

West Lancashire Borough Council

Food Safety Service Plan

2013/14

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Introduction

This is West Lancashire Borough Council's Food Safety Service Plan. It covers all elements of food safety and hygiene for which the Authority has enforcement responsibility. This Plan also covers those objectives relating to non-enforcement activity, including food hygiene education/health promotion and partnership working.

This Food Safety Service Plan is a requirement of the Food Standards Agency and has been drawn up in accordance with the Food Standards Agency's Framework Agreement (Amendment 5, April 2010). This ensures a consistent approach across England and Wales, which enables the Food Standards Agency to assess how we are doing and allows other Local Authorities to compare and contrast performance and service delivery.

This Plan is also an expression of the Council's ongoing commitment to food safety in the Borough and the development of its Food Safety Service.

A handwritten signature in black ink, appearing to read 'D P Tilleray', written over a large, stylized, looped signature line.

D P Tilleray
Assistant Director Community Services

Approved by the Portfolio Holder for Health, Leisure and Community Safety on 30 October 2013.

1.0 Aims and Objectives

Service aims and objectives

- 1.1 West Lancashire Borough Council (the Council) is responsible for food safety enforcement of relevant food businesses under the Food Safety 1990 (the Act), associated legislation and guidance. These duties are discharged by the Food Safety Service (the Service), which is part of the Commercial, Safety and Licensing Section (the Section).
- 1.2 The aim of the Service is to protect the health of residents and the wider community by ensuring that all commercial production of food in the Borough is carried out safely and is fit for human consumption. The work of the Service is supplemented by the Health Promotion unit, which provides a range of promotional and educational roles in respect of food safety matters.
- 1.3 In order to achieve these aims, the objectives of the Service are to:
 - Ensure that it acts in accordance with the relevant Food Standards Agency (FSA) Code of Practice and other official guidance;
 - Encourage food businesses to comply with the law by offering advice;
 - Apply the principle of continuous improvement by comparing and measuring its performance and rectifying any shortcomings;
 - Responding to local need and ensuring the Service is accessible to everyone;
 - Ensure that the delivery of the Service is undertaken in a manner so as not to be discriminatory towards equality target groups and accessible to all who request or receive the Service.
- 1.4 This Food Safety Service Plan (the Plan) is produced annually by the Assistant Director Community Services and the Commercial, Safety and Licensing Manager. The Plan was approved by the Portfolio Holder for Health, Leisure and Community Safety on 30 October 2013 and was also presented as an update to the Council's Corporate and Environmental Overview and Scrutiny Committee. Performance reviews are undertaken on a monthly basis and related performance indicators are reported to Cabinet.

Links to Corporate Priorities

- 1.5 The Council's vision is "to be a Council to be proud of – delivering services that are lean, local and fair". Several values have been established to deliver this vision by continuing to be an innovative organisation which:
 - Prioritises customers and the services that are most important to quality of life;
 - Work as 'one council' to provide a joined up approach;
 - Is open and accountable in the way that it makes decisions;
 - Develops and values employees;
 - Promotes equality and diversity; and
 - Works in partnership to benefit the Borough.

1.6 The Council has established several Corporate Priorities, which are detailed below. The Service works toward these priorities in the following areas:

- *Balancing the budget and providing the best possible services within the resources available;*

By continuing to employ new and modern ways of working, the Service is flexible, responsive, efficient and effective representing excellent value for money.

The Service is targeted and proportionate in activity, intervening only when necessary and using remedies that are appropriate to the risk posed, so that costs are identified and minimised.

The Service is accountable and will be able to justify decisions that are subject to public scrutiny. Accordingly, the Service will be consistent and open and will try to convey the requirements of the law in a simple and user-friendly way - within the limitations of legislative requirements.

- *Focussing upon sustainable regeneration and growth within the Borough;*
- *Caring for our Borough – delivering the small improvements that can make a big difference;*

Recognising that food is a key marker of social inclusion, food safety issues can impact on reducing health inequalities and incidences of food poisoning, the reduction of which has a positive impact on the community's health. The Service will continue to carry out educational and promotional activities as an integral part of their routine food safety interventions, as well as specialist activities targeting both consumers and businesses to promote food safety, better nutrition and healthy choices.

By assisting food businesses through support, education and enforcement to improve and comply with hygiene standards, so improving quality of life now and for future generations for the people of West Lancashire making the Borough a better place to live, work, invest in and visit.

2.0 Background

Profile of the Borough

2.1 West Lancashire is the most southerly of the Local Authorities within Lancashire. It has a population of 110,700 (National Census 2011) and covers an area of over 34,000 hectares, a large proportion of which is good and versatile agricultural land. The Borough has two market towns: Ormskirk and Burscough, with mainly rural parishes and villages to the north and the former New Town of Skelmersdale to the east.

2.2 Based on current available data, the breakdown of businesses within West Lancashire is as follows:

| | |
|------------------------------------------|---------------|
| Agriculture and fishing | 13.6% |
| Mining, energy and water | 0.1% |
| Manufacturing | 8.6% |
| Construction | 12.5% |
| Wholesale and retail | 21.4% |
| Hotels and catering | 6.2% |
| Transport and communications | 6.7% |
| Financial intermediation | 0.7% |
| Business services | 23.2% |
| Public administration and other services | 5.7% |
| Education and health | 1.2% |
| All industries and services | 100.0% |

Organisational and team structure

2.3 A structural chart of Community Services is provided at Appendix 1.

3.0 Service Delivery

Scope of the Service

3.1 In respect of food safety matters, the Service will:

- Carry out a programme of food hygiene interventions in accordance with the Food Safety Act 1990 Code of Practice;
- Investigate and resolve complaints about food and food hygiene, practices and procedures;
- Take informal or statutory action including the service of notices, food seizure, premises closure or prosecution (amongst other available actions) in accordance with our Enforcement Policy to secure compliance with food safety legislation;
- Identify and assess businesses requiring approval in respect of specific food products or processes and to ensure that they are granted conditional or full approval as necessary;
- Ensure that all food businesses located or trading within the Borough are registered, and to maintain an accurate database of food businesses in the Borough;
- Record intervention information and enable performance data to be provided to the FSA;
- Receive and investigate all relevant FSA Food Alerts for action and their updates as appropriate, and to communicate with food business to disseminate relevant information concerning relevant food risks;
- Provide advice and assistance to food businesses and consumers on food related issues;
- Investigate incidences of food borne disease and take action, including liaison with other bodies to identify the source and prevent further infection;
- Implement the Food Sampling Programme for survey and monitoring purposes;
- Provide guidance and advice on food law requirements and compliance to meet local needs;
- Provide and review systems and procedures in line with FSA Framework Agreement;
- Act as Primary Authority and implement Service Level Agreements where appropriate;
- Maintain the FSA National Food Hygiene Rating System to publish the hygiene ratings for those food businesses within the Borough;
- Comment on proposed food legislation codes of practice and other official documents as necessary and as requested;
- Issue Health Certificates;
- Monitor the shellfish beds within the Borough;
- Operate imported food controls;
- Promote food safety through education and promotional events;
- Notify the FSA of any serious local food problem;
- Provide input to various licensing processes on food safety matters;
- Maintain an internal Quality System relating to food safety matters.

Demands on the Service

3.2 There are a total of 857 registered food businesses in the Borough for which the Service has enforcement responsibility. These businesses can be divided into the following classifications:

| FSA food business type | Total |
|-----------------------------|------------|
| Caring establishments | 60 |
| Distributors | 19 |
| Hotel / guest house | 9 |
| Importer | 1 |
| Manufacturers / processors | 20 |
| Mobile food unit | 36 |
| Packers | 10 |
| Producer | 21 |
| Pub / club | 125 |
| Restaurant / café / canteen | 140 |
| Restaurant / caterer other | 59 |
| Retail other | 36 |
| School / college | 125 |
| Slaughterhouses (seasonal) | 2 |
| Small retailers | 116 |
| Supermarket / hypermarket | 15 |
| Take away | 63 |
| TOTAL | 857 |

3.3 The current food safety risk rating profile of the above food businesses is:

| Food safety risk rating | Total |
|-------------------------|------------|
| Category A | 4 |
| Category B | 71 |
| Category C | 449 |
| Category D | 125 |
| Category E | 208 |
| TOTAL | 857 |

3.4 The current National Food Hygiene Rating profile of the above food businesses is:

| National Food Hygiene Rating | | Total |
|------------------------------|------------------------------|------------|
| 0 | Urgent improvement necessary | 4 |
| 1 | Major improvement necessary | 34 |
| 2 | Improvement necessary | 28 |
| 3 | Generally satisfactory | 197 |
| 4 | Good | 247 |
| 5 | Very good | 345 |
| TOTAL | | 857 |

- 3.5 Those premises identified as requiring improvement (i.e. allocated a National Food Hygiene Rating of 0 to 2) have received appropriate enforcement action. Any food hygiene rating remains in place until the next routine intervention or the food businesses operator formally requests that their business be re-assessed.
- 3.6 The food safety risk rating issued to any food businesses depends upon the nature and type of the business, as well how well it controls the risks to food hygiene. Whilst there will be some correlation between the food safety risk rating and the National Food Hygiene Rating issued to any business, this does not mean that a low National Food Hygiene Rating relates to a high risk rated food businesses and vice versa.

Enforcement policy

- 3.7 A Corporate Enforcement Policy was agreed by Council in October 2009. The aim of this Policy is to promote consistency across the Council and it provides the principles of the Council's approaches to enforcement. The Community Services Enforcement Policy, also agreed by Council in October 2009, is positioned below the Corporate Policy and contains more service specific information relating to legislation, approach etc. Both Policies are published on the Council's website and include aspects of the FSA Service Plan requirement, which is implemented by the Plan. Accordingly, all recipients of letters and notices relating to food safety issues are advised of the Enforcement Policy.

Food business interventions

- 3.8 Programmed interventions in food businesses will be carried out in accordance with:
- The minimum intervention frequencies and requirements detailed in the current version of the FSA Food Law Code of Practice;
 - The Council and Community Services Enforcement Policies.

Intervention Programme

- 3.9 The Intervention Programme for 2013/2014 is as follows:

| Food Business Risk Category | No. of Food Businesses at 01/04/13 | No. of outstanding interventions at 01/04/13 | No. of interventions due 01/04/13-31/03/14 | Estimated no. of revisits 01/04/13-31/03/14 |
|-----------------------------|------------------------------------|----------------------------------------------|--------------------------------------------|---------------------------------------------|
| A | 4 | 1 | 5 | 2 |
| B | 71 | 14 | 50 | 16 |
| C | 449 | 173 | 150 | 60 |
| D | 125 | 78 | 18 | 5 |
| E | 208 | 136 | 20 | 5 |
| Total | 857 | 404 | 243 | 87 |
| Non-rated | 38 | - | - | - |

3.10 This Plan also provides commitment for the following:

General

- Ensure the food business database is an accurate reflection of the businesses in the West Lancashire area;
- Maintain a quality management system for the Service as part of the Council's Environmental Health Service Quality System;
- Further develop service information on the Council's website.

Training

- Undertake annual training needs analysis. Ensure adequate resources are available to meet training needs;
- Maintain competency of all Officers involved in food safety enforcement work;
- Implement food safety training programme;
- Undertake at least 8 accompanied interventions per year.

Food safety education/promotion

- Continue to provide the CIEH Level 2 Award in Food Safety in Catering Course;
- Continue to make available a full range of food safety leaflets;
- Provide at least one seminar for local businesses, annually;
- Participate in at least one food safety campaign, annually during National Food safety Week.

Communication with stakeholders

- Maintain and improve consultation with both businesses and the wider public;
- Distribute at least one Commercial Safety Newsletter to businesses, annually.

Imported food controls

3.11 The Service also enforces the legislation relating to imported foods. Documented procedures are in place for the enforcement of the legislation relating to imported Products of Animal Origin (POAO) and imported Food Not of Animal Origin (FNOA). This includes the following legislation:

- Food Safety Act 1990;
- European Communities Act 1972;
- The General Food Regulations 2004;
- The Official Feed and Food Controls (England) Regulations 2006 (as amended);
- Products of Animal Origin (Third Country Imports) (England) Regulations 2006 (as amended);
- Products of Animal Origin (Import and Export) Regulations 1996 as amended;
- EU Regulation 882/2004, 178/2002 and 852/2004;
- Contaminants in Food (England) Regulations 2007;
- The organic products (Imports from Third countries) Regulations 2003;
- The Food Hygiene (England) Regulations 2006 (as amended).

Visits to new food businesses / non programmed interventions

3.12 Allowance has been made in the Plan for the initial intervention of new food businesses. Once such businesses have been visited and risk rated, they will be included in the overall general Intervention Programme.

Revisits to check compliance

3.13 Revisits are undertaken if a further visit is needed to assess compliance with an enforcement notice or if contraventions found during an intervention are of such a risk that enforcement action may be required before the next programmed intervention.

Food and food business complaints

3.14 Food complaints (for example where the food contains a foreign body, is contaminated or is not cooked properly) are investigated in line with procedures laid down in the Environmental Health Quality System. Action is determined by the nature of the complaint and the potential threat posed to public health.

3.15 Similarly, complaints about food hygiene practices or the condition of food businesses are also investigated according to the potential to cause harm. Follow up action may be immediate or delayed to the next programmed intervention provided the time period is not excessive.

3.16 Based on previous data, the Service receives approximately 25 food complaints and 50 complaints about food businesses each year. Whilst the Service aims to give a first response to all such complaints within 3 working days, the length of time taken to resolve a complaint can vary considerably.

EC Approved Premises

3.17 Regulation EC 853/2004 requires wholesale businesses that handle, store or produce products of animal origin to be approved by the Local Authority and be issued with an EC approval number. With the exception of catering butchers, responsibility for the approval and inspection of such premises rests with the Local Authority. The list of approved premises is published on the FSA website. The EC Commission annually arranges audits of selected approved premises in member states of the EC to ensure that the controls are being applied and implemented by local authorities to a satisfactory standard. There are 9 premises currently approved and are listed below:

| | |
|------------------|----------|
| Fishery Products | 4 |
| Meat Products | 1 |
| Dairy Products | 4 |
| TOTAL | 9 |

Primary Authority Scheme and Home Authority Principle

3.18 The Service subscribes to the current LGR Home Authority Principle (HAP). At present, the Service has not been approached by, nor is aware of, any local company who wish to enter into a formal agreement within the remit of the HAP. However, the Service does take on the role of "Originating" Authority for several businesses that operate on a regional and/or national basis and gives advice on food safety matters. Accordingly, much of the input from the Service is generated by requests for service from other enforcement authorities. Based

on previous data, the Service receives approximately 4 originating authority referrals and 4 enquiries each year.

- 3.19 The Primary Authority Scheme (PAS) has been in operation since 2009, when the Regulatory Enforcement and Sanctions Act 2008, came into force. This scheme ensures a consistent approach between local authorities and companies having a number of outlets throughout the country.
- 3.20 The operation of the PAS is the statutory responsibility of the LBRO whose role is to register partnerships, issue guidance and resolve disputes. The PAS enables companies to form a statutory partnership with a single Local Authority, which then provides robust and reliable advice for other Local Authorities to take account of when carrying out interventions or dealing with non-compliance.
- 3.21 Accordingly, Local Authorities are required to contact the relevant Primary Authority for a company covered by the PAS before taking any enforcement action.

Advice to food businesses

- 3.22 The Service is committed to providing advice to any food business within the Borough or to members of the public. Based on previous data, it is anticipated that approximately 50 such requests will be dealt with verbally and 30 requests will result in a visit and a written response each year. The response time required by performance indicators is 10 days.

Food sampling

- 3.23 The food and drink supplied, produced and sold within the Borough is sampled to assess its safety and quality. The Service carries out this responsibility in accordance with a planned sampling programme and where necessary, in response to food complaints/investigations. The Service also participates in regional, national and European sampling programmes. Further details can be found in the Council's Food Sampling Policy for 2013/2014.
- 3.24 Samples are analysed by the Public Health England Food, Water and Environmental Microbiology Network (Preston Laboratory) for microbiological content and the Public Analyst Laboratory in Preston for chemical and/or other content.
- 3.25 Additional sampling is required for the cockle and mussel production beds, which are located in the Ribble to the North of the Borough. Routine microbiological and algal toxin samples are taken and monitored through the Centre for Environment and Aquamarine Culture and Science (CEFAS). The beds are officially classified according to the quality and safety standards for potential harvesting. The national classification Scheme ensures shellfish used for food is fit for human consumption.
- 3.26 There are a small number of private water supplies monitored by the Service. These are routinely sampled and any complaints are investigated. The Service is working to ensure it complies with the Private Water Supplies Regulations 2009, which requires full compliance by 2015.

Control and investigation of outbreak and incidents of food related infectious disease

3.27 This work is undertaken by the Service and involves contact with Consultants in Health Protection, Director of Public Health and Control of Infection Teams. Investigations and outbreak controls are undertaken in line with agreed written procedures and documentation between these organisations.

Food safety incidents and requests

3.28 The Service will comply with the FSA Code of Practice in relation to the handling of food alerts. Accordingly, documented procedures are in place as part of the Environmental Health Quality system. The number of notifications has increased since the commencement of the FSA, and based on previous data, that the Service will respond to approximately 70 such alerts each year.

Liaison with other organisations

3.29 In order to implement the Plan, the Service works closely with a number of other agencies and organisations to ensure a consistent approach to enforcement action. Accordingly, the Service will disseminate information to other regulators where there is a wider regulatory interest. These organisations include:

- The FSA;
- Local Government Regulation (LGR);
- Local Better Regulation Office (LBRO);
- Public Health England including, Food, Water and Environmental Microbiology Network (based at Preston laboratory);
- Environmental Health Lancashire (EHL);
- EHL Food Officers Group;
- Lancashire County Analyst;
- United Utilities Plc;
- Lancashire County Council Trading Standards;
- Other Local Authorities to ensure a comprehensive and consistent approach to food law enforcement.

Food safety promotion

3.30 The Service recognises the importance of food safety promotional work to improve hygiene standards. The Health Promotion Unit provides this function and routinely engages in the following activities:

- Food Safety Week;
- CIEH Level 2 Award in Food Safety in Catering Courses;
- CIEH Level 2 Award in Healthier Food and Special Diets Courses;
- Specific seminars / initiatives as appropriate;
- Promotion of the FSA's Safer Food Better Business Scheme.

National Food Hygiene Rating System

3.31 First introduced by the Council on 1st June 2011, the National Food Hygiene Rating Scheme provides a rating of 0 to 5 for each registered food business to which the public would normally have access. The rating for each premise is based on the risk rating that Council Officers have determined on the most recent relevant food hygiene intervention. The Scheme aims to help consumers make informed choices about where to eat or buy food by

allowing them to easily compare one food business with another within their own area or more widely. The Scheme also aims to benefit food businesses by providing an incentive for them to improve standards and do better than their competitors - i.e. a good food hygiene rating will be good for business, whilst a poor food hygiene rating may make their customers decide to purchase food elsewhere. Food Hygiene Ratings for all relevant food businesses in West Lancashire is published on the FSA website (www.food.gov.uk) or via the Council's website – see Appendix 2: Useful Contacts.

4.0 Resources

Financial allocation

4.1 The total cost of the Service is £142,830 comprising of the following:

| | |
|-------------------------------------|----------|
| Staff and associated costs | £127,390 |
| Equipment, materials, sampling etc. | £13,890 |

Staffing allocation

4.2 The resources allocated within the Section for food safety matters equate to 3.0 FTE. This is comprised of the following:

- Commercial, Safety and Licensing Manager (0.25 FTE);
- Senior Environmental Health Officers (1.75 FTE);
- Environmental Health Assistants (1.0 FTE).

4.3 In accordance with the Council's business plan, the Major Service Review (MSR) process is on-going. In 2012/13, the MSR process resulted in the following:

- Deletion of the Commercial Safety Manager and Public Protection & Licensing Manager posts;
- Creation of the Commercial, Safety & Licensing Manager post, which amalgamated the duties of the above posts;
- Discontinuation of the accreditation of Environmental Health Service Quality System.

4.4 Although accreditation has been discontinued, the documented procedures for all work activities remain and are being updated. Therefore, the principle impact of the above changes is that less management time can be spent on food safety matters.

4.5 Proposals for further savings have been identified for 2014 onwards that will impact on the delivery of the food safety service. However, these proposals have yet to be ratified by full Council.

Staff development plan

4.6 The Service, in accordance with the most recent version of the FSA Food Law Code of Practice, is committed to providing each member of the Food Safety Service with a minimum of 10 hours ongoing/updating training each year. Records of training needs and competency levels are kept as part of the Environmental Health Service Quality System. Attendance on appropriate training courses is undertaken is complemented by in-house training on specific developments during meetings or workshops.

4.7 The qualifications, experience and training of staff is sufficient to ensure that the Authority has the expertise to ensure competent intervention in the food businesses and processes in the Borough. Staff development is primarily assessed through the Employee Development Appraisal Interview, which is undertaken annually. The Service also participates in the EHL Food Safety Annual Training Programme.

5.0 Quality assessment

- 5.1 It is our policy to undertake all functions of the Service in accordance with the procedures laid down in the Environmental Health Service Quality System.

- 5.2 The Service is an active member of EHL and the Food Officers Group (FOG) and is committed to developing FOG's liaison, training, peer review, inter-authority auditing, benchmarking and consistency processes. Through FOG, the Authority participates in inter-authority auditing of the Food Safety Services in Lancashire against the standard laid down by the FSA.

6.0 Review

Review against the Service Plan 2012/2013

6.1 Performance was monitored in the following way:

- Monthly performance figures for the Food Safety Business Intervention Programme;
- Submission of performance figures against target figures to elected members on a quarterly basis;
- Performance data provided to the FSA on an annual basis;
- Performance was reviewed at regular Team meetings.

6.2 96% of the higher risk food businesses (category A, B and C (higher rated)) due for intervention during 2012/2013 received such an intervention, against a target of 90% (category A to C). 35 new food businesses also received an intervention during 2012/2013 that were not part of the Intervention Programme.

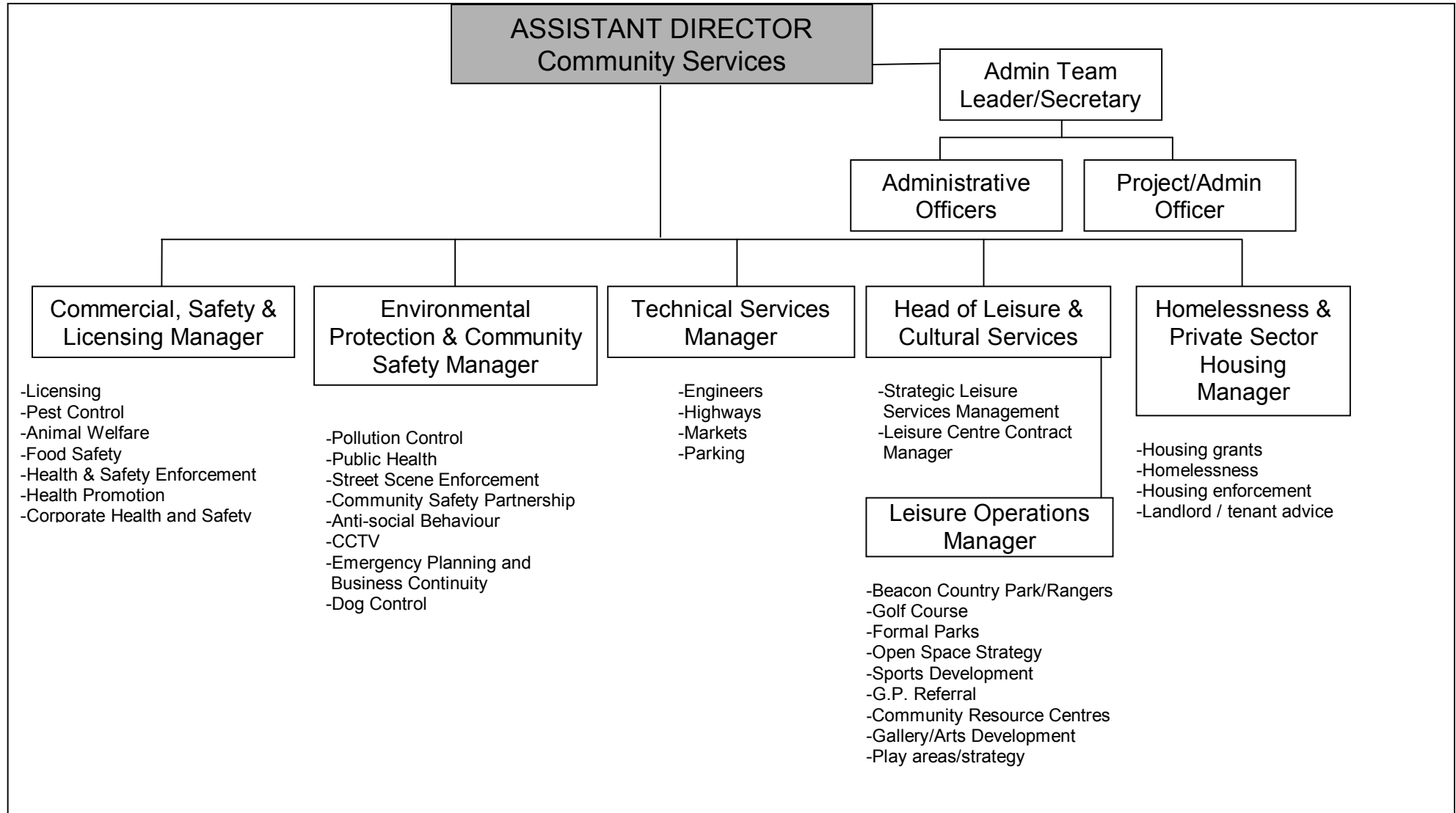
6.3 However, the food businesses that have not received a routine intervention during 2012/2013 are mainly low risk (category C (lower rated) D and E), which is in addition to a backlog from previous programmes. The method to address this backlog of interventions is detailed below.

Areas for improvement in 2013/2014

- The target intervention rate for the 2013/2014 Intervention Programme is 80% for all high risk food businesses (category A to C). Lower risk food businesses (category D and E) will receive an alternative intervention. The Service aims to respond to 95% of requests for service within 3 working days during 2013/2014;
- An alternative enforcement strategy will be implemented to ensure targeted interventions in accordance with FSA guidance - as follows:
 - Improved mechanism of reporting performance to Food Safety Officers, including targeting of those food businesses that are not deemed to be 'broadly compliant'.
 - Category C food businesses will receive a partial intervention focusing on hazard analysis, temperature control, cross contamination and training. A full intervention will only be carried out where Officers find evidence of an additional risk to food safety.
 - Category D food businesses will receive a surveillance visit to determine that the food business operator remains unchanged and there have been no material changes in the food business that would impact on the risk rating allocated to that business. (Where a potential risk to food safety is evident, a more targeted intervention will take place).
 - Category E food businesses will receive a written intervention to:
 - (i) confirm the food business operator contact details
 - (ii) provide a source of food safety advice and information
 - (iii) to ascertain that there have been no material changes in the food business that would impact on the risk rating allocated to that business (where a potential risk to food safety is evident, a more targeted intervention will take place).
- To further develop the M3PP software system used for the recording, programming and monitoring of food businesses and the Intervention Programme. Including direct inputting of information by Food Safety Officers;

- To work with the Public Health England laboratory service to implement the UKFSS system to provide a more efficient method of sharing of sampling information;
- To maintain the FSA Local Authority Enforcement Monitoring System (LAEMS).

Appendix 1: Structure of Community Services



Appendix 2: Useful contacts

Further information on West Lancashire Borough Council's Food Safety Service can be obtained from:

West Lancashire Borough Council, Food safety Service, Robert Hodge Centre, Stanley Way, Skelmersdale, Lancashire WN8 8EE

Telephone: 01695 577177
Fax: 01695 585126
Email: envhealth.admin@westlancs.gov.uk
Webpage: www.westlancs.gov.uk

Opening Hours: 08.45 – 17.00 (Monday-Thursday)
08.45 – 16.45 (Friday)

Out of Hours: Emergency Service is available by contacting 01695 577177.

The 'out of hours' emergency service is available 24 hours a day, 7 days a week. An appropriate Officer from the Environmental Health Service can be contacted through this number in an emergency e.g. food poisoning outbreak.