

# FAREHAM

## BOROUGH COUNCIL

### **Report to Public Protection Policy Development and Review Panel**

**Date**                    **10 March 2015**

**Report of:**            **Director of Community**

**Subject:**              **FOOD STANDARDS AGENCY FOOD SAFETY SERVICE PLAN**

#### **SUMMARY**

The Food Standards Agency is responsible for directing, monitoring and auditing of local authorities' work in respect of food law enforcement. The Agency requires that local authorities produce an annual Food Safety Service Plan in line with guidance issued by the Agency in delivering its Food Safety Service. The plan should be reviewed on an annual basis.

This is the Annual Review, looking back on what has been achieved in 2014-2015 and the aims and objectives for 2015-2016.

#### **RECOMMENDATION**

Members are requested to consider the Food Safety Service Plan and make any comments that they feel should be taken into account when the Executive considers the plan on 15 April 2015.

## **INTRODUCTION**

1. The Food Standards Agency is responsible for directing, setting and monitoring standards and auditing local authorities' enforcement activities in order to ensure that these activities are effective and undertaken on a consistent basis and in line with current guidance. Powers enabling the Agency to monitor local authorities are contained in the Food Standards Act 1999.
2. As part of its role the Agency issued a Framework Agreement on Local Authority Food Law Enforcement which provides guidance on how local authorities are expected to undertake their duties in respect of Food Law enforcement. This guidance details how the Food Safety Plan should be set out and is produced annually.

## **SERVICE PLANS**

3. The Food Standards Agency requires a detailed service plan for Food Safety Enforcement and this is produced and updated annually. The Agency has provided detailed guidance as to how these should be set out and the information they should contain. This plan provides the detail in which to satisfy the information requirements of the Agency. It also provides the evidence to satisfy the Agency that the Council has adequate arrangements in place to meet its statutory obligations in respect of Food Safety Enforcement.
4. It is important that the Food Safety Service Plan is submitted to and is approved by the Executive and the Council as it details the work and demands on the service and ensures transparency and accountability.
5. The Service Plan contains:
  - Information about the services provided;
  - The means by which the service will be provided; and
  - A review of performance in order to address any variances from meeting the requirements of the Service Plan.
6. The Spending Plan for delivering the food safety service for 2015/2016 was reported to the Executive on 5 January 2015.
7. Appendix A contains the Council's proposed Food Safety Service Plan for 2015/2016.

## **OVERALL PERFORMANCE SUMMARY 2014/2015**

8. The Commercial Team has performed well this year, despite a number of staffing issues. It is anticipated that by 31 March 2015 the programmed food inspection programme will be 100% completed. This is the key performance measure as far as the Food Standards Agency is concerned.
9. In March 2013 the Food Standards Agency carried out a full audit of the Food safety Service and found it to not only be in compliance with the Agency framework Agreement but also highlighted in its report areas of best practice. Full details of the Audit were reported to the Panel's meeting of 23 July 2013.
10. There were a small number of recommendations (3); these have all been actioned as required by the action plan previously submitted to the Food standards Agency. The Agency in February 2015 wrote a letter to the Authority

confirming the audit actions had been completed and the audit was now closed.

11. The Agency Audit report, action plan and closing statement have all been published on its website :-

<http://food.gov.uk/enforcement/auditandmonitoring/auditreports/audengreport/audits2013/fareham/fareham-delivery-compliance#.Uw4VE8ZFBv8>

### **SUMMARY OF CHANGES TO PLAN FROM 2014/2015**

12. The format for this plan, as prescribed by the Food Standards Agency, has remained the same since its inception in 2001. Each year the previous year's plan is updated and presented to the Panel for the following year.
13. The plan itself is largely the same as last year, but the data has been updated to reflect the actual work activity undertaken last year and the work anticipated for 2015/2016.
14. It has also been updated to reflect the changes to the Environmental Health Partnership e.g. the TUPE of staff from Gosport Borough Council and the introduction of a new staffing structure to provide the Service to both Councils. The former food And Health & Safety team is now referred to as the Commercial team.

### **PERSONNEL IMPLICATIONS**

15. The service detailed within the Plan can be delivered in accordance with the budget that was reported to and approved by the Executive at its meeting on 5 January 2015 and indeed the agreed Partnership Budget with Gosport Borough Council.

### **LEGAL IMPLICATIONS**

16. The adoption of a Food Safety Service Plan demonstrates that the Authority is meeting its statutory responsibilities in relation to food law enforcement.

### **CORPORATE STRATEGY**

17. The Food Safety Service Plan will promote measures that contribute to achieving the Council's Priority of ensuring that Fareham remains a safe and healthy place to live and work with respect to food that is produced and sold within the Borough.

### **RISK ASSESSMENT**

18. The Council has a statutory duty to provide a food safety service. If it fails in its duty, the Food Standards Agency has the power to take over the service and charge accordingly. This may also result in bad publicity for the Council.

## **CONCLUSION**

19. The Food Safety Service Plan attached to this report has been produced in accordance with the requirements of guidance issued to local authorities by the Food Standards Agency. The plan details how Fareham undertakes its food safety enforcement responsibilities.

### **Reference Papers:**

Framework Agreement on Local Authority Food Law Enforcement

### **APPENDIX A – Proposed Food Safety Plan 2015/2016**

**Enquiries:** For further information on this report please contact Ian Rickman (Ext 2401).



**FAREHAM** BOROUGH  
COUNCIL

[www.fareham.gov.uk](http://www.fareham.gov.uk)

# **Food Safety Service Plan**

## **2015/2016**

**as required by**

# **The Food Standards Agency**

## INTRODUCTION

1. This Food Safety Service plan has been produced as required by and in accordance with the Food Standards Agency Framework Agreement on Local Authority Food Law enforcement. It is written in the format prescribed by the Agency, its purpose being to demonstrate that Fareham Borough Council has in place adequate and effective arrangements to meet its statutory obligations in respect of Food Safety.
2. Fareham Borough Council is designated as a Food Authority under the European Communities Act 1972, the Food Hygiene (England) Regulations 2013 and the Food Safety Act 1990. This places a statutory duty on the Authority to enforce the Acts. The delegated Authority to do this lies with the Director of Community, who has further delegated relevant Authority to staff within the Commercial team within Environmental Health which sits in that Department. The Service is part of a formal Partnership with Gosport and is provided as a single Service to both Fareham and Gosport.
3. This plan covers the following:
  - i) The Food Safety Service Aims and Objectives
  - ii) Background Information
  - iii) Service Delivery
  - ii) Resources
  - iii) Quality Assessment
  - iv) Service Review.

## SERVICE AIMS AND OBJECTIVES

4. The Council's vision is to ensure that people who live in, work in or visit the Borough of Fareham are confident that sound measures are in place to protect their health and safety. Protecting people's health and safety is an important contributor to the Council's key priority to ensure that the Borough of Fareham is a **safe and healthy place to live and work**. The Food Safety Service is an important contributor to helping to secure the above.
5. The Service objectives are as follows:-
  - i. Ensure that all businesses involved in the preparation, sale, distribution or handling of food comply with food safety legislation and the requirements of codes of practice issued by the Food Standards Agency.
  - ii. To minimise the spread of incidents of infectious diseases including incidents of food poisoning by investigating relevant cases and taking action to control the spread of disease.

## Links to corporate objectives and plans

6. In respect of Food Safety, the Council's Public Protection Policy Development and Review Panel, Scrutiny Board and the Executive are responsible for this function.

7. Reports are considered by the Public Protection Policy Development and Review Panel throughout the year as required in order to ensure the service is able to adapt to changing demands e.g. changes to legislation/guidance.

## **BACKGROUND**

### **Profile of Fareham**

9. The Borough of Fareham has a population of approximately 112,000 people. It covers almost thirty square miles of southern Hampshire between Portsmouth and Southampton on the south coast. With the town of Fareham at its centre, the Borough extends from Portchester in the east, which borders the northern side of Portsmouth harbour, to the River Hamble in the west. From south to north, it reaches from the Solent coastline at Hill Head and extends northwards into rural Hampshire towards Wickham.
10. The Borough has grown rapidly in recent years, with the development of extensive areas of housing, shops and commerce. The town centre consists of shops including a large Superstore, leisure facilities and a cinema complex, bars and restaurants.
11. In addition to the town centre, there are several other important local centres based on former villages. Portchester lies to the east of Fareham town with Stubbington and Hill Head to the south. To the west are Titchfield, Warsash, Park Gate, Locks Heath, and Whiteley.
12. With the New Community, Welborne due to commence in the next few years to the north of Fareham, this will result in not only additional properties, residents but also more commercial food business.
13. The economic downturn has affected Fareham Borough Council and the Council is taking steps in particular to manage the shortfall in income. The Food Safety Service has sufficient resource to meet the Council's statutory responsibilities. It is important to note however that during difficult economic times it can become difficult for businesses to maintain standards, so the service becomes even more important to help ensure that standards are maintained.

### **Organisational Structure**

14. The Council is run by an Executive, supported by a Scrutiny Board and review panels. The Executive operates like the Government's cabinet. It is made up of six councillors, including one who is appointed as the Executive Leader. It is responsible for almost all the functions and services of the Council, but is not allowed to deal with certain matters like planning and licensing applications. These are dealt with by Committees. The Council also has Audit and Standards Committees.
15. Each member of the Executive has responsibility for a specific range of Council activities (sometimes called portfolios) and acts as the Council's spokesman for those functions. The portfolio which currently incorporates the Food Safety function is Public Protection.
16. The Council has a Scrutiny Board and several review panels, which broadly

mirror the portfolio areas of the Executive members. The job of the review panels is to take a leading role in the development and review of policies, related to particular services. All of the review panels report to the Council's Executive Committee. The review panel currently responsible for Food Safety is the Public Protection Policy Development and Review Panel.

17. The Food Safety function is undertaken by the Commercial team of the Environmental Health Section, within the Community Department, which reports to the Public Protection Policy Development and Review Panel. the Director of Community is the officer responsible for the Food Safety Service delivery, with the Head of Environmental Health being responsible for the day to day management of the team and the service. The Director of Community reports directly to the Chief Executive Officer.

### **Fareham and Gosport Environmental Health Partnership Initiative**

18. Since January 2011, the Fareham Environmental Health Section has been working in partnership with Gosport Borough Council Environmental Health Section. On 1 April 2014 the former Gosport employees were TUPE transferred to Fareham for the purposes of employment and a single employment structure was put into place. The Commercial team is now a single team providing the Service to both Boroughs. This ensures consistency across the Boroughs, which is a particular benefit for those businesses that have premises in both Boroughs. It also allows for better use of the joint resource to deliver the Service to both Councils and allows the service to better cope with peaks in workload.
19. The Commercial team consists of 2 part-time (3 days a week each) Senior Environmental Health Officers, 1 Senior Technical Officer and 3 Technical Officers. These officers also undertake Health & Safety and Infectious Disease control work.
20. The provisions made for specialist services are as follows:-

**Food Examiner:**

Hampshire Scientific Service  
Hyde Park Road,  
Southsea  
Hants  
PO5 4LL            Tel No. 023 9282 9501

**Food Analyst:**

HPA Microbiological Services  
FW&E Microbiology Laboratory - Porton  
Salisbury  
Wiltshire  
SP4 0JG            Tel No: 01980 616766/ 6161776

21. These are used as and when necessary where expert and specialist advice is required.



22. From time to time, consultants may be required to undertake food hygiene inspections. This may be because of staffing shortages, special projects, prosecutions or food poisoning investigations; all of which impact directly upon the employee resource available. It is unlikely that consultants will be required in 2015/2016 and also the service did not require them in 2014/2015.
23. The figures shown in this report below relate only to the Fareham aspect of the joint team's work.

### **Scope of the Food Service**

24. The food service consists of the following elements:-
- Ensuring that all food premises within the Borough are identified and inspected on a risk-assessed basis;
  - Implementing and maintaining the National Food Hygiene Rating Scheme;
  - Reviewing planning and building control applications to ensure that food hygiene requirements are considered at the design and build stages of development;
  - Providing advice to food businesses and members of the public on issues relating to food safety;
  - Investigating all complaints relating to food and food safety and taking appropriate enforcement action to prevent potential outbreaks of food poisoning;
  - Undertaking sampling in order to determine the quality and fitness of food that is available for purchase throughout the Borough;
  - Minimising the spread of incidents of infectious diseases, including incidents of food poisoning by investigating relevant cases and taking action to control the spread of disease.
25. In order to provide an efficient and cost effective service, officers who undertake food safety duties also undertake other duties such as Health & Safety at Work, Infectious Disease and Health Act enforcement. Whenever possible visits to premises for different purposes are combined to ensure that officer time is used efficiently and that the time spent with proprietors and managers of businesses is kept to a minimum.

### **Demands on the Food Service**

26. There are approximately 759 registered food premises within the Borough, mainly composed of restaurants, takeaways and retailers. There are no specific unusual or seasonable demands on the food safety service, such as tourism or large numbers of food premises run by proprietors whose first language is not English.
27. As at February 2015, the 759 registered food premises within the Borough were made up of the following food premises types:

Catering	109
Distributors/warehousing	8

Farm/smallholding	3
Hospital/rest home/schools	125
Hotel/pub/guest house	59
Manufacturers/processor	3
Moveable premises	18
Others	13
Private house as a food business	145
Restaurant café/ snacks	136
Retailer	129
Staff restaurant/canteen	6
Wholesale cash and carry	5
<b>Total Registered Premises</b>	<b>759</b>

Incorporated in the above are the 5 'Approved Premises' which are all cold stores. These require additional control due to the increased regulation of these businesses.

28. The Authority has Procedures in place that ensure that the Food Standards Agency's Code of Practice and Practice Guidance document is followed. In addition, these Procedures also refer to the various Guidance Notes from the Local Government Regulation which gives guidance on Food Safety issues. Officers of the Council must and do have regard to these Codes and Guidance in undertaking the food safety function as they ensure consistent enforcement. These Procedures are embedded into our electronic business processes.
29. The Team, in addition to undertaking the Food Safety function, also has responsibility for Health and Safety, Infectious Disease Control and Health Act.
30. These functions are covered by a separate service plan. In order to maximise the use of limited resources and to ensure a more coherent service to business, the same officer deals with all food safety and health and safety issues relating to any single premises, where appropriate interventions in relation to these activities are combined.
31. The service is provided 8.45am to 5.15pm Monday to Friday by officers based at the Civic Offices. An Environmental Health Out of Hours service also operates (between 5.15pm to 9.00am Monday to Friday and 24-hours a day at weekends and Bank/Public Holidays) to deal with requests relating to food safety which requires an emergency response as detailed in the Out of Hours Service Procedures. Planned out of hours inspections and visits are also made by Officers on the basis of the trading times of food businesses and perceived need.
32. Food Safety issues are also covered by the Out of Hours Service.

## **Licensing**

33. This team is a designated Responsible Authority for the purposes of the Licensing Act 2003, which came into effect on 7 February 2005. The team is required to make relevant representations regarding licence applications.

## **The Health Act 2006**

34. The above Act came into force on 1 July 2007 and there is on-going enforcement in relation to this and the Smoke free provisions of the Act, which is also carried out by members of the Food Team.

## **Shellfish**

35. The Authority is responsible for the shellfish beds located between the mean high water mark and the Southampton Port Health Boundary to the west and south and Gosport Borough Council boundary in the east. Whilst there are no sampling points within the Authority's responsibility, demands are placed on the service to provide information to local fishermen and failed sampling results occasionally mean the temporary closure of the shellfish beds.

## **Approvals**

36. The Authority approves premises which are required to be formally Approved under specific EU Legislation due to the increased risk posed by their particular food activities e.g. cold store or food premises producing meat products for other food businesses.

## **The Food Hygiene Rating Scheme**

37. The Food Hygiene Rating Scheme (FHRS) is a Food Standards Agency/Local Authority partnership initiative. It is a national scheme which provides consumers with information about hygiene standards in food business establishments using information gathered by officers at the time they are inspected to check compliance with legal requirements on food hygiene. The food hygiene rating given reflects the inspection findings.
38. The purpose of the FHRS is to allow consumers to make informed choices about the places where they eat or shop for food and, through these choices, encourage businesses to improve their hygiene standards. The overarching aim is to reduce the incidence of food-borne illness and the associated costs to the economy.
39. There are six different food hygiene ratings ('0' up to '5') - the top rating represents a 'very good' level of compliance with legal requirements and all businesses irrespective of the nature or size of their operation should be able to achieve this.
40. Food hygiene ratings are published online at <http://ratings.food.gov.uk/> and businesses are encouraged to display certificates and stickers showing their

food hygiene ratings at their premises where consumers can easily see them, although there is no legal requirement currently to display either.

41. The FHRS incorporates safeguards to ensure fairness to businesses. This includes an appeal procedure, a 'right to reply' for publication (together with the food hygiene rating) at <http://ratings.food.gov.uk/> and a mechanism for requesting a re-inspection/re-visit for the purposes of re-rating when improvements have been made.
42. Fareham and Gosport joined the scheme in June 2011. The following Table shows the current list of Ratings for Fareham:

Rating	No of Food Businesses			
	2014	% of total	2015	% of total
0 – Urgent Improvement Necessary	1	0.1	3	0.4
1 – Major Improvement Necessary	26	3	14	2
2 – Improvement Necessary	20	3	14	2
3 – Generally Satisfactory	60	8	42	6
4 – Good	136	18	117	15
5 – Very Good	424	56	367	48
Exempt / excluded / unrated	92	12	202	27
Totals	759		759	

43. The Council has received 7 requests for a re-inspection after the food business operator had addressed the issues raised during a 2014/2015 inspection.

You can see from the figures that the scheme has had some success in improving hygiene standards as still only 10% of premises are rated 0-2. It is disappointing however that 31 businesses remain in the 0-2 category. It is worth noting that those businesses that have acceptable hygiene practices but have no written procedures will fall into this category.

The issues found at inspection which generated the rating will have been resolved shortly after the inspection but the rating remains for between 3 and 6 months after the inspection.

### **Enforcement Policy**

44. The Council has signed up to the Central and Local Government Enforcement Concordat. One of the requirements of this concordat is that the Council has an enforcement policy.
45. In December 2012, the Executive approved an updated general enforcement policy to cover all the work undertaken by the Department.

46. All food safety enforcement decisions are made following consideration of the Enforcement Policy. Any departure from the Policy will be documented.
47. A copy of the Enforcement Policy and/or a summary leaflet explaining the key elements is available on request. In addition, where formal action is being considered, a copy of the summary leaflet is provided to the business concerned. The policy is also available on the Council's [website](#).
48. All food law enforcement will be carried out in accordance with the relevant Food Standards Agency Code of Practice and Practice Guidance and other Official Guidance produced by Local Government Regulation or the Food Standards Agency.
49. Food premises owned by the Council need a separate method for achieving compliance. Usually, an informal approach should be successful. However, if difficulties were to be encountered, these would be reported to the Director of Community, who would, in turn, raise those issues at a Chief Executive's Management Team meeting, if necessary after liaison with the relevant Chief Officer/Director for the premises concerned.

## **SERVICE DELIVERY**

### **Food Safety Interventions**

50. The enforcement of Food Safety legislation is governed by a Statutory Food Law Code of Practice and Practice Guidance. This specifies procedures and forms to be used by employees when enforcing the legislation. In particular, there is a risk rating scheme which is used to assess the risk associated with each food business and thereby its priority for inspection. Traditionally all categories of premises were included in the formal inspection regime. As well as inspection, there are a range of other interventions which may take place, auditing, verification visits, as well as visits to carry out sampling or to investigate food or food hygiene complaints.
51. In April 2014 the Food Standards Agency issued a revised Food Law Code of Practice.
52. This Code of Practice gives very specific advice regarding Interventions and has considerably revised the requirement to include all of the premises in the traditional inspection regime. Broadly Compliant Category C premises can be inspected alternately. So every other intervention is a traditional inspection, all of Category D premises can receive alternate inspections and Category E need not be inspected at all, but can be the subject of an alternative intervention strategy.
53. The purpose of this revision is to ensure that interventions are risk based and acknowledges that a range of other interventions can be employed to achieve the same result, e.g. surveys, formal training and interventions including sampling, auditing, verification visits, as well as visits to investigate food or food hygiene complaints.

## **Performance Management Monitoring**

54. The Food Standards Agency monitors the performance of the Council with respect to food hygiene management and gathers the performance data using the Local Authority Enforcement Monitoring System (LAEMS). LAEMS is a web-based system used to report local authority food law enforcement activities direct to the FSA. Local authorities upload data that has been generated from the local system (Ocella) to LAEMS. The FSA then evaluates and publishes the performance of each Local Authority. The FSA also use the Food Hygiene Rating Scheme data as a means of monitoring performance and the Local Authority is required to return data annually regarding its Approved Premises.
55. The Food Standards Agency has a remit to oversee local authority food law enforcement to ensure appropriate local services are in place. Fareham Borough Council's food law enforcement service was selected for a focused audit covering food hygiene database management, food premises interventions and internal monitoring arrangements by the Agency last year, the onsite audit took place on 12-13 March 2013.
56. The outcome of the Audit was reported fully to the panel at its meeting of 23 July 2013. The Audit from the Food Standards Agency was extremely thorough and the outcome very positive. Although the audit was scheduled for 3 days it concluded on the second day. A number of areas of good practice were identified by the Agency. There were four recommendations which were relatively minor in nature and these have all been addressed as required by the action plan required by the Agency. The Agency wrote to the Chief Executive in February 2015 to confirm the actions have been completed and the audit is now closed.

## **FOOD SAFETY INTERVENTIONS PLAN**

### **Inspections**

57. Inspections are carried out in accordance with the Food Law Code of Practice (April 2014).
58. Following each inspection, the premises are attributed a Risk Rating Score in accordance with Food Law Code of Practice, which determines the minimum inspection period before the next inspection. The risk score is entered on the Ocella Computer system and each month a list of premises due for inspection is produced.
59. The Code requires Category A and B premises to receive an inspection at the appropriate frequency (6 months & 12 months).
60. In September 2005 the largest ever outbreak of E. coli O157 in Wales occurred; it was the second largest ever in the United Kingdom (UK). Thirty-one people were admitted to hospital and a five year old boy tragically died. The Food Standards Agency has published Guidance to be followed by Food Enforcement Officers over the last several years which has been incorporated into the procedures.

61. Category C (18 months) premises are divided into 2 groups as defined by the guidance, those broadly compliant and broadly non-compliant.
- i) Broadly complaint premises will receive a full inspection every other time it is due for an inspection. An alternative intervention such as a sampling visit or visit for another food matter will be carried out for the other due inspection. There is however clear guidance on what the alternative intervention must be detailed in the Code of Practice.
  - ii) Broadly non-compliant premises will continue to receive an inspection every time it is due.
62. Category D premises (2 years) will be treated the same as Broadly Compliant C premises.
63. Category E premises may not receive traditional inspection at all, but may receive one of the other intervention types as appropriate.
64. All new food premises will receive an initial inspection and thereafter treated as above depending on the initial category.
65. The inspection programme for 2015/2016 by risk category is as follows:-

Risk Category	Inspection Interval	No. of Premises due for Inspection	
		2014/2015	2015/2016
A, B and non-compliant C	6, 12 and 18 months	87	58
Compliant C, D and E	18 months, 2 years and 3 years	337	496
<b>Total</b>		<b>424</b>	<b>554</b>

66. An alternative intervention plan for those premises not requiring a full inspection. For the coming year it is intended to tackle these as follows:-
- Combined visits by multi-skilled officers who may be visiting for other reasons;
  - Use complaint interventions to defer inspections;
  - Use sampling interventions to defer inspections;
  - Use of questionnaires.
67. For the year 2014/2015, it is anticipated that all of the high risk premises that were due for inspection will have been inspected by the deadline of 31 March 2015.
68. Revisits are made in order to check on compliance with Enforcement Notices and to ensure poor standards and serious defects are addressed by the food business operator. This is at the officers' discretion, but in line with Departmental Enforcement Policy.
69. Currently, the profile of premises in Fareham is detailed in paragraph 26. The use of the risk assessment scheme ensures that the highest priority is given to

food manufacturers and caterers where conditions are below standard and premises that cater for vulnerable groups.

70. The Council maintains a Register of all food premises within the Borough in accordance with regulations. The register is held on the Ocella Computer system which is maintained by the Head of Environmental Health. In addition, the original registration forms are held in electronic form and copies are sent to Hampshire County Council Trading Standards on receipt.
71. The Commercial team has received appropriate training to ensure knowledge of food specific legislation which relates to premises within the Borough.
72. All new food premises receive an initial inspection, generally within one month of opening. Full inspections are carried out, occasionally following food and food hygiene complaints. The decision to make such inspections depends upon the nature and circumstances of any complaint.
73. The Commercial Team holds regular team meetings to help ensure that inspection targets are being met and also to enable the team to respond quickly to changes in legislation/guidance and develop and improve the methods of operation within the team. These meetings are led by the Head of Environmental Health.
74. At the time of every food premises inspection, a pro-forma is completed which is attached to the electronic premises file. Following each inspection, either a written report is sent to the proprietor of the business or, for minor matters, a carbonated handwritten report is left on site. The report and carbonated handwritten report have a standard format, which includes all of the information contained in Annex 6 of Food Law Code of Practice.
75. Over the last five years, the section has achieved 97-100% completion of the inspection programme and is on course to achieve 95-100% for 2014/2015.

### **Food Complaints**

76. It is the responsibility of the Council to enforce the provisions of the Food Safety Act 1990 as far as food complaints concerning the following are concerned:
  - Food which does not comply with the food safety requirements i.e. food which is unfit; food which has been rendered injurious to health; or food which is so contaminated.
  - Food which is not of the nature or substance demanded by the purchaser.
77. The Council also enforces the provision of the Food Labelling Regulations 1984, which relate to 'Use-by' date labelling and quality issues, in co-operation with the trading standards authority.
78. All food complaints are investigated in accordance with guidance issued from Local Government Regulation- 'Guidance on Food Complaints' and Codes of Practice, which forms the basis of Fareham's in-house procedure.
79. Initial investigations into food complaints are given high priority, since these can give an indication of where the food supply chain has broken down. Such breakdowns may be one-offs or can indicate a problem that, if left unattended, could have serious consequences. Arrangements are in place to contact the Food Standards Agency where food complaints may have wider implications.



80. Where companies involved are unable to provide a satisfactory defence that they take all reasonable precautions and exercise all due diligence to prevent such a complaint, legal proceedings may be instigated. The decision to prosecute would be taken at the recommendation of the officer concerned, in consultation with the Head of Environmental Health, the Director of Community and the Council's legal representative, in accordance with the Food Safety Enforcement Policy. In each case the company/business and complainant will be kept informed as to the progress of the complaint.
81. Dealing with food complaints is a relatively small part of the workload; to date (February 2015) the Council has received 18 complaints.

### **Primary Authority Principle**

82. In April 2009 the Regulatory Enforcement and Sanctions Act introduced the Primary Authority Scheme. This is an arrangement where a Local Authority agrees to provide specialist advice to a company regarding its Food Safety arrangements and acts as a point of contact for other local authorities where its food may be sold. The Primary Authority is usually where the head office for a company is situated. The Originating Authority is the Authority where the unit which manufactured a product is situated. In principle, any Authority shall observe the following:-
- An Authority shall have regard to any information or advice it has received from any liaison with home and/or originating authorities.
  - An Authority, having initiated liaison with any home and/or Originating Authority, shall notify that Authority of the outcome.
83. Currently this Council does not act as Primary Authority for any local business.
84. If a business requests a Local Authority to be its Primary Authority for any regulatory function, the Local Authority must agree to the request, although it may charge for the cost of doing so. Fareham isn't currently a Primary Authority.

### **Advice to Business / Food Hygiene Complaints**

85. Whilst the Council will utilise its powers to enforce the food legislation, it is realised that, where food businesses break the law, it is often due to ignorance rather than design. As a consequence, it is the Council's policy to provide advice to business in a number of different ways.
86. The Commercial team does not provide formal food hygiene training, as there are many local providers. Advice is also provided on training courses offered throughout Hampshire and the Isle of Wight by other authorities and training centres and, particularly, for courses offered in ethnic languages.
87. Training is however organised on an ad hoc basis for businesses depending on need, e.g. in response to new legislation.
88. Advice is also given during routine inspections and visits and followed up in writing. Advice is provided to direct queries received either by telephone or letter. Where necessary, it is followed up with a visit and/or a letter. Provisional

advice is given prior to the setting up of a food business. Free advisory leaflets are provided, where appropriate.

89. Building Control and Planning applications are inspected by the Commercial team and advice given to the developers/applicants regarding issues relating to Food Safety and Health and Safety.
90. A magazine called 'Fareham Today' is produced by the Council periodically. It is sent to all residents and businesses within the Borough. Information on food safety issues is occasionally included in this publication.
91. Information is also available on the [Council's website](#).
92. In addition, the Team responds to complaints from members of the public regarding the hygiene of premises/food handling practices. This may result in anything from a telephone call to prosecution for any offences.
93. In 2014/2015 the team received around 275 requests for food hygiene advice and 50 allegations of food poisoning/infectious disease notifications.

### **Food Sampling**

94. The Authority believes that a proactive, point of sale, food sampling programme can provide useful information about the microbiological fitness of food for sale within the Borough. The Sampling Policy can be seen at Appendix 1 to this plan and the Sampling Programme for 2015/2016 can be seen at Appendix 2 to this plan.
95. The Council participates in the Portsmouth and South East Hampshire sampling group, which has a co-ordinated food-sampling programme based on Food Standards Agency, Local Government Regulation and agreed local priorities.
96. The sampling programme consists of the following:-
  - i) Participation in Local Government Regulation/Public Health Laboratory Service sampling initiatives.
  - (ii) Participation in the European Union initiatives, when they occur.
  - (iii) Participation in the Wessex Shopping Basket programme, when funds permit.
  - (iv) Participation in local initiatives devised by the local sampling group (Wessex Environmental Monitoring Service (WEMS) User Group (East) or by problems highlighted within the Borough).
97. Following the E.coli outbreak in Wales in 2005 and the subsequent recommendations by Professor Pennington and the Food Standards Agency, the team adopted an amended approach to inspecting high risk food premises (butchers shops and those handling high risk and raw products). Now, microbiological samples (swab of a food contact surface, a cleaning cloth and a food sample) are obtained from the premises and a desk top review of their HACCP system undertaken. Once the sample results are known these are used to inform the subsequent full inspection. The highest risk food premises now receive a sampling visit and a desktop study of their HACCP (Hazard Analysis and Critical Control Point) system, prior to receiving their full physical inspection

### **Control and Investigation of Outbreaks and Food Related Infectious Disease**

98. 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 includes the control of food poisoning and food and water borne diseases. Although the number of cases reported locally is comparatively low, it is widely acknowledged that the vast majority of cases go unreported. Moreover, a single case may lead to the discovery of an outbreak and could lead to a further outbreak if the person concerned is a food handler.
99. The investigation of food poisoning cases is therefore given a high priority and in an outbreak situation can necessitate utilising qualified employees from the Pollution/Housing Team, in addition to those in the Commercial Team.
100. All investigations will follow those procedures laid out in the Hampshire and Isle of Wight Health Protection Unit Joint Outbreak Control Plan and associated procedures and guidance issued by the Health Protection Unit and the Communicable Disease Surveillance Centre. Such investigations will be overseen by the Head of Environmental Health and liaison will take place with the Health Protection Unit.
101. The Council supports the Portsmouth and South East Hampshire Infectious Disease Forum and the Portsmouth Water Company Liaison Groups, which exist to promote best practice and consistency of approach in this area of work, between the neighbouring local authorities.
102. There are excellent links with the local Health Protection Unit and the public health laboratory, which come to the fore during outbreaks. All notifications are actioned on the day of receipt, by a telephone call, visit or a letter.

### **Liaison with Other Organisations**

103. To ensure that enforcement action taken in the area of this Council is consistent with national guidance and neighbouring local authorities, liaison arrangements are in place with the following organisations:
  - The Food Standards Agency
  - Local Government Regulation
  - Chartered Institute of Environmental Health, Hampshire and Isle of Wight Branch Food Advisory Group (bimonthly meetings)
  - Wessex Environmental Microbiology Services User Group East (meetings every four months)
  - Southern Shellfish Liaison Group (annual meeting with interim newsletters as necessary)
  - Portsmouth and South East Hampshire Infectious Disease Forum (Quarterly meetings).

- Health Protection Agency.

104. The Council fully supports the work of the Hampshire and Isle of Wight Food Liaison Committee. This body, which has representatives from all Hampshire and Isle of Wight Food Authorities, Hampshire Scientific Services and the Wessex Public Health Laboratory Service, has amongst its objectives, 'ensuring that any enforcement action taken is consistent with other neighbouring local authorities'.

### **Food Safety and Standards Promotion**

105. The Council education and promotion activities can have a direct impact on food safety standards. The Council is therefore committed to providing advice and information both to business and the public through a number of initiatives:

- Food Safety information leaflets – these are available from the Civic Offices.
- Food Safety Week/Food Link – this is normally held in June every year. The Council supports a number of activities designed to promote food safety during this week, as resources allow.
- Use of 'Fareham Today', the Council's periodic magazine, sent to all homes in the Borough.
- Link to food safety information on the [Council's website](#).
- Use of Council Connect in the shopping precinct.

### **Food Alerts**

106. Food alerts are notified by EHCNET (national computer link), by a pager from the Food Standards Agency and directly to [health@fareham.gov.uk](mailto:health@fareham.gov.uk) by email. There is a duty officer system and the duty officer decides upon the appropriate action in each case, which may include mailshots, visits, local press releases, etc. The resource implication is unknown, as it depends upon the nature and type of alerts, but existing resources usually perform this work as and when required.

### **Equality and Diversity**

107. The Equality Act 2010 replaced many separate anti-discrimination laws with a single Act. It also strengthened the law in important ways and extends protection against discrimination on the basis of: race, disability, sex, gender re-assignment, marriage and civil partnership, sexual orientation, age, religion or belief, and pregnancy and maternity.

108. There is a general duty under the act and some specific duties which include the need for public bodies to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity and foster good relations. In

addition, there is a duty to publish certain information to demonstrate compliance with the Act.

109. In respect of the Commercial team there is an Equality Impact Assessment in place which details the various measures employed by the team to meet the requirements of the Act and ensure the Service does not discriminate and is equally accessible to all.

## **RESOURCES**

### **Financial / Staffing Allocation**

110. The Commercial team consists of 2 P/T Senior Environmental Health Officers (3 days each), 1 FT Senior Environmental Health Technical Officer and 3 FT Environmental Health Technical Officers.
111. Officers only carry out work which is permitted by the qualification requirements of the code of practice.
112. There is a list of delegations to officers, annexed to the Council's Constitution. This is constantly reviewed and updated as new regulations are made.

### **Staff Development Plan**

113. Training has recently been centralised and a training plan for all employees is being developed by the Personnel Section in consultation with each section. This plan recognises the need for Professional Officers to meet Continuing Professional Development (CPD) requirements.
114. The basic principles and ideals are:
- The Section has a duty to the Council to ensure that it is able to meet all the demands that are placed upon the Section.
  - The Section has an obligation to develop the potential of all its employees.
  - Regular and continual training and updating of skills in order to undertake "the job" are necessary.
  - The Council is committed to continuous development of employees and services to ensure it is properly equipped to deal with future challenges.
  - To ensure workforce and succession planning.
  - To ensure all staff receive appropriate Customer Service training, to enable the Services to be designed and delivered to meet its customer needs.
115. This training may be provided through attendance at externally organised courses and seminars or through in-house training activities.
116. All training received will be documented as part of the Council's central training plan.
117. Core regulator skills will be achieved by the use of the "Regulators Development Needs Analysis tool".

## **QUALITY ASSESSMENT**

118. The Food Safety Act Code of Practice on Food Hygiene Inspections requires Authorities to have internal monitoring systems.

119. The Section has a set of Food Safety Procedures aimed at meeting the requirements of the Food Safety Code of Practice and Official Guidance. This is regularly kept under review and is used to ensure consistency and improvements in service delivery. The document management system ensures consistency and performs management review.
120. The Council has in place procedures for achieving and monitoring the consistency and quality to ensure that its food safety service is provided in a way that is consistent with the Food Standards Agency Standard, Statutory Codes of Practice and nationally issued guidance.
121. In addition, the team operates a system of peer review and quality checks where officers carry out joint inspections to ensure a consistent interpretation of legislation, codes of practice and national guidance.

## **REVIEW**

### **Performance against Plan**

122. The Food Safety Service Plan is produced and reviewed annually by members.
123. The performance of the food service is reported annually to the Food Standards Agency, via the Local Authority Monitoring System (LAEMS). The performance will be compared with other Local Authorities nationally and within Hampshire.
124. The Food Standards Agency then reports this performance data to Government and Europe.

### **Areas for improvement**

125. The service is performing very well at present. However, in 2015/2016 the following areas will receive further consideration:-
  - Introduce Vanguard principles to the Commercial team
  - Review of the Food Procedures
  - Identification of areas for efficiency savings
  - Train all of the qualified Environmental Health Officers to be Lead Officers.



**FAREHAM** BOROUGH  
COUNCIL

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### **Food Sampling Policy for Fareham Borough Council**

1. The Sampling Policy document is written for Fareham Borough Council's Food, Health and Safety and Licensing Team, within Regulatory Services.
2. Food samples will be taken throughout the year both on a programmed and random basis. The department will participate in National, European and local studies, where appropriate and as resources allow.
3. Samples can be taken during routine food inspections by authorised officers or as part of a compliant based inspection. In addition, samples can be taken from random premises that fulfil the sampling programme criteria. Samples can be taken on a formal and informal basis. Formal samples can be taken following a complaint, during an inspection and as part of any Home Authority agreement within Fareham Borough Council. Informal samples are normally taken as part of on-going national, European and local sampling initiatives and for monitoring purposes.
4. This policy refers to the Sampling Programme that is held within the Regulatory Services Department. This sampling programme is produced for each financial year. The plan is produced in conjunction with the Hampshire and IOW sampling group. The sampling Group decides on the years sampling plan in accordance with the National (LGR), European plans and any local studies that the group wishes to undertake.
5. The purpose of sampling and associated actions:-
  - i. The Food, Health and Safety and Licensing Team, within Regulatory Services, will identify any foods that pose a hazard or risk to health of the consumer; this may be due to contamination of significant pathogenic bacteria and/or associated toxins.
  - ii. To identify any contraventions of Food Safety legislations.
  - iii. To use results to educate and inform the local businesses and, in addition, to inform the public regarding food safety issues.
  - iv. Sampling is used to evaluate effectiveness of food handling and associated processes at food premises in relation to their food safety management system requirements.
  - v. Investigate food complaints and food poisoning incidents.
  - vi. To assist in any potential formal action case.

6. Routine sampling is an important part of the work of Fareham Borough Council's Food, Health and Safety and Licensing Team, within Regulatory Services.
7. All samples are taken in accordance with the following legislation and guidance documents:-
  - i. Food Safety Act and associated codes of practice.
  - ii. Local Government Regulation Guidance Notes on microbiological food sampling, first issued in January 2002, but revised and re issues in January 2006.
  - iii. Health Protection Agency Guidance
  - iv. Food Safety ( Sampling and Qualification ) Regulations 1990



**FWE Sampling Group Program for 2015/16**

MONTHS OF SAMPLING	A	M	J	J	A	S	O	N	D	2016 J	F	M
<b>LACORS SAMPLING</b>												
National Study TBD							Summer					
National Study TBD												
National Reactive Study												
Regional Study												
<b>FWE SAMPLING</b>												
Partnership Sampling												
Water Sampling												
Butchers and Approved Premises												

No Sampling planned for August and December