

# FAREHAM

## BOROUGH COUNCIL

### **Report to Health Public Protection Scrutiny Panel**

**Date**                    **21 June 2022**

**Report of:**            **Director of Leisure and Community**

**Subject:**                **FOOD SAFETY SERVICE RECOVERY PLAN**

#### **SUMMARY**

Following the pandemic, the Food Standards Agency has produced COVID-19 Local Authority Recovery guidance and advice. This requires local authorities to ensure that they have documented and approved recovery service plans in place that set out how they intend to deliver and resource their planned interventions and other activities during the recovery period, up to 2023/24. The purpose of this report is to set out the Recovery plan for Fareham's Food Hygiene Inspection programme recovery up to March 2023.

#### **RECOMMENDATION**

Members are requested to consider and approve the Food Safety Service Recovery Plan attached to the report as Appendix A, subject to any amendments that they feel are necessary.

## **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. The pandemic saw many food premises closed during the various lockdowns and some of the premises that were open, were not accepting visitors e.g., care homes and schools. In addition, the Environmental Health staff that would have been carrying out routine food hygiene inspections were engaged in enforcement and educational activities in respect of the many Coronavirus regulations that were introduced during the course of the pandemic.
3. This has resulted in most if not all local authorities to fall behind on their food premises inspection programmes over the last two years. During the 10 years or so prior to the pandemic, the Authority had achieved very close to 100% of its inspection programme each year.
4. The Food Standards Agency has produced its COVID-19 Local Authority Recovery Plan: guidance to local authorities for the period 1 July 2021 to 2023/24. This plan sets out the expectation on Local Authorities to meet various milestone achievements in respect of its Food Safety inspection programme during the recovery period up to 2024.

## **FOOD HYGIENE INSPECTION PROGRAMME**

5. Food Hygiene Inspections are carried out in accordance with the Food Law Code of Practice (March 2021), issued by the Food Standards Agency.
6. 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. Premises are attributed a risk Category based on the inspection findings, categorised A-E. This risk category determines the next inspection frequency as follows:-

A - 6 months

B - 12 months

C - 18 months non-compliant (split into sub-categories broadly compliant and non-compliant)

D - 2 years (together with broadly compliant C's)

E - No traditional inspection, but intervention of a different type

7. The Food Standards Agency COVID-19 Local Authority Recovery Plan sets out the expectation to catch up in each of the categories above by defined milestone dates.
8. The Food Safety Service Recovery Plan at Appendix A sets out how Gosport's Food Safety inspection programme is likely to recover based on the Agency's recommendations.
9. The food team are able to carry out around food hygiene inspections per month. There are 227 premises in Categories A-D outstanding and there are 10 months of this financial year to go, so it is anticipated that the Food team will "catch up" with the Food Hygiene inspection programme by 31<sup>st</sup> March 2023 in line with the Food Standard's Agencies expectations. Although it should be noted another

infectious disease episode or major piece of work such as a prosecution, would make this more difficult given the additional strain on resource that would bring.

10. A further report will be brought to this Board after the end of the current financial year to report on actual progress against the attached recovery plan.

#### **RISK ASSESSMENT**

11. It is important that the Authority has a published Food Safety Service Recovery Plan to demonstrate it can meet the Food Standard's Agency's Local Authority recovery expectations

#### **CONCLUSION**

12. Except for two periods during complete lockdowns over the last two years the Food Team have continued to carry out their functions, albeit under difficult circumstances and as a result are in a good position to meet the Food Standards Agency Recovery expectations, as detailed in the recovery plan detailed at Appendix A.

### **APPENDIX A – Proposed Food Safety Service Recovery Plan 2022/2023**

**Enquiries:** For further information on this report please contact Ian Rickman (Ext 4773).



**FAREHAM** BOROUGH  
COUNCIL

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

# **Food Safety Service Plan**

**2022/2023**

**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 Gosport Borough Council has in place adequate and effective arrangements to meet its statutory obligations in respect of Food Safety, in particular in respect of the Service recovery from the Coronavirus pandemic.
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 Head of Environmental Health, who has further delegated relevant Authority to staff within the Food team within the Fareham and Gosport Environmental Health Partnership.
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 Health and Public Protection Scrutiny Panel, and the Executive are responsible for this function.
7. Reports are considered by the Health and Public Protection Scrutiny 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**

8. The Borough of Fareham has a population of approximately 116,000 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.
9. 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.
10. 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.
11. 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.

### **Organisational Structure**

12. The Council is run by an Executive, supported by a number of 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.
13. 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 Health & Public Protection.
14. The Council has several Scrutiny panels, which broadly mirror the portfolio areas of the Executive members. The job of the Scrutiny panels is to take a leading role in the development and review of policies, related to its particular services. All of the panel's report to the Council's Executive Committee. The panel currently responsible for Food Safety is the Health & Public Protection Scrutiny Panel.
15. The Food Safety function is undertaken by the Food Team of the Environmental Health Section, within the Leisure & Community Department, which reports to the Health & Public Protection Scrutiny Panel. the Director of Leisure & 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 Leisure and Community reports to the Deputy Chief Executive Officer.

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

16. 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 Food Team team is now a single team providing the Food Safety 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 gives the Service more resilience.
17. The Food team consists of 2 full time and 1 part-time (3 days a week) Senior Environmental Health Officers, 1 Senior Technical Officer and 1 Technical Officer.
18. 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
19. The above are used as and when necessary, where expert and specialist advice is required.
20. 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.
21. The figures shown in this report below relate only to the Fareham aspect of the joint team's work.

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

22. 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 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.

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

23. There are approximately 867 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.
24. As of May 2022, the 867 registered food premises within the Borough were made up of the following food premises types:

Distributors/warehousing	<b>17</b>
Farm/smallholding	<b>7</b>
Manufacturers/processor	<b>37</b>
Restaurant café/ snacks	<b>648</b>
Retailer	<b>156</b>
Import/Export	<b>2</b>
<b>Total Registered Premises</b>	<b>867</b>

25. 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.
26. The Team, in addition to undertaking the Food Safety function, also has responsibility for Health and Safety, Licensing, Infectious Disease Control and Health Act.
27. 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 8.45am 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 based on the trading times of food businesses and perceived need. Food Safety issues are also covered by the Out of Hours Service as necessary.

### **Licensing**

28. 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**

29. 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**

30. 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**

31. 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**

32. 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.
33. 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.
34. 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.
35. 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.
36. 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.
37. Fareham joined the scheme in June 2011. The following Table shows the current list of Ratings for Fareham:

Rating	No of Food Businesses
	2022
0 – Urgent Improvement Necessary	0
1 – Major Improvement Necessary	11
2 – Improvement Necessary	5
3 – Generally Satisfactory	24
4 – Good	92
5 – Very Good	575
Exempt / excluded / unrated	160
Totals	867

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**

38. 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.
39. In December 2012, the Executive approved an updated general enforcement policy to cover all the work undertaken by the Department.
40. All food safety enforcement decisions are made following consideration of the Enforcement Policy. Any departure from the Policy will be documented.
41. 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.
42. All food law enforcement will be carried out in accordance with the relevant Food Standards Agency Code of Practice and Practice Guidance and other relevant Guidance.
43. 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 Leisure & 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**

44. The enforcement of Food Safety legislation is governed by a Statutory Food Law Code of Practice and Practice Guidance, which details how enforcement is to be undertaken. There is a risk rating scheme which is used to assess the risk associated with each food business and thereby its priority for inspection. 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.
45. In March 2021 the Food Standards Agency issued a revised Food Law Code of Practice.
46. Inspections must be risk based and the code acknowledges that a range of other measures that can be employed to achieve the same result, e.g., surveys, formal training and interventions including sampling, auditing, verification visits, use of remote information, as well as visits to investigate food or food hygiene complaints.

### **Performance Management Monitoring**

47. 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 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 also required to return data annually regarding its Approved Premises.

## **FOOD SAFETY INTERVENTIONS PLAN**

### **Inspections**

48. Inspections are carried out in accordance with the Food Law Code of Practice (March 2021).
49. 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 local system and each month a list of premises due for inspection is produced.
50. The Code requires Category A and B premises to receive an inspection at the appropriate frequency (6 months & 12 months).
51. 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.
52. Category D premises (2 years) will be treated the same as Broadly Compliant C premises.

53. Category E premises may not receive traditional inspection at all but may receive one of the other intervention types as appropriate.
54. All new food premises will receive an initial inspection and thereafter treated as above depending on the initial category.
55. The inspection programme for 2022/2023 by risk category is as follows:-

Risk Category	Inspection Interval	No. of Premises due for Inspection
		2022/2023
A, B and non-compliant C	6, 12 and 18 months	72
Compliant C, D	18 months, 2 years and 3 years	109
<b>Total</b>		<b>181</b>

56. 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.

### **Effect of Coronavirus on the Food Safety Service**

57. The pandemic saw many premises closed during the various lockdowns and some of the premises that were open, were not accepting visitors e.g. care homes and schools. In addition, the Environmental Health staff that would have been carrying out this work were engaged in enforcement and educational activities in respect of the many Coronavirus restrictions regulations that were introduced. This has resulted in most if not all local authorities to fall behind on their food premises inspection plans over the last two years. During the last 10 years or so the Authority had achieved very close to 100% of its inspection programme each year.
58. The food hygiene inspections achieved in the last 4 years are as follows:-
  - 2018/19            392 (approx. 99% of programme)
  - 2019/20            363 (approx. 99% of programme)
  - 2020/21            106
  - 2021/22            365

### **Food Standards Agency COVID-19 Local Authority Recovery Plan**

59. The Food Standards Agency published its recovery plan in July 2021 which set out its expectations for the delivery of local authorities' food safety controls, producing their risk-based Recovery Plan for the period July 2021 to 2023/24. Although this plan will deal with the period 2022/23.

60. The Recovery Plan provides a framework for re-starting programmed food inspections in line with the Food Law Codes of Practice (for England, Wales and Northern Ireland) for new food establishments and for high-risk and/or non-compliant establishments while providing flexibility for lower risk establishments. The plan should be implemented alongside delivery of:

- official controls, such as approved establishments, where the nature and frequency are prescribed in specific legislation and official controls recommended by FSA guidance that support trade and enable export
- reactive work including enforcement in the case of non-compliance, managing food incidents and food hazards, and investigating and managing complaints
- sampling, and
- ongoing proactive surveillance.

61. A summary of the Food Standards' Agency Recovery plan for Local Authorities is shown below: -



62. Here is summary of where Gosport are in relation to the above plan: -

- **Ongoing specific legal requirements, Surveillance, enforcement and urgent reactive work** – this work didn't cease during the pandemic and is ongoing by its very nature.
- **New and refreshed food hygiene ratings given following appropriate interventions** – once a premises has been inspected, as part of the process it is given a food hygiene rating, and these are regularly uploaded to the Food.gov.uk website.
- **Phase 1 By 30 September 2021** – During the Pandemic and the ongoing recovery there have a lot of new businesses register in Gosport. When the new registrations come in the premises are given a priority based on the food safety risks associated with their proposal and they are prioritised

accordingly for inspection. They are inspected alongside those premises that are due for inspection and it is an ongoing process, there are currently 17 new premises awaiting inspection.

- **By 31 March 2022** – All of the A rated establishments for Food Hygiene had received an onsite intervention.
- **By 30 June 2022** - All of the B rated establishments for Food Hygiene have received an onsite intervention. (Food Standards is enforced by Trading Standards at County).
- **By 30 September 2022** – It is expected that all of the C rated and less than broadly compliant C premises will have been inspected by this date, 47 premises.
- **By 31 December 2022** – It is expected that most of the D rated and less than broadly complaint premises will have been inspected by this date. 109 premises.
- **By 31 March 2023** - It is expected that all of the C rated broadly compliant C premises will have been inspected by this date, included in the 47 figure above.

63. The food team are able to carry out around 45 food hygiene inspections per month. There are 181 premises in Categories A-D and there are 10 months of this financial year to go, so it is anticipated that the Food team will “catch up” with the Food Hygiene inspection programme by 31<sup>st</sup> March 2023 in line with the Food Standard’s Agencies expectations. Although it should be noted another infectious disease episode or major piece of work such as a prosecution, would make this more difficult given the additional strain on resource that would bring.

#### **Food Hygiene Inspections follow up/administration**

64. 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 the Enforcement Policy.
65. Currently, the profile of premises in Gosport is detailed in paragraph 21. 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.
66. The Council maintains a Register of all food premises within the Borough in accordance with regulations. The register is held on the Computer system which is maintained by the Head of Environmental Health
67. The Food team has received appropriate training to ensure knowledge of food specific legislation which relates to premises within the Borough.
68. 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.
69. The Food 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.

70. 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.

### **Food Complaints**

71. 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.
72. 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.
73. 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 Gosport's in-house procedure.
74. 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.
75. 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 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.
76. Dealing with food complaints is a relatively small part of the workload.

### **Primary Authority Principle**

77. 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.

78. Currently this Council does not act as Primary Authority for any local business.
79. 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.

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

80. 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.
81. The Food 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.
82. Training is however organised on an ad hoc basis for businesses depending on need, e.g. in response to new legislation.
83. 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.
84. 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.
85. Information is also available on the Council's Website.
86. 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 in response to a prosecution for any offences.

### **Food Sampling**

87. 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 2022/2023 can be seen at Appendix 2 to this plan.
88. 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.
89. 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.

90. 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).
91. 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
92. As a result of the above the Food Standards Agency published its recovery plan in July 2021 which set out its expectations for the delivery of local authorities' food safety controls, producing their risk-based Recovery Plan for the period July 2021 to 2023/24.
93. The Recovery Plan provides a framework for re-starting programmed food inspections in line with the Food Law Codes of Practice (for England, Wales and Northern Ireland) for new food establishments and for high-risk and/or non-compliant establishments while providing flexibility for lower risk establishments. The plan should be implemented alongside delivery of:
  - official controls, such as approved establishments, where the nature and frequency are prescribed in specific legislation and official controls recommended by FSA guidance that support trade and enable export
  - reactive work including enforcement in the case of non-compliance, managing food incidents and food hazards, and investigating and managing complaints
  - sampling, and
  - ongoing proactive surveillance.
94. A summary of the Food Standards' Agency Recovery plan for Local Authorities is shown below: -



95. Here is a summary of where Fareham is in relation to the above plan: -

- **Ongoing specific legal requirements, Surveillance, enforcement and urgent reactive work** – this work didn't cease during the pandemic and is ongoing by its very nature.
- **New and refreshed food hygiene ratings given following appropriate interventions** – once a premises has been inspected, as part of the process it is given a food hygiene rating, and these are regularly uploaded to the Food.gov.uk website.
- **Phase 1 By 30 September 2021** – During the Pandemic and the ongoing recovery there have a lot of new businesses register in Fareham. When the new registrations come in the premises are given a priority based on the food safety risks associated with their proposal and they are prioritised accordingly for inspection. They are inspected alongside those premises that are due for inspection and it is an ongoing process, there are currently 39 new premises awaiting inspection, this number has been reduced from around 100.
- **By 31 March 2022** – All of the A rated establishments for Food Hygiene had received an onsite intervention.
- **By 30 June 2022** - All of the B rated establishments for Food Hygiene will have received an onsite intervention. (Food Standards is enforced by Trading Standards at County). Those outstanding up to this date are 4 premises.
- **By 30 September 2022** – It is expected that all of the C rated and less than broadly compliant C premises will have been inspected by this date, 28 premises.
- **By 31 December 2022** – It is expected that all of the D rated and less than broadly complaint premises will have been inspected by this date. 109 premises.
- **By 31 March 2023** - It is expected that all of the C rated and broadly compliant C premises will have been inspected by this date, 19 premises.

## **Food Complaints**

96. 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.
97. 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.
98. 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.
99. 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.
100. 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 Leisure & 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.
101. Dealing with food complaints is a relatively small part of the workload

## **Primary Authority Principle**

102. 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.
103. Currently this Council does not act as Primary Authority for any local business.

104. 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**

105. 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.
106. 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.
107. Training is however organised on an ad hoc basis for businesses depending on need, e.g. in response to new legislation.
108. 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.
109. 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.
110. 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.
111. Information is also available on the [Council's website](#).
112. 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.
113. The Food team also deal with requests for food hygiene advice and allegations of food poisoning/infectious disease notifications.

### **Food Sampling**

114. 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 2022/2023 can be seen at Appendix 2 to this plan.
115. The Council participates in the Portsmouth and Southeast Hampshire sampling group, which has a co-ordinated food-sampling programme based on Food Standards Agency, Local Government Regulation and agreed local priorities.
116. 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).
117. 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**

118. 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.
119. 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.
120. 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.
121. 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.
122. 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**

123. 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.

124. 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**

125. 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**

126. 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**

127. 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.

128. 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.
129. 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**

130. The Food team consists of 2 Senior Environmental Health Officers, 1 P/T Senior Environmental Health Officer (3 days), 1 FT Senior Environmental Health Technical Officer and 1 FT Environmental Health Technical Officer.
131. Officers only carry out work which is permitted by the qualification requirements of the code of practice.
132. 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**

133. 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.
134. 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.
135. This training may be provided through attendance at externally organised courses and seminars or through in-house training activities.
136. All training received will be documented as part of the Council's central training plan.

137. Core regulator skills will be achieved by the use of the "Regulators Development Needs Analysis tool".

### **QUALITY ASSESSMENT**

138. The Food Safety Act Code of Practice on Food Hygiene Inspections requires Authorities to have internal monitoring systems.
139. 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.
140. 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.
141. 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**

142. 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.
143. The Food Standards Agency then reports this performance data to Government.
144. Performance against the recovery plan will be reported next year.

#### **Areas for improvement**

145. The focus following the Pandemic is on the recovery plan and meeting the expectations of the Food Standards Agency in that regard.



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

1. The Sampling Policy document is written for the Partnerships Food team.
2. Food samples will be taken throughout the year both on a programmed and random basis. The department will participate in National 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

**Sampling Program for 2022/23**

MONTHS OF SAMPLING	A	M	J	J	A	S	O	N	D	2023 J	F	M
<b>LACORS SAMPLING</b>												
Study 74 - Hygiene in Takeaway Sandwich and Salad bars												
Study 75 - Vegan meals/ingredients/meat alternatives												
TBC												
<b>OTHER SAMPLING</b>												
Partnership Sampling												
Water Sampling												
Butchers and Approved Premises												

Sampling Activity during coloured months

Study Name	Aim of Study	Type of Sample req	Total Number of samples per authority	Individual Amount
National Study	Hygiene in Takeaway Sandwich and Salad bars	Swab, food and cloths		
National Study	Study 75 - Vegan meals/ingredients/meat alternatives	TBC		
Partnership Study	TBC	Swabs		
Butchers /Approved Premises (as appropriate)	To sample premises/product as local intelligence determines.	TBC	TBC	TBC
Water Sampling	To check the quality of waters at pools, spa pools, caravan sites and marinas	Water sample	Minimum of 1 per site (up to 3 taken from larger sites)	1 water container
Adhoc sampling	Sampling as and when required			
Imported foods	Sampling as and when required imported food from a 3 <sup>rd</sup> country		As many as possible	