

Joint Environmental Health Service

FOOD SAFETY SERVICE PLAN 2019-20



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1.0 INTRODUCTION

1.1 Joint Food Service Plan

Bolsover and North East Derbyshire District Councils recognise the important role they play in securing the safety of food consumed and or produced in the districts. The Food Service Plan is an expression of the Councils' continuing commitment to the provision of food safety and ancillary Services. It covers the key areas of food safety enforcement and the relevant management arrangements and objectives against which Bolsover and North East Derbyshire District Councils will monitor service delivery.

It has been compiled in accordance with the guidance issued by the Food Standards Agency (FSA), including the information required by the Framework Agreement on Local Authority Food Law Enforcement. The FSA has a key role as the central competent authority in overseeing official feed and food controls undertaken by local authorities. It also seeks to work in partnership with local authorities to help them deliver official feed and food controls. The Agency is therefore proactive in setting and monitoring standards, and in auditing local authorities' delivery of official controls, in order to ensure that this activity is effective, risk based, proportionate and consistent.

This Service Plan makes clear what Bolsover and North East Derbyshire District Councils will put in place to ensure that there are adequate arrangements for food safety enforcement and how they will take account of local needs whilst contributing to current FSA priorities.

The plan also identifies other work undertaken by the Commercial Team.

Service plans are seen as an important part of the process to ensure that national priorities and standards are addressed and delivered locally. They should: -

- Follow the principles of good regulation;
- Focus on key delivery issues and outcomes;
- Provide an essential link with corporate planning;
- Set objectives for the future, and identify major issues that cross service boundaries;
- Provide a means of managing performance and making performance comparisons; and
- Provide information on an authority's service delivery to stakeholders, including businesses and consumers.

The Food Safety Service Plan is reviewed on an annual basis and the next revision will take place in 2020.

In 2019-20 resourcing issues and temporary staffing interventions have meant that this plan was produced part way through the year.

These issues and the steps taken by the Councils to address performance are explained in section 5.

Copies of this Service Plan will be available on our websites www.bolsover.gov.uk and www.ne-deberbyshire.gov.uk

2.0 BACKGROUND

2.1 Profile of the Local Authorities

About Bolsover

Bolsover District is a largely rural area covering 160sq kilometres. It is home to the four individual market towns of Bolsover, Clowne, Shirebrook and South Normanton, and a number of attractive villages and historic hamlets. Population is around 79,000.

The District offers a wealth of recreational and leisure activities; from rich heritage sites at Bolsover Castle, Hardwick Hall, Creswell Crags and the Peter Fidler Nature Reserve to Pleasley Vale Outdoor Pursuits Centre and The Arc Leisure Centre.

A number of large nationally known businesses are based within the District; Shirebrook is home for Sports Direct, the East Midlands Designer Outlet is in South Normanton, and Barlborough has Dobbies Garden Centre. The business base has over 2,700 businesses with micro enterprises (under 10 employees) forming the majority.

About North East Derbyshire

North East Derbyshire is a largely rural area, set within one of the most picturesque counties in England, and forms part of the border of the historic Peak District.

A district of contrasts, from thriving urban settlements to beautiful rural villages and countryside. It covers almost 258sq kilometres with the main centres being Clay Cross, Dronfield, Eckington and Killamarsh.

It has a population of 100,780 and a business base of over 4,000 businesses with micro enterprises (under 10 employees) forming the majority. The District is also home to some large nationally recognised businesses.

2.2 Political Arrangements

The political arrangements for the Councils are as follows: -

Bolsover District Council

37 Local District Councillors
16 Parish Councils
1 Member of Parliament

The political composition of the Council is currently Labour - 18, Independent - 17, Conservative – 2.

North East Derbyshire District Council

53 Local District Councillors
24 Parish Councils
1 Member of Parliament

The political composition of the Council is currently Conservative - 30, Labour - 18, Liberal Democrat - 3, Independent - 2.

2.3 Organisational Structure

The Food Service is delivered by a Joint Environmental Health Service. The Joint Service was formed in 2013 to deliver services to both Councils under arrangements designed to provide resilience, flexibility and economies of scale.

Structure Diagram



Within the joint Environmental Health Service, food controls are delivered by the Commercial Team.

The officers with key responsibility for the Service include: -

- Environmental Health Manager – service development; management of the service reporting to the Head of Service.
- Senior Environmental Health Officer (Commercial) – day to day management of the service, service development, official returns, service requests, co-coordinating food hygiene rating scheme and supporting officers.
- Environmental Health Officers (5) – high and low risk premises inspection, service requests, infectious disease investigations, food sampling and food complaints, along with other duties within the Commercial Team.
- Technical Support – receiving service requests, alternative strategy administration, food hazard warnings, data inputting and infectious disease investigation.

The Commercial Team also works closely with other teams in the Service, including Licensing, to reduce the burden on business and ensure a holistic, integrated approach to business regulation.

The Pollution and Housing Team also provide support to businesses and team members in respect of pest control, drainage advice, investigation and preventing and resolving pollution issues.

In relation to Food Standards, colleagues from Derbyshire County Council's Trading Standards Service cover issues relating to food composition, chemical contamination of food, labeling, feeding stuffs, premises inspection and weights and measures.

The Public Health England (PHE) Laboratories support our service by operating a courier service for samples and undertaking microbiological examination.

2.4 Access Details

Address: -

Joint Environmental Health Service
North East Derbyshire District Council
2013 Mill Lane
Wingerworth
Chesterfield S42 6NG

Customer Services: 01246 242424 (Bolsover District Council) or 01246 231111 (North East Derbyshire District Council), between 9am and 5pm

enquiries@bolsover.gov.uk or connectne@ne-derbyshire.gov.uk
www.bolsover.gov.uk or www.ne-deberbyshire.gov.uk

3.0 DESCRIPTION OF SERVICE

3.1 Commercial Team Functions

The Commercial Team provides a range of regulatory services to the business community and the general public as follows: -

- **Food Safety.** Sustaining and improving the standards of safety and quality of food manufactured, prepared and supplied in the Bolsover and North East Derbyshire Districts.
- **Health and Safety.** Ensuring that risks in the workplace for both workers and the public are properly and proportionally managed.
- **Infectious Diseases.** Investigating incidents of infectious diseases to control spread and identify causes.
- **Private Water Supplies.** Assessing risk and sampling water to ensure that supplies do not pose a threat to health.
- **Animal Welfare Licensing.** Maintaining the standards of animal welfare in premises such as breeding and boarding establishments, pet shops and riding establishments.

Our business customers rely on the Service to maintain a level regulatory playing field in the markets they operate so that non-compliant businesses do not gain a competitive advantage. They expect us to be consistent and fair, providing advice and guidance when it is needed and using enforcement tools when appropriate.

The public expect us to ensure that they are protected and increasingly that they have access to information that allows them to make educated choices about the businesses they engage with.

3.2 Food Safety Functions

Food safety service functions include: -

- To carry out programmed proactive and re-active food hygiene interventions and revisits within the FSA targeted timescales to ensure compliance with Food Safety, in order to determine hazard rating and inspection frequency.
- To investigate complaints regarding food sold or prepared in the districts.
- To investigation of complaints regarding food safety and hygiene practices.
- To investigate sporadic cases and outbreaks of food poisoning/suspected food poisoning and infectious disease control in conjunction with PHE.
- Respond to food alerts issued by the Food Standards Agency.

- To provide advice and information on food safety issues.
- To ensure that approved premises are inspected and updated as necessary in line with legislation and guidance changes.
- To participate in the National Co-ordinated and Cross-Regional sampling surveys for 2019/20 and to undertake additional sampling to meet local need.

3.3 Service Aims and Objectives

The Service aims are as follows: -

- Improving the public health of those living in our community in connection with the consumption of food and likewise to protect the interests of consumers in relation to food produced within our community.
- Maintaining and improving food hygiene and safety standards, protecting the public, employees and businesses alike, ensuring that we are equitable, proportional, consistent, helpful, and transparent and address equality issues.
- To help reduce the administrative burdens on business, by promoting more efficient approaches to regulatory inspection and enforcement, without compromising regulatory standards or outcomes.
- Ensuring food including all imported products are produced or sold in the UK are safe to eat, food producers and caterers give priority to consumer interests in relation to food and consumers have the information to enable them to make informed choices about where and what they eat.
- Regulation is effective, risk-based and proportionate, is clear about the responsibilities of the food business operations, and protects consumers and their interests from fraud and other risks ensuring our enforcement is effective, consistent, risk-based and proportionate and is focused on improving public health.

The service contributes to the corporate aims of: -

- Unlocking Our Growth Potential.
- Providing Our Customers with Excellent Service.
- Supporting Our Communities to be Healthier, Safer, Cleaner and Greener.
- Transforming Our Organisation.

This will be achieved through: -

- Providing help, advice and support to consumers to protect health and promote consumer choice e.g. promoting the Food Hygiene Rating Scheme and Heart of Derbyshire scheme.

- Protecting the environment through approval, registration and licensing of relevant premises in accordance with current legislation ensuring appropriate and proportionate enforcement a robust inspection and intervention programme including advice and support for business.
- Investigation and resolution of consumer complaints regarding food and businesses in a transparent, robust and consistent manner.
- Identifying our current delivery in Food Safety and its effectiveness and ensuring next year's work programme is based on government guidance and local agendas, ensuring that alternative interventions are effective and non-compliant premises are monitored and improved.

Our service is measured against performance targets which have been set for 2019/20 as:-

- 90% of food premises in the area are broadly compliant with food hygiene legislation.
- 100% of high risk premises interventions are carried out 'on time'.

These indicators provide an objective measure on how our premises are improving and how well our service is performing.

3.4 Demands on the Food Service

In relation to food safety, the districts contain a mix of manufacturing, retail and catering premises.

Catering and retail are the dominant sectors within this mix. The businesses are predominantly small to medium sized establishments. The Councils have a traditional cross-section of food businesses: -

	Premises at 1 st April 2018	Premises at 1 st April 2019
Total number of Food Premises	1,657	1,697
Categories A-C (High Risk)	258	262
Categories D-E (Others)	1,343	1,337
Non Rated	56	98
Retail premises	351	353
Catering premises	1,193	1,242
Distributors	31	33
Importers/exporters	1	1
Manufacturers	41	40
Primary producers	18	18

External factors impacting on food safety enforcement service delivery include: -

- Seven day local economy.
- Transition from manufacturing to service industry economy.
- Turn-over of occupancy/use.
- Increasing number of fast food outlets.
- Nationally set priorities, initiatives and programmes etc.

3.5 Policy and Standards

Delivery of Food Controls is carried out in accordance with national procedures and guidance including: -

- Regulators' Code.
- Food Law Code of Practice.
- Food Law Practice Guidance.
- Food Standards Agency Guidance.

In addition, the Councils have adopted a joint Enforcement Policy which is available upon request and on the Councils' websites.

3.6 Competency

Officer competencies are managed by means of a Performance Development Review process with individual training and development records being maintained. Officers have completed a competency matrix following the Food Law Code of Practice. This is reviewed annually.

Specialised training previously undertaken within the team includes: -

- Lead auditor training in compliance with ISO 9001.
- HACCP evaluation.
- Sous-vide and low temperature cooking or processing.
- Vacuum and modified atmosphere packing.
- Evidence gathering and investigation skills.
- Regulatory and legal skill competencies.

- E coli/control of cross contamination.
- Annex 5 risk rating consistency.
- Microbiological criteria for food with an emphasis on *Listeria monocytogenes*.
- Approved establishments.
- Food allergens.

As required under the Food Law Code of Practice a minimum of 20 hours CPD per year is obtained by the Lead Food Safety Officer and authorised officers, with a minimum 10 hours on relevant core food related hours per officer per year being undertaken. Training is provided to address needs identified during the FSA officer competency assessment and within the Councils' Performance Development Review framework.

Additional training will be resourced subject to emerging demands.

Training requirements provisionally identified for 2019-20 included: -

- Imported food controls.
- Regulatory consistency.
- Sampling.
- Shelf life testing and microbiology.

A documented procedure is maintained for recording qualifications, training and individual competencies which are reviewed annually as part of the Performance Management process.

4.0 SERVICE DELIVERY

4.1 Interventions at Food Establishments

The Service will undertake a programme of comprehensive and targeted interventions at food premises in accordance with the Food Law Code of Practice, to ensure compliance with relevant legislation and the promotion of best practice.

As in previous years, the concentration of activity for qualified officers will be in carrying out all high risk and approved premises inspections due as part of the inspection programme.

The Commercial Team is responsible for 14 premises (2 in BDC) and (12 in NEDDC) currently subject to approval under Regulation EC 853/2004 for manufacturing/processing of products of animal origin. These are inspected in accordance with our risk rating programme.

In line with the Food Law Code of Practice, interventions other than inspections have been adopted in respect of certain, particularly low risk, premises. For some of the lowest risk businesses, a telephone call is made to the business in order to assess whether there have been any changes since the last inspection, the extent of the business and the level of food safety control. Many low risk premises may still need to be visited by an officer to gather information regarding food safety.

It is possible to use an officer as a Regulatory Support Officer in accordance with the Code of Practice to do the initial work thereby maximising the use of resources. The information gathered is assessed and a decision made as to what further action is required. This could range from no further action to a full inspection. A visit is likely to be triggered if other contact cannot be made or if the activity of the business has changed.

In 2019-20 an Alternative Enforcement Strategy has been incorporated into the intervention programme which has targeted chemist's shops, child minders and community centres by using questionnaires and telephone calls to assess food safety controls. These interventions will be made where considered appropriate on a case by case basis on allocation of inspections.

Idox Uniform is used to maintain the premises database. The following is a summary of the current Food Business risk rating profile: -

		Active Food Businesses 1st April 2019	Active Food Businesses 1st October 2019
Risk Category (Inspection frequency)	A (at least 6 monthly)	4	1
	B (at least 12 monthly)	47	51
	C (at least 18 monthly)	211	254
	D (at least 24 monthly)	618	563
	E (at least 36 monthly)	719	661
	Unrated	98	121
	TOTAL	1,697	1,651

The following table outlines the provisional intervention programme for the financial year 2019-20 and shows progress during the first half of the year: -

Risk Category	Interventions due 1st April 2019 – 31st March 2020	Interventions undertaken 1st April 2019 – 30th September 2019
A	4	2
B	47	14
C	141	33
D*	443	231
E*	514	189

* Includes backlog of overdue interventions

4.2 Food Hygiene Rating & Compliance

The Councils have adopted the National Food Hygiene Rating Scheme (FHRS).

The premises rating profile is as follows: -

FHRS Rating	Number of premises 1st April 2018	Number of premises 1st April 2019
5 – Very Good	1,056	1,080
4 - Good	156	152
3 – Generally Satisfactory	49	37
2 – Improvement Required	11	7
1 – Major Improvement Required	10	12
0 – Urgent Improvement Required	2	4
Awaiting inspection	48	59
Exempt	117	113

The total number of non-compliant premises (Food Hygiene Rating 0 – 2 inclusive) at 1st April 2018 and at 1st April 2019 was 23.

Revisits will be limited to non-compliant premises, to follow up formal action and to premises with a Food Hygiene Rating of 3 with a poor compliance history or at officer discretion. Enforcement action will be taken on a graduated approach in accordance with the Enforcement Policy.

Re-visits will be carried out free of charge until March 2020 after which charging for rescore re-visits will be considered.

4.3 Food and Food Premises Complaints

The Councils investigate all complaints they receive relating to food where it is the enforcement authority and will liaise with Home, Primary and Originating Authorities as appropriate.

An initial response to a food complaint will be made within 3 working days. A 1 day response time is implemented for food contamination or pest infestation complaints reported in open food premises.

	Actual for 2018/19	Actual to 30th September
Food and food premises complaints	150	87

Complaints shall be investigated in accordance with the Enforcement Policy.

4.4 Business Advice

The Service has a policy of offering advice to any start-up business or established business which has trading premises within our areas, unless the trader has entered into a Primary Authority or Home Authority arrangement with another Local Authority.

Initial advice will normally be limited to telephone advice, provision of advisory material or sign-posting to relevant sources of information. Advisory visits will be undertaken at the discretion of the officers prior to food businesses opening.

The Service is exploring alternative models for the provision of business advice, including the development of online resources and chargeable services. We are also pursuing links with colleagues working in economic development at district and county level.

4.5 Food Sampling

Programmed food sampling will be carried out in the year, in liaison with Public Health England and in line with the sampling protocols agreed by the regional PHE sampling programme. The service will also undertake sampling based on local intelligence.

Despite the challenges facing the service, a total of 98 samples have been taken in the first half of the year and sampling will continue at approved premises, as this is achievable within current resources.

Other sampling which may be carried out includes: -

- Sampling as part of an official control intervention.
- In response to complaints.
- Where local intelligence indicates a potential risk to health, and sampling forms part of the service's response.

All formal food samples will be submitted to the Public Analyst for compositional analysis or to the Public Health England Food, Water and Environmental Laboratory Service for microbiological examination.

4.6 Infectious Diseases

The Commercial Team carries out the statutory responsibilities of the two local authorities with regards to infectious diseases.

This includes but is not solely in relation to food borne illness so whilst the service will investigate outbreaks of Salmonella and E. coli for example, it will also follow up incidents of Legionella and Hepatitis. The duties include working with Public Health England (PHE) to identify sources of disease, reducing the risk of transmission, gathering data, liaising with people suffering from infectious diseases and when necessary taking formal legal action to prevent the spread of disease.

Investigation and control of major outbreaks is undertaken in conjunction with the Consultants in Communicable Disease Control at Public Health England. Investigation, the establishment of an Outbreak Control Team and control measures are all implemented in accordance with the agreed Joint Communicable Disease Incident/Outbreak Management Plan.

We have a target response time for infectious disease outbreak notifications of 1 working day.

4.7 Private Water Supplies

The Water Industry Act requires a local authority to keep itself informed about the wholesomeness and sufficiency of every private water supply within its area.

This is achieved through statutory duties which include; risk assessments, investigations, authorisations and monitoring (sampling and analysis).

Regulations also make provisions for local authorities to charge fees to the relevant person(s) for conducting these duties.

If through these duties the councils deem a private water supply to be unwholesome and/or insufficient then it has the power to serve notices on the supply in order to mitigate against these.

There are 55 commercial (regulation 9 supplies), 82 shared (regulation 10 supplies) and 114 single supplies in the Bolsover and North East Derbyshire Districts.

Work is underway to explore outsourcing this function to a suitably competent private provider.

4.8 Health and Safety and Animal Welfare Licensing

The Commercial Team also delivers the enforcing authority responsibilities of the Council under the Health and Safety at Work etc. Act 1974, through proactive and reactive interventions in relation to safety of workplaces and Animal Activity and Welfare Licensing under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations.

These animal welfare regulations significantly changed the way in which we administer the majority of animal welfare licenses, introducing a rating scheme that determines the frequency of relicensing from between one and three years and a two part fee structure.

The new legislation considerably increased the volume of work necessary and the complexity of this types of licensing which has placed pressure upon the service however this is being managed through additional resources employed to ensure the delivery of this additional programme. Licensing fees are charged on a cost recovery basis.

5.0 PERFORMANCE & IMPROVEMENT

5.1 Service Challenges & Improvement

Over the last 2 years, service delivery has been adversely impacted by staff vacancies and recruitment difficulties.

The Service has struggled to meet some of its responsibilities, chiefly due to the loss of Environmental Health Officers to other local authorities, which has come at a time when there has been an increase in the workload the Service is required to deliver.

There has been a general increase in complex cases leading to an increase in legal work, including prosecutions and high profile enforcement cases. The turnover in food business operators, particularly within takeaways, is presenting additional challenges and demands.

These factors have resulted in a backlog of low risk premises overdue inspection.

In 2019-20 the Service is responding to these issues in the following ways: -

- Engagement of an Environmental Health advisor and interim Head of Service.
- Appointment of an Environmental Health Manager (to fill an existing vacancy).
- Appointment of five part time contract Environmental Health Officers, undertaking food hygiene inspections on a per inspection basis.
- Secondment of an Environmental Health Officer from a neighbouring authority for two days a week providing support in the Commercial Team.
- Appointment of an agency Environmental Health Officer able to undertake the full range of commercial duties including high risk food inspections.
- Extension of temporary arrangements to provide additional technical and administrative support to the Commercial Team, providing assistance to officers with administration and data entry.
- Regular review and analysis of performance levels informing the procurement of additional contract support, as required, to complete the programme by 31st March, 2020.

The Leaders of both Councils and the Joint Chief Executive have also instigated a review of the Environmental Health Service, which with Cabinet and Executive support will include: -

- A review of existing staffing structures.
- A review of teams including functional synergies and the skills mix of staff.
- A review of salary levels and individual posts to help address recruitment difficulties.
- Business process improvements including the use of technology, new ways of working and other efficiency measures.

The Interim Head of Service will co-ordinate the review and contribute to the development of a detailed improvement plan for the Service.

In addition, Bolsover District Council is participating in a Local Government Association (LGA) corporate peer challenge in November 2019. The Leader of the Council has asked the review team to focus on three priorities, including Environmental Health.

5.2 Performance Monitoring

Monitoring arrangements are in place to assist in the quality assessment of the work being carried out by the Commercial Team as follows: -

- Peer review of inspections (shadowing), including of agency contractors.
- Structured quarterly review of a sample of post inspection records.
- Regular team meetings.

- Individual performance reviews.

In addition, the Interim Head of Service is overseeing the staffing interventions in place to address performance during this interim period.

Work will continue with the Environmental Health Manager and the Senior Environmental Health Officer (Commercial) to monitor performance, to forecast outputs and to ensure that sufficient and appropriate resource is provided to enable the programme to be delivered in 2019-20.

5.3 Other Challenges & Risk Management

Other challenges to service delivery include: -

- Brexit. The food law currently enforced by local authorities is predominantly based on European regulations and will require reproducing domestically.
- Our team currently has not received any requests to produce export certificates for our approved establishments or larger premises within the district, however as the plan is to leave the EU in October 2019 we may be required to provide export certificates ensuring that food exported is in strict accordance with the Food Hygiene Regulations.
- The FSA Regulating Our Future (ROF) review includes some proposals that may change the focus of the way we currently regulate food businesses. These are quite complex and still under development and consultation.

Risk Management /Business Continuity: -

Identified service level risks relate to resourcing, having appropriate structural elements in place (including service planning and performance management) and to maintaining and building upon the level of skills within the team (recruitment and retention).

6.0 DOCUMENT CONTROL

Second draft: 23rd October 2019

Released in draft to the FSA: 23rd October 2019

Approved by Portfolio Holders: