forms the public register of food premises) is audited on a fortnightly basis for data accuracy before upload to the FHRS portal.

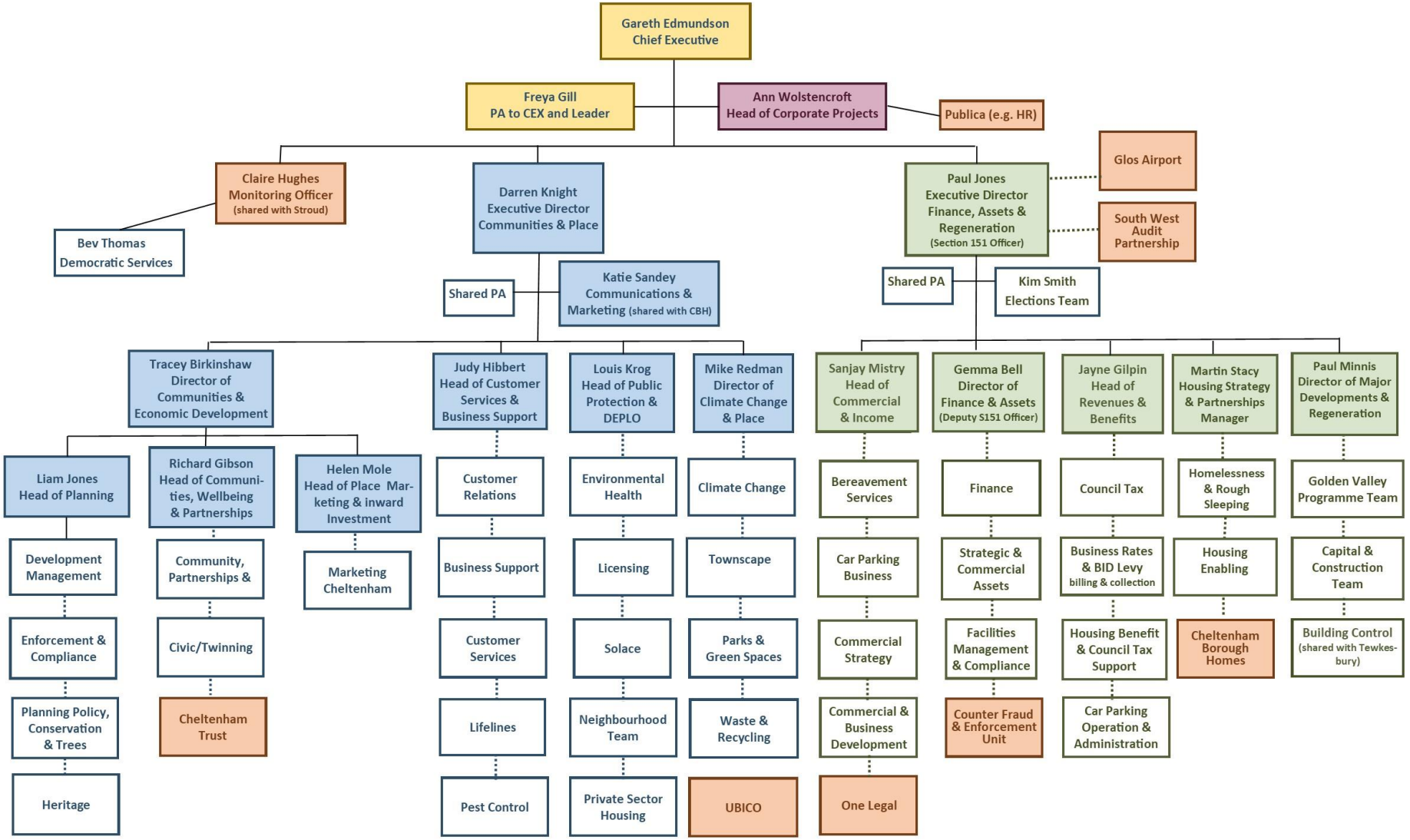
Data checks are undertaken when quarterly inspection lists are produced.

Officers conduct an internal monthly consistency check against the brand standard and FLCOP and internal monitoring checks are conducted during Officer 121s; Accompanied visits occur quarterly and feedback is given in team meetings. Cross county training is arranged through the liaison group and the authority participates in inter-authority audits as necessary. The authority's performance indicators for food service delivery have been reviewed in light of the above changes.

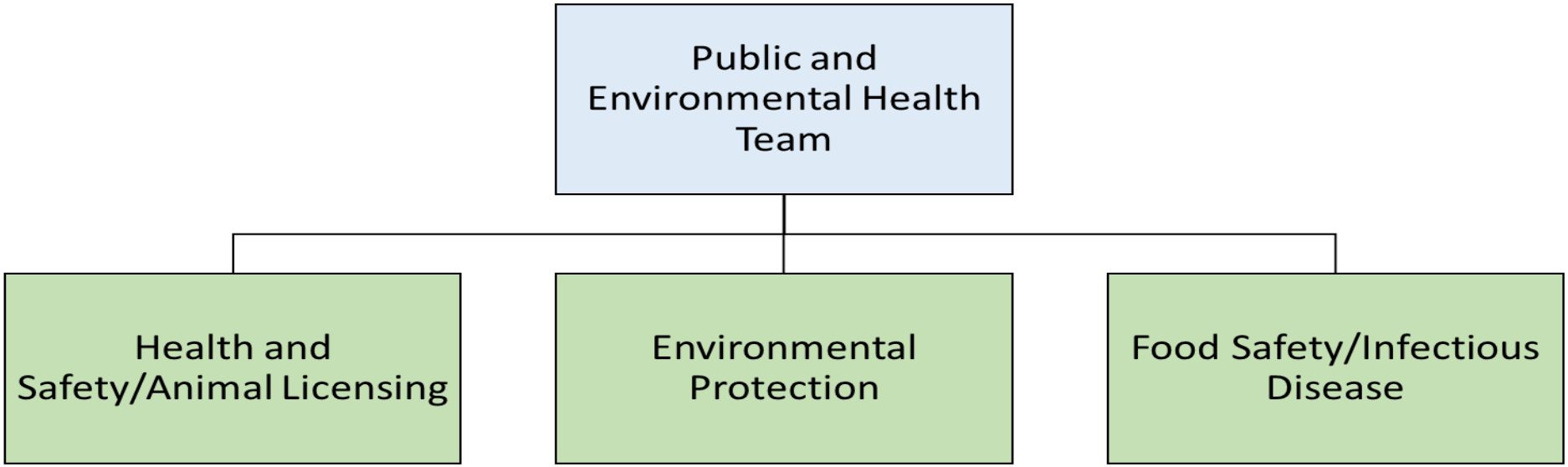
14.2 Review:

This plan, its format and content will be reviewed periodically to include all requirements and recommendations within the new food hygiene delivery model.

Appendix 1: Cheltenham Borough Council Structure Chart



Appendix 2: Environmental Health Team Structure



Distribution of FHRS for Cheltenham June 2023

FHRS rating	Restaurant Café/Canteen	Hotel Guest House	Small Retailer	Supermarket Hypermarket	Caring Premises	Restaurants and Caterers - Other	Distributors/ Transporters	Pub/ Club	Retailer - Other	Take-Away	School/College	Mobile Food Unit	Manufacturers and Packers	Importers/ Exporters	Primary Producers	Total
5 - Very good	222	29	71	29	79	134	3	69	12	60	66	25	16		1	816
4 - Good	45	4	31	4	8	9		23	2	29	1	7	1			164
3 - Generally satisfactory	14	1	5		1	1		3	1	5		1				32
2 - Improvement required	1		1					2		1						5
1 - Major improvement required										1						1
0 - Urgent improvement required																0
Total rated establishments	282	34	108	33	88	144	3	97	15	96	67	33	17		1	1018
Establishments with rating of 3 or better	281	34	107	33	88	144	3	95	15	94	67	33	17		1	1012
Awaiting inspection	8			1		6		3		4		5	1		1	29
Exempt	1		14			4	1		14							34
Sensitive	2		1		2								1			6
Excluded			2		1		6		1				1	3		14
Total establishments	293	34	125	34	91	154	10	100	30	100	67	38	20	3	2	1101