

West Lancashire Borough Council

Food Safety Regulatory Service Plan

2018/19

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1.0 Introduction

- 1.1 West Lancashire Borough Council (the Council) is responsible for the provision of food safety support and regulation to relevant food businesses within its boundaries under the Food Safety Act 1990, 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.
- 1.2 This Food Safety Regulatory Service Plan (the Plan) covers all elements of food safety and hygiene for which the Council has responsibility. It also covers those objectives relating to non-enforcement activity, including food hygiene education and partnership working.
- 1.3 The Plan is a requirement of the Food Standards Agency (FSA) Food Law Code of Practice (CoP) and has been drawn up in accordance with the FSA's Framework Agreement. This ensures a consistent approach, which enables the FSA to assess how we are doing and allows other Local Authorities to compare and contrast performance and service delivery.
- 1.4 The Plan is produced annually by the Director of Leisure and Environment and the Commercial, Safety and Licensing Manager. It is an expression of the Council's on-going commitment to food safety in the Borough and the importance of the Service. Accordingly, the Plan was approved by the Portfolio Holder for Health & Community Safety on 13 August 2018 and was also presented as a Member's Update to the Council's Corporate and Environmental Overview and Scrutiny Committee. Staff performance reviews are undertaken on a monthly basis and related performance indicators are reported to Cabinet.

2.0 Aims and Objectives

Service aims and objectives

2.1 The aim of the Service is to protect the health of residents of the Borough 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.

2.2 In order to achieve these aims, the objectives of the Service are to:

- Ensure that it acts in accordance with the FSA CoP and other official guidance;
- Carry out programmed interventions and appropriate enforcement action in accordance with statutory requirements, guidance and documented policies;
- Support the annual intervention programme with a limited annual food microbiological sampling programme with participation in local, regional and national food sampling work when necessary (Sampling Policy maintained separately);
- Investigate complaints within service standards and instigating appropriate action in accordance with the FSA Framework Agreement, the FSA CoP and documented procedures where resources allow;
- Work with Lancashire County Council Trading Standards to ensure food businesses adopt sufficient controls in respect of food allergens;
- Support food businesses through advice and guidance, together with providing information on food safety to consumers;
- Liaise with other Local Authorities and agencies such as Trading Standards, Public Health England (PHE), the FSA and other Local Authorities to ensure that food safety issues receive appropriate attention.
- Apply the principle of continuous improvement by comparing and measuring its performance and rectifying any shortcomings;
- Respond to local need and ensuring the Service is accessible to everyone.

3.0 Background

Profile of the Borough

3.1 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.

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

Producer	16
Manufacturer	16
Packer	15
Importer	3
Distributer	24
Supermarket	14
Small retail	119
Other retailers	28
Restaurant / café / canteen	137
Hotel / guest house	9
Pub / club	110
Take away	66
Caring establishment	53
School / college	115
Mobile vendor	41
Other restaurant / caterer	78
Total	844

Enforcement policy

3.3 A Corporate Enforcement Policy has been agreed by Council. The aim of the Enforcement Policy is to promote consistency across the Council and it provides the principles of the Council's approaches to enforcement. The Leisure and Environment Enforcement Policy is positioned below the Corporate Policy and contains more service specific information relating to legislation, approach etc. Accordingly, all recipients of letters and notices relating to food safety enforcement are advised of the relevant Enforcement Policy.

4.0 Resources

Financial allocation

4.1 The total cost of the Service is £119,140 comprising of the following:

Staff and associated costs	£111,370
Equipment, materials, sampling etc.	£7,770

Staffing allocation

4.2 Therefore, the resources allocated within the Service currently equate to 3.3 FTE. This is comprised of the following:

- Commercial, Safety and Licensing Manager (0.2 FTE);
- Senior Environmental Health Officers (2.1 FTE);
- Environmental Health Assistants (1.0 FTE).

Staff development

4.3 In accordance with the most recent version of the FSA CoP, the Council is committed to providing each member of the Service with a minimum of 10 hours of on-going / updating training each year. Records of training needs and Officer competency are maintained in accordance with the FSA CoP. Attendance on appropriate training courses is undertaken and is complemented by in-house training on specific developments during team meetings.

4.4 The qualifications, experience and training of staff is sufficient to ensure that the Council 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 Environmental Health Lancashire (EHL)¹ Food Safety Annual Training and Inter Authority Auditing Programmes.

¹ EHL is represented by senior environmental health managers from each local authority in Lancashire and meets to coordinate Environmental Health Services across the county.

5.0 Service demands and performance during 2017/18

Demands on the Service

5.1 During 2017/18, there were a total of 840 registered food businesses in the Borough for which the Council has enforcement responsibility.

5.2 The current food safety risk rating profile of these food businesses is:

Food safety risk rating	Total
Category A (intervention required every 6 months)	1
Category B (intervention required every 12 months)	67
Category C (intervention required every 18 months)	182
Category D (intervention required every 2 years)	369
Category E (alternative enforcement strategy every 3 years)	221
TOTAL	840

5.3 The current National Food Hygiene Rating (NFHR) profile of the above food businesses is:

		NFHR	Total
Non-compliant	0	Urgent improvement necessary	0
	1	Major improvement necessary	16
	2	Improvement necessary	12
Compliant	3	Generally satisfactory	97
	4	Good	115
	5	Very good	600
TOTAL			840

5.4 Those premises identified as requiring improvement (i.e. allocated a NFHR 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. The food safety risk rating issued to any food businesses depends upon the nature and type of the business, as well as how well it controls the risks to food hygiene. Whilst there will be some correlation between the food safety risk rating and the NFHR issued to any business, this does not mean that a low NFHR relates to a high risk rated food businesses and vice versa.

Performance against the Service Plan 2017/2018

5.5 The number of premises that were due for a risk rating intervention (i.e. inspection, partial inspection or audit) during 2017/2018 and the number achieved was:

	Premises category	Interventions due	Interventions achieved	Interventions outstanding
High risk	A	2	2	0
	B	65	65	0
	C (non-compliant)	18	18	0
Low risk	C (compliant)	74	74	0
	D	215	86	129
	E	74	64	10
TOTAL		448	309	-

5.6 The breakdown of the total number of interventions conducted in 2017/18 was:

Official controls

Audit	2
Full inspection	281
Partial inspection	26
Monitoring	44
Sampling	23
Surveillance	3
Verification (revisit)	110
Total	467

Other interventions

Education and advice	52
Information / intelligence gathering	6
Food premises complaints	69
Food complaints	8
Food borne illness	49
Total	184

5.7 Based on the above information, 139 food businesses did not receive a routine intervention during 2017/2018. These are low risk (compliant Category D and E) rated premises. In addition, 62 new and low risk business premises remained unrated. The approach detailed in Section 6.0 aims to address this backlog of interventions, which was due to significant planned and unplanned staff absences during 2017/18. These absences have been addressed and there are [at time of writing] no planned significant staff absences during 2018/19.

5.8 Not taking account of the unrated new / low risk businesses, 96.34% of relevant food premises in the Borough are broadly compliant with food safety requirements. If these unrated premises are taken into account the broad compliance is 89.10%.

6.0 Intervention Programme for 2018/19

6.1 The Intervention Programme for 2018/19 is as follows:

Food Business Risk Category	Outstanding interventions at 01/04/18	Interventions due 01/04/18-31/03/19	Total interventions due 01/04/18-31/03/19	Estimated no. of revisits 01/04/18-31/03/19
A	0	2	2	2
B	0	64	64	35
C (non-compliant)	0	15	15	5
C (compliant)	0	90	90	40
D	129	132	261	100
E	10	34	44	5
Outside	-	0	-	-
Non-rated	-	62	62	-
Totals	139	337	538	187

Targets for 2018/19

6.2 The Service will aim to carry out an intervention in:

- All Category A, B or non-compliant C food businesses;
- All new high risk food businesses;
- 80% of compliant Category C food businesses;
- 80% of Category D and E food businesses;
- 80% of all new low risk food businesses / unrated food businesses;
- To improve overall broadly compliant premises by 1%;
- To respond to 95% of requests for service within 3 working days.

6.3 Interventions will be targeted in accordance with FSA guidance, as follows:

- Monthly performance monitoring of Food Safety Officer's work, including targeting of those food businesses that are not deemed to be 'broadly compliant';
- Compliant Category C food businesses will [where appropriate] 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's contact details;
 - (ii) provide a source of food safety advice and information;
 - (iii) 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 or a written intervention has previously taken place, a more targeted intervention will be used.
- To maintain the FSA Local Authority Enforcement Monitoring System (LAEMS).

Food business interventions

6.4 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 CoP;
- The Council's Corporate Enforcement Policy.

6.5 Performance against the intervention programme will be monitored in the following ways:

- Monthly performance figures for the Food Safety Business Intervention Programme;
- Performance data provided to the FSA on an annual basis;
- Performance reviewed at regular Team Meetings.

7.0 Scope and responsibilities of the Service

Scope of the Service

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

- Carry out a programme of food hygiene interventions in accordance with the FSA CoP;
- 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 the Corporate 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 guidance, 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;
- Monitor the shellfish beds within the Borough;
- In conjunction with Lancashire County Council Trading Standards, to address food allergen hazards, including appropriate controls and guidance;
- Provide and review systems and procedures in line with FSA Framework Agreement;
- Maintain the FSA NFHRS to publish the hygiene ratings for those food businesses within the Borough;
- Issue Health Certificates for food to be exported to countries outside of the EU;
- Operate imported food controls;
- Promote food safety through promotional events;
- Notify the FSA of any serious local food problem;
- Provide input to various licensing processes on food safety matters;
- Comment on proposed food legislation codes of practice and other official documents as necessary and as requested;
- Act as Primary Authority and implement Service Level Agreements where appropriate.

Additional commitments

7.2 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 in accordance with the FSA CoP;
- Implement food safety training programme;
- Commercial, Safety & Licensing Manager to undertake at least 1 accompanied intervention with each Officer per year. This is to ensure Officers maintain a consistency of approach and compliance with relevant statute and codes of practice.

Food safety education/promotion

- Continue to make available a full range of food safety leaflets;
- Participate in at least one food safety campaign annually derived from local issues or the theme of National Food Safety Week.

Imported food controls

7.3 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 and imported Food Not of Animal Origin. 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

7.4 Allowance has been made in the Plan for the initial intervention in new (unrated) 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

7.5 Revisits are undertaken as 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

- 7.6 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.
- 7.7 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 depending on the evidence provided and/or the risk associated with the complaint.
- 7.8 Based on previous data, the Service receives approximately 15 food complaints and 70 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

- 7.9 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 number of current approved premises are:

Fishery Products	3
Meat Products	2
Dairy Products	4
TOTAL	9

Primary Authority Scheme

- 7.10 The Primary Authority Scheme (PAS) aims to provide a consistent approach between local authorities and companies having a number of outlets throughout the country.
- 7.11 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. Accordingly, Local Authorities are required to contact the relevant Primary Authority for a company covered by the PAS before taking any enforcement action.
- 7.12 At present, the Service has not been approached by, nor is aware of, any local company who wish to enter into a formal Primary Authority agreement. 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.

Advice to food businesses

7.13 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 60 such requests will be dealt with each year. The response time for such requests is 10 working days.

Food sampling

7.14 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 2018/19.

7.15 Samples are analysed by the PHE Food, Water and Environmental Microbiology Network (York Laboratory) for microbiological content and the Public Analyst Laboratory in Preston for chemical and/or other content.

Shellfish

7.16 As required by the FSA CoP, the Council participates in the North West Shellfish Liaison Group to coordinate shellfish sampling, advice and enforcement. 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.

7.17 Accordingly, the Council provides and controls registration documents in respect of the shellfish beds in the Borough in order to facilitate traceability and deter fraud.

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

7.18 This work is undertaken by the Service and involves contact with Consultants in Health Protection, Directors 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

7.19 The Service will comply with the FSA CoP 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

7.20 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;
- PHE including, Food, Water and Environmental Microbiology Network (York Laboratory);
- EHL;
- EHL Food Officers Group;
- Lancashire County Council Trading Standards;
- North West Shellfish Liaison Group;
- Lancashire County Council Scientific Services;
- United Utilities Plc;
- Other Local Authorities to ensure a comprehensive and consistent approach to food law enforcement.

National Food Hygiene Rating System (NFHRS)

7.21 The NFHRS provides a rating of 0 to 5 for each registered food business to which the public would normally have access. The rating for each premises 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).

Quality assessment

- 7.22 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.
- 7.23 The Council is an active member of EHL and the Food Officers Group (FOG), and is committed to developing FOG's liaison, training, inter-authority auditing and consistency processes. Through FOG, the Council participates in inter authority auditing of the Food Safety Services in Lancashire against the standard laid down by the FSA.

Appendix 1: Useful contacts

West Lancashire Borough Council Food Safety Service

Address: Robert Hodge Centre, Stanley Way, Skelmersdale, Lancashire WN8 8EE
Telephone: 01695 577177
Fax: 01695 585126
Email: envhealth.admin@westlancls.gov.uk
Web: www.westlancls.gov.uk

Opening Hours: 09:00 – 17.00 (Monday-Thursday)
09:00 – 16.45 (Friday)

Out of Hours: 01695 577177

Food Standards Agency

Address: Floors 6 and 7, Clive House, 70 Petty France, London SW1H 9EX
Telephone: 020 7276 8829
Email: helpline@foodstandards.gsi.gov.uk
Web: www.food.gov.uk
Out of hours incidents: 0345 051 8486

Chartered Institute of Environmental Health

Address: Chadwick Court, 15 Hatfields, London SE1 8DJ
Telephone: 020 7928 6006
Web: www.cieh.org