

Food Safety Operating Plan 2023 / 2024

Regulatory Services

Portsmouth City Council

DRAFT

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1. Introduction

- 1.1 This Food Safety Operating Plan has been produced in accordance with the Food Standards Agency (FSA) 'Framework Agreement on Official Feed and Food Controls by Local Authorities'. Its purpose is to demonstrate that Portsmouth City Council (the council), as the designated 'Competent Authority', has in place adequate and effective arrangements to meet its statutory obligations in respect of food and feed safety.
- 1.2 The plan is subject to scrutiny and approval by the Cabinet Member for Safety in the Community to ensure local transparency and accountability. When approved, it may be subject to publication on the Council's website.
- 1.3 Delivery of the plan and the enforcement of the legal requirements relating to food and feed standards, safety and hygiene is the responsibility of the Regulatory Services Team which forms part of the Culture, Leisure, and Regulatory Services Directorate.
- 1.4 There is a wide range of EU-derived legislation that governs the safety of food and feed in the UK at all stages of the production and distribution chain including a number of general principles of food safety and food law which food businesses must comply with. The plan sets out how business is regulated and advised and how relevant legislation is enforced to minimise the food safety risks to the health and well-being of those living and working in Portsmouth and also those visiting the city.
- 1.5 Since the UK left the EU, the majority of directly applicable legislation has been consolidated into UK law and is referred to as Assimilated Regulation (since 1st January 2024). There have been no significant changes to the legal requirements relating to food safety or to the Council's enforcement priorities. However, the number of food and feed controls delivered at the Portsmouth International Port (PIP) is likely to significantly increase in the future as a result of the change in status to a Border Control Post (BCP) and the range of imported food commodities that require 'Official Control' checks.
- 1.6 The Food Safety Operating Plan 2022/23 covers the following:
 - A profile of food businesses in Portsmouth
 - The organisational structure and business priorities of the council and Regulatory Services relating to food safety.
 - The scope of the Food Safety Service and the resources available to meet the demands made on it.
 - The delivery of the service in relation to the food business inspection programme.
 - A review of performance in 2022/23 and a summary of key activities identified for 2023/24.

2. Aims and Objectives of the Food Safety Service

2.1 The aim of the service is to ensure that food and drink that is produced, stored, distributed, and consumed in Portsmouth is safe. To support this aim, there are several key service objectives:

- Ensure by education and enforcement that food intended for human consumption which is produced and/or sold in Portsmouth is safe to eat and complies with food safety requirements.
- Deliver a programme of inspections and interventions in relation to food businesses, on a risk-based frequency.
- Provide support to help businesses comply with their legal obligations.
- Investigate and take appropriate action concerning complaints about food and food premises to protect public health.
- Take enforcement action, when necessary, in a consistent, transparent, and proportionate basis.
- Carry out targeted and reactive environmental and food microbiological / compositional sampling.
- Prevent the spread of specified infectious and food borne diseases.
- Advise and educate consumers and service users on food safety matters.
- Deliver Port Health Authority functions at the BCP and the PIP, including those relating to the sanitary condition of vessels, food imports and exports and the monitoring of shellfish / harvesting within the council's area of jurisdiction.
- Maintain and improve dialogue with stakeholders and customers to improve the manner in which the service is delivered to them.

2.2 The service makes a significant contribution to tackling health inequality that exists in Portsmouth and supported recovery and renewal from the effects of the Covid-19 pandemic - specifically in respect to food safety interventions. We play a major role in:

- Improving the health of local communities.
- Encouraging food businesses and operators to be cleaner and safer.
- Supporting the local economy by giving advice and taking appropriate action to ensure businesses trade within the law.

3. Background

3.1 Profile of the food businesses in Portsmouth

3.1.1 The council is a Unitary Authority with a total area of 40 square kilometres and a population of approximately 207,000. It is a dense, highly urbanised city with approximately 6,800 business premises of which over 2,000 are food businesses.

3.1.2 The food industry in Portsmouth contributes significantly to the local economy. There are several concentrations of food businesses in the city (mainly food retail, caterers, and takeaways), including Gunwharf Quays, Port Solent, Palmerston Road, Albert Road, Osborne Road, Kingston Road, Fratton Road and the High Street, Cosham. There are significant numbers of home caterers and childminders

distributed throughout the city and a growing number of mobile traders operating at fixed pitches or in specific public events.

- 3.1.3 There are also seven businesses which handle high risk foods such as meat, fish and shellfish which are distributed nationally and internationally and are required by food law to be approved by the council. These premises require an enhanced level of supervision and inspection by council officers. 6 approved premises are due for inspection in 2023/24.
- 3.1.4 The profile of the registered food businesses in Portsmouth at the end of 2023, is shown in **Table 1**. The city is characterised by a high level of food business 'churn', i.e., the rate at which businesses open and others cease trading. In 2022/23, 263 food new businesses registered which, over the last two years, has caused a 12.5% increase in the total number of food businesses in the city.
- 3.1.5 The number of known new businesses is significant for the council as it introduces an additional inspection burden to the programmed inspections of existing businesses. The number reported is likely to be an underestimate as national intelligence indicates that a significant number of food businesses start trading without registering particularly home caterers and those relying on social media for advertising services.

Table 1 - Profile of Food Businesses:

Category	No of premises
Primary producers	1
Manufacturers and packers	21
Importers / exporters	4
Distributors / transporters	6
Retailers	706
Restaurants and caterers	1381
Total	2119

- 3.1.6 There is significant food business activity associated with the PIP:
- Portico receives significant quantities of imported fruit, much of it organic, from Rest of World (RoW) countries.
 - The international port serves freight and ferry routes to France, Spain and the Channel Islands and handles large quantities of food and other products from the EU by a Roll on Roll off Ferry (RoRo) operation.
 - The naval base contains several food businesses catering for naval personnel and civilian trade; this presents significant work for the food team in gaining access and inspecting these businesses.
 - A substantial number of cruise vessels are subject to boarding and sanitation inspections which include a food safety assessment. Over 60 cruise ships are expected in Portsmouth in 2023/2024 with the number expected to increase in future years.
 - The build of the BCP is complete; however, its operation and the delivery of the full official food control programme has been delayed with a phased start from February 2024 due to redirections from Government.

3.1.7 There are a growing number of events being held in the city which attract a significant number of mobile traders, many of which are registered by other local authorities. Regular events include Victorious and the Southsea Food Festival, as well as smaller street markets and pop-up pitches. Intervention activity is targeted based on risk and any intelligence received.

3.1.8 The council also has responsibility for monitoring the live bivalve mollusc shellfish beds in Portsmouth and Langstone harbours for microbiological and bio-toxin contamination. There are currently 12 production areas, the last review of classifications being undertaken by the FSA in April 2022.¹

3.2 Organisational structure

3.2.1 The political structure of the council is based on an executive Cabinet, comprising the Council Leader, Deputy and Portfolio Holders. The Portfolio Holder for Environmental Health is the Cabinet Member for Safety in the Community.

3.2.2 There are overview and scrutiny committees (known as Policy and Review Panels) which support the work of the council members and provide some oversight of the decisions made by the Executive.

3.2.3 The food safety function has been delivered by the Regulatory Services Team since a service reorganisation in 2019. The Regulatory Services Manager has responsibility for operational matters supported by Lead Officers whose roles are to ensure the service is delivered in accordance with statutory requirements and the Food Law Code of Practice (FLCoP). Food safety interventions are carried out by a team of field-based Regulatory Services Officers who have demonstrated competency in the delivery of food safety controls.

3.2.4 There is additional support to the service from several partners including:

- UK Health Security Agency (UKHSA) which examines food samples for bacterial and viral contamination at its accredited laboratory in Colindale.
- Hampshire Scientific Services which is an accredited Public Analyst and food examiner for food hygiene and standards matters including labelling and compositional issues.
- A Consultant in Communicable Disease Control at UKHSA who is appointed as the 'Proper Officer' under the Public Health (Control of Disease) Act 1984 and Health Protection Regulations 2011, with regard to food poisoning and food borne infectious disease incidents.
- Animal and Plant Health Agency (APHA) and Border Force in relation to Official Controls and interventions at the BCP.

3.3 Service scope

3.3.1 A wide variety of food safety activities are currently undertaken including:

¹ <https://www.food.gov.uk/business-guidance/shellfish-classification>

- Programmed inspections and interventions at food businesses (fixed or mobile) at a frequency set out in the FLCoP risk rating scheme.
- Revisits to poorly performing businesses following programmed inspections to secure compliance with legal requirements.
- Assessing food hygiene and food standards issues (e.g. food allergens and 'use by' date labelling) during premises inspections.
- Carrying out assessments and updating data for the National Food Hygiene Rating Scheme.
- Sampling food for microbiological and compositional issues which is either intelligence-led or forms part of national sampling programmes.
- Investigating complaints about the standard of hygiene in food businesses in Portsmouth.
- Investigating complaints about food that has been produced and/or sold in Portsmouth.
- Monitoring live bivalve molluscs and water quality for microbiological and bio-toxin contamination.
- Investigating food poisoning and food borne infectious disease cases.
- Responding to national Food Safety Alerts and Incidents issued by the FSA.
- Promoting food safety by education, training and business support and working with other organisations to assist food business operators.
- Carrying out PHA 'Official Controls' i.e., documentary, identity, and physical checks (including sampling) of imported food consignments.
- Checking certificates confirming imported consignments are of organic origin or catch certificates to ensure fish have been legally caught.
- Issuing specific premises approvals to high-risk food businesses subject to that requirement.
- Issuing Ship Sanitation Certificates.
- Sampling of potable water supplies on vessels and at supply points in the PIP.

3.4 Service demand and delivery

3.4.1 Regulatory Services is based at the Civic Offices, Guildhall Square, Portsmouth and has an office base in the Port outside the completed BCP building. The public has access to the service by direct contact through City Helpdesk, an office reception, by e-mail and, for certain functions, through the Council's website.

3.4.2 Inspections of food businesses are normally undertaken when they are trading to ensure food handling practices can be assessed. The inspection of vessels and food consignments is undertaken on a flexible basis and is governed by advance notification of vessel movements in and out of the PIP. Inspection activity for premises and vessels is therefore frequently undertaken outside normal office hours. As necessary, the BCP will be staffed on a shift pattern if / when it becomes operational. Officers work flexibly, often from a home base, and it is expected that service delivery in 2023/24 will continue to be shaped by new corporate working policies intended to improve service delivery to customers.²

² [New ways of working - Intranet \(portsmouth.gov.uk\)](#)

- 3.4.3 There is no routine out of hours or emergency service for food safety matters; service requests are triaged weekly and prioritised for action based on public health risk.
- 3.4.4 Demands on the service are consistently high and significant to the ratio of available FTE. In total, 161 complaints and enquiries about food and 24 complaints about the hygiene of premises were dealt with in the 8 months from April 2013 to the end of October 2023. Priority was given to poorly performing and high-risk food businesses which led to significant enforcement activity during the year (see section 3.6).
- 3.4.5 Portsmouth has a significant number of food business owners whose first language is not English. A specialist translation and interpretation service are used to assist food business operators by providing access to appropriate verbal and written advice in the appropriate language. This includes providing information on legal requirements and supporting proprietors at formal interviews when criminal investigations have been commenced.
- 3.4.6 Food businesses are risk-rated according to prescribed criteria relating food type, method of processing, customers at risk and level of compliance. Businesses are then inspected on the basis of an intervention risk rating which determines the frequency of inspection. These frequencies are set out in the FLCoP.
- 3.4.7 The risk profile of food businesses in Portsmouth at the end of 2023 is shown in **Table 2**.

Table 2 - Food business risk profile:

Risk category	Intervention risk rating	FLCoP target inspection frequency	Number
A	92 or higher	6 monthly	10
B	72-91	12 monthly	58
C	52-71	18 monthly	313
D	31-51	2 yearly	821
E	0-30	3 yearly or Alternative Enforcement Strategy	654
Unrated		Awaiting inspection	263
Total			2119

3.5 Food Hygiene Rating profile

- 3.5.1 After each inspection a food business is rated under the national Food Hygiene Rating Scheme (FHRS) which gives a measure of legal compliance against three key criteria: hygiene practice, premises structure and food safety management. The rating scale ranges from 5 ('very good') to zero ('urgent improvement necessary'). Most food businesses are included in the scheme but those that do not supply food directly to members of the public are exempted.
- 3.5.2 The FHRS profile of the registered and rated food businesses in Portsmouth at the end of 2023 is shown in **Table 3**.

Table 3 - Food Hygiene Rating profile:

FH Rating	Descriptor	Number of businesses (% of rated premises)
0	Urgent improvement necessary	7 (0.4%)
1	Major improvement necessary	37 (2%)
2	Improvement necessary	30 (1.6%)
3	Generally satisfactory	115 (6.2%)
4	Good	296 (15.9%)
5	Very good	1371 (73.9%)
	Total number of rated premises	1856
	Premises not yet rated	263

3.5.3 The Food Hygiene Rating scheme contains three safeguards for businesses:

- Appeal, if the food business operator can demonstrate justifiable reason why the rating is incorrect.
- The 'right to reply', in which the operator can give an explanation why the condition of the business might have been unsatisfactory at the time of the inspection and what measures have been undertaken since to address any issues of concern.
- Ability to request for a visit to reassess the rating, subject to certain conditions being met. A charge of £215 to the business is levied by the council to recover the cost of these inspections.

3.5.4 In 2022/23, a request for a rating reassessment was received from 8 businesses, 7 achieved a higher rating as a result of improvements made.

3.6 Food safety enforcement

3.6.1 Food safety enforcement is undertaken in a graduated manner and in accordance with the Council's Corporate Enforcement Policy and FSA guidance. Informal action, advice and persuasion are the preferred methods of achieving compliance, but other enforcement measures are taken if the circumstances demand this. Any enforcement action likely to lead to court proceedings is subject to a formal process and scrutiny by senior officers.

3.6.2 It is PCC policy that proportionate action will be taken against any business with a rating below 3 ('generally satisfactory') to ensure it improves its compliance with food law. The action taken depends on the issue identified and the risk it presents to the public.

3.6.3 In 2022/2023, a total of 39 food businesses were subject to voluntary closure due to imminent health risk concerns, 4 Emergency Prohibition Notices were served (followed by court Prohibition Orders), 70 businesses required Hygiene Improvement Notices to deal with structural and management deficiencies and 46 written warnings were issued.

4.0. Service Operation

- 4.1 Food safety inspections and interventions are carried out in accordance with the FLCoP and the relevant Food Safety Inspection Standard Operating Procedure. Due to resource pressures and the disruption to service operation during the pandemic, it was not possible to undertake these in accordance with frequencies described in the FLCoP. A backlog of outstanding due interventions has therefore arisen. The situation in Portsmouth reflects the national picture as local authorities have faced significant challenges during the pandemic to target limited resources where they add greatest value in providing safeguards for public health and consumer protection in relation to food.
- 4.2 The number of food hygiene interventions by risk band achieved in 2022/23 and those outstanding at the end of 2023 is shown in **Table 4**.

Table 4 - Food Hygiene interventions achieved and outstanding:

Interventions	Achieved	Due and outstanding
A	35	0
B	51	1
C	143	177
D	51	644
E	7	559
Total	287	1250

- 4.3 Premises inspections involve a food hygiene and a food standards assessment (mainly relating to labelling or compositional issues including allergen declarations). The target inspection frequency for these joint assessments is shown in Table 2.

4.4 Advice to food businesses

- 4.4.1 A significant element of council's regulatory strategy is offering advice to businesses to assist them in achieving compliance with food law. Examples of activities undertaken include:

- Advice to businesses about achieving Covid compliance and safety operating if delivery has changed (see Recovery Plan).
- Carrying out assessments and publishing food hygiene ratings.
- Leaving an intervention report after each inspection detailing any breaches in food safety law and giving advice about how compliance and an improved rating can be achieved.
- Promoting the Food Standards Agency 'Safer Food Better Business' pack and other written food safety management information (including product labelling and allergen information) to improve a business's food safety diligence.
- Communicating the new import requirements to importers and agents to improve transit of goods prior to the implementation of full UK border checks.
- Giving new businesses "start-up" advice prior to their first inspection.
- Advising business proprietors during inspections and other visits.

- Providing advice in leaflets or information on the council's website.
- Responding to individual queries and complaints.
- Giving advice to organisers planning high profile events in the city likely to be attended by large numbers of people.
- Signposting to translated literature and interpreting services when proprietors, managers or staff do not have English as their first language.

4.5 Food Sampling

4.5.1 The food sampling policy is under constant review and was last fully updated in 2021. Sampling activities are mainly those required to deliver Official Controls at the PIP and also interventions which support regulatory activity in the city. Specific surveys are also undertaken as part of annual food sampling programmes; the foods included for sampling are determined by national, regional and local priorities.

4.5.2 Although sampling activity is limited by resource constraints, in order to maximise the public health and cost benefit of food interventions, a mix of proactive and reactive sampling for food hygiene and standards will be considered.

Proactive sampling in 2023/24 will include:

- Participating in national and regional surveys co-ordinated by the UKHSA Food, Water & Environmental Microbiology Laboratory and by regional groups.
- Sampling in Approved Premises and high-risk businesses.
- Supporting the local food hygiene inspection programme with a view to identifying poor hygiene/safety practices and verifying the effectiveness of food safety management systems.
- Local surveys prompted by intelligence received and/or adverse sampling results from imported commodities suspected to have been introduced to the market.
- Dealing with imported food in line with FSA / DEFRA priorities and obligations prescribed by law (in terms of type of products and sampling frequencies).

Reactive sampling will include:

- Responding intelligence received about food fraud or other criminal activity in the city or the PIP.
- Responding to any sampling need arising from a Food Alert issued by the FSA.
- Responding to unplanned emergencies, areas of emerging risk and food poisoning incidents.
- Responding to complaints and enquiries from Portsmouth residents.

4.5.3 PCC retains the responsibility for monitoring the classification and bacteriological quality of the shellfish beds in Portsmouth and Langstone Harbours and also the bio-toxin levels in marine waters. Although the ongoing costs of bio-toxin analysis are met by the FSA, the sampling of shellfish and associated analytical costs are delivered within the service budget.

4.6 Food-borne illness

4.6.1 89 infectious disease notifications were received by the City Council in 2022/23. A breakdown of confirmed cases notified during the year is shown in **Table 5**.

Table 5:

Organism	No of cases
Campylobacteriosis	0
Salmonellosis	3
Giardiasis	26
<i>Escherichia coli</i> infection, VTEC	11
Cryptosporidiosis	15
Shigellosis	0
Hepatitis E, acute	0
<i>Escherichia coli</i> infection, VTEC 0157	1
Shigellosis B (Flexneri)	0
Other food poisoning	33
Total	89

4.6.2 Not all cases were confirmed as being food borne and/or caused by food businesses. The incidence of infection highlights the importance of continued surveillance and timely interventions to prevent cases becoming more widespread and affecting a wider section of the local community.

4.6.3 Infectious disease investigations are made in accordance with a Single Case Plan made under a local agreement between the LAs of Hampshire and the Isle of Wight and the HIOW division of UKHSA. It was reviewed and updated in March 2023 and provides a framework for the investigation of single cases of infectious diseases, many of which are food-borne. Priority is given to cases involving persons who work in the food industry or have contact with vulnerable groups.

4.6.4 The Council also works in partnership with UKHSA to prevent and control cases and investigate wider outbreaks of food related disease that fall outside the scope of the single case plan. It is a member of the Hampshire, Isle of Wight and Thames Valley Local Health Resilience Partnership and works under a Joint Health Protection Incident and Outbreak Control Plan used in the management of an outbreak or incident of infectious disease, or suspected infectious disease, in the community.

4.6.5 The plan describes how organisations respond to an infectious disease outbreak or other serious incident related to infectious diseases and describes arrangements for co-ordinated and prompt action in a suspected outbreak or incident, such as an infectious disease or environmental contamination, which has had, or may have, a significant impact on public health. The plan is scalable and can be used partially or in its entirety depending on the incident and the response required. There were no significant outbreaks in Portsmouth in 2022/2023 that required the implementation of the plan.

4.6.6 The LAs of Hampshire and the Isle of Wight and the HIOW division of UKHSA work collaboratively in an ID forum in which matters of joint interest are discussed to ensure a timely and consistent approach is made to the control of food borne illness.

4.7 Food safety incidents and alerts

4.7.1 There is a documented Food Alert and Incident procedure covering the issue of warnings arising from a food related issue in the City and the response to warnings issued by the FSA.

4.7.2 Responses to Food Incidents and Alerts are determined by the Regulatory Services Manager and Lead Officer in consultation as necessary with the FSA, UKHSA, and other relevant stakeholders.

4.7.3 The FSA uses its communication platform to notify LAs about food safety incidents and alerts and product recalls. Although very few notifications require any form of direct action on the part of the service, these continue to emphasise the value of food safety intelligence and 'horizon scanning' in reducing public health risks. It is difficult to predict the number of warnings likely to be received in 2023/24 and the effect this might have on the programmed work the team undertakes.

4.8 Liaison with other organisations

4.8.1 The Service is committed to formal inter-agency liaison as set out in the FLCoP. Additional communication takes place at officer level during the process of investigating offences, sharing information and exchange of intelligence.

4.8.2 The Hampshire and IOW LAs operate a Food / Health & Safety Advisory Group to collaborate on food/health and safety issues, produce common policies and procedures and promote consistency in food safety regulation (along with our issues connected to food premises in respect to health and safety). A regional Trading Standards forum, which specifically covers food standards issues, also meets regularly. The service is represented on both groups which generally meet 4 times each year.

4.8.3 Officers also routinely liaise with Building Control, Planning and Licensing staff, particularly when new businesses are being established. There also is ongoing liaison with PCC's Private Sector Housing Team and Hampshire Fire and Rescue Service to deal with fire risks in mixed use premises that impact significantly on the safety of food businesses and their resident food handlers.

4.8.4 The service also works with Southern Water to explore additional measures that might be taken to prevent or reduce the frequency of sewage discharges into the harbours and also to assess the impact that these discharges are having upon the quality of the shellfish production areas. Officers also undertake joint premises inspections with enforcement staff from Southern Water to reduce the amount of fat being discharged into shared sewers by commercial food businesses.

4.8.5 Meetings of voluntary organisations have been attended with translation support, to improve the food safety message to food business operators whose first language is not English.

5.0. Resources

5.1 Financial Allocation

- 5.1.1 The budget allocated for food safety regulation (shore side) is approximately £150k in 2023/24 (although it should be noted that officers undertake other statutory services such as animal welfare and health and safety as part of their duties / daily responsibilities - see Section 5.2.1). This resource level is considered to be sufficient to deliver the full range of food responsibilities undertaken by the team.
- 5.1.2 The Regulatory Services Manager is responsible for the allocation and delegation of budgets allocated for food enforcement functions. This is carried out in collaboration with the management team. Budgetary resources are used flexibly to meet changing demands on the service.
- 5.1.3 As mentioned previously, there is significant food business activity associated with the port and the associated build of the BCP is complete, but its operation and the delivery of the full official food control programme has been to be delayed until April 2024 due to direction from Government.
- 5.1.4 The Government is reviewing how to implement these remaining controls in an improved way. A new Target Operating Model (TOM) has been released and formulated in the Border Target Operating Model (BTOM) was published in August 2023. This is based on a better assessment of risk and harnessing the power of data and technology. The new controls regime will come into force from April 2024. This process will build on existing work already taking place as part of the 2027 Border Strategy, including on the UK Single Trade Window - a new digital platform that will help traders to move goods globally more easily. The Government's goal is to create a seamless new 'digital' border, where technologies and real-time data will cut queues and smooth trade.
- 5.1.5 These delays and the current continued funding of the Port Health Service staff (by the Government) may enable qualified officers or those completing their competences to gain valuable experience in assisting the existing cohort of officers in the food business operator intervention programme. This additional provision of resources is however highly dependent upon the Government's approaches to border controls, their funding of such and their timetable for implementation. Currently the ability of the port officers to assist with shore side interventions is limited and it is expected that this will further decrease as the BTOM timetable of April 2024 draws ever closer.
- 5.1.6 Defra have requested the Port Health Service to recruit and prepare for the current commitment timetable. Regulatory Services have set out and communicated with Defra our exact requirements for staffing and equipment required to operate the BCP in such a manner that it can meet the demand for biosecurity checks and not unnecessarily interrupt UK food supply chain. These estimations were calculated on figures provided by DEFRA.
- 5.1.7 The costs of operating the Port Health Service have previously been calculated as £2.5 to £3 million annually (for all costs including 21 staff operating 365 /18 hours

a day). Seven staff have currently been retained by the service (currently funded by Defra) although a recruitment programme is now in play. As well as staffing and equipment, other significant criteria must be in place. Conversations with respect to the recruitment and information technologies required suggest that such a program of development will also require significant additional resources within these services in order to deliver DEFRA's requirements in such a short period of time (these resources may have to be contracted in).

- 5.1.8 In order to sustain itself from either May 2024 or July 2024, the Port Health Service may have to rely on temporary funding from the council's reserves (i.e., the Portsmouth taxpayer) on the proviso that any outlay is either repaid by income or indemnity from DEFRA. In the latter case for a period sufficient to guarantee cost neutrality. These discussions are currently on going with Defra and decision in respect to such still need to be made.
- 5.1.9 Pending all the above being in place, the next crucial factor is the ability to recruit, train and assure competence of sufficient personnel to adequately staff the BCP for the optimal service provision to achieve the aims of the service and the goals of the Government.

5.2 Staffing Resources

- 5.2.1 Food safety inspections are carried out by appropriately qualified and authorised Regulatory Services Officers. The officers deliver a single 'environmental health service' to a diverse customer base which, in addition to food safety, covers health and safety in the workplace, infectious disease control, animal health and port health. As a consequence, the maximum resource that is available to deal with food hygiene and food standards is approximately 3.5 FTE officers.
- 5.2.2 The current level of resource (independent of the Port Health Service) is considered sufficient to ensure all the requirements of the Food Operating Plan are met, however, there remains operational pressures on the March 2024 target for premises risk-rated C 3, 4 and 5.

5.3 Staff Development

- 5.3.1 In March 2021, the FSA issued a statutory Competency Framework (CF) which applies to officers authorised to undertake food regulatory activities in the port and also inland. The CF sets out competencies and minimum qualifications required for LA officers undertaking 'official activities' including the enforcement of food safety legislation. Feed control is also included in the CF and an updated Feed Law Code of Practice was published by the FSA in 2022.
- 5.3.2 The Framework defines competency by specific activity rather than taking a role or profession-based approach. The training, assessment and development of food and port officers in Portsmouth will therefore be aligned to the Framework during 2022/2023.
- 5.3.3 All officers are required to undertake a minimum of 20 hours CPD training each year on food safety related topics which is achieved by:

- Structured in-house training for all food safety officers in bi-monthly meetings.
- Online training in relevant issues provided by an FSA-approved training provider.
- Cascade training sessions to pass on information or updates on specific issues or material considered by advisory committees.
- Regular updates through staff briefings and circulation of relevant information and technical material.

5.3.4 Six officers (within the Port Team) are being supported through either the CIEH EHP Portfolio or the TSO HCFC conversion programme, to improve the competency and flexibility of RS staff when undertaking official controls and other food safety interventions.

6.0. Quality measures

6.1 Officers undertaking official food controls are authorised in accordance with the requirements of the FLCoP and CF and act under Standard Operating Procedures which describe how inspections are carried out, how complaints are investigated and how legal powers are enforced. This ensures that the service complies with the service standard set out in the FSA Framework Document.

6.2 Activities which are used to monitor and maintain service quality include:

- Monthly team meetings with training sessions where appropriate.
- Random accompanied inspections of officers by the RS Lead to ensure risk rating is consistently applied.
- Peer review of all statutory notices before service.
- Managerial review of any case likely to be subject to enforcement action in the Courts.
- Random post inspection checks by the Regulatory Food Lead of records and enforcement decisions made by team members.
- Benchmarking activities and information exchange between PCC and other Hampshire LAs co-ordinated by Hants and IOW Food/H&S Advisory Committee.
- Participation in national FHRS consistency exercises
- Examination of any customer complaints made through the corporate procedure - no complaints about the food safety service were received in 2022/2023.
- Monitoring appeals against enforcement notices - no appeal has been made against any Hygiene Improvement Notice served in the last 8 years.
- Monitoring appeals against Food Hygiene Ratings - no appeals were made against ratings issued in 2022/2023.

7.0. Service Audit

7.1 The food safety delivery function of Regulatory services was audited in 2023 by the council. Internal audit's findings were that the service function provided "Limited assurance" that the food health and safety function could be delivered. The audits findings are summarised in Table 6 below:

Table 6: Summary of Internal Audit findings:

Objective	Level of Assurance
Achievement of the Council's Strategic Objectives	Assurance
Compliance with Policies, Laws and Regulations	Reasonable Assurance
Effectiveness and Efficiency of Operations	Limited Assurance
Completion of the audit	Limited Assurance
Exceptions	
Training	Medium
Complaints	High
Food Hygiene Inspections	High

Assurance Levels

The overall assurance is given on the activity that has been audited.

These levels are based on the areas tested within the audit as noted with the Objectives & Scope.

Levels	Description / Examples
Assurance	No issues or minor improvements noted within the audit but based on the testing conducted, assurance can be placed that the activity is of low risk to the Authority.
Reasonable Assurance	Control weaknesses or risks were identified but overall the activities do not pose significant risks to the Authority.
Limited Assurance	Control weaknesses or risks were identified which pose a more significant risk to the Authority.
No Assurance	Major individual issues identified or collectively a number of issues raised which could significantly impact the overall objectives of the activity that was subject to the Audit.

Priority Level	Description
Critical Risk	Control weakness that could have a significant impact upon not only the system function or process objectives but also the achievement of the organisation's objectives in relation to: <ul style="list-style-type: none"> The efficient and effective use of resources. The safeguarding of assets. The preparation of reliable financial and operational information. Compliance with laws and regulations. And corrective action needs to be taken immediately.
High Risk	Action needs to be taken to address significant control weaknesses but over a reasonable timeframe rather than immediately. These issues are not 'show stopping' but are still important to ensure that controls can be relied upon for the effective performance of the service or function. If not addressed, they can, over time, become critical. An example of an important exception would be the introduction of controls to detect and prevent fraud.
Medium Risk	These are control weaknesses that may expose the system function or process to a key risk but the likelihood of the risk occurring is low.
Low Risk (improvement)	Very low risk exceptions or recommendations that are classed as improvements that are intended to help the service fine tune its control framework or improve service effectiveness and efficiency. An example of an improvement recommendation would be making changes to a filing system to improve the quality of the management trail.

7.2 The areas where limited assurance and High risk relate to front line service delivery. During the last Food Standards Agency (FSA) audit in 2014 it was established that the minimum full time equivalent officer (FTE) required per number of food business was 1 per 500 business. The current FTE (following the recruitment of a new member of staff) is approximately equal to this and therefore it is considered that the above assurance levels will increase.

7.3 The narrative from the internal audit is similar to narratives provided from the FSA following their consistent assessments of our performance, our resources and the demands placed upon the food team following the end of the pandemic. As referenced within section 8 below is that the FSA are requesting data to enable them to obtain a robust picture of our delivery against the expectations of their Recovery Plan. We expect to be able to communicate with the FSA positively in respect to our ability to meet their expectations.

8.0. Emerging Pressure Points

8.1 Regulatory Services along with the Chartered Institute of Environmental Health (CIEH) keeps abreast of forthcoming changes and additional pressures likely to be facing the service in the near future.

8.2 As highlighted within Section 7 Regulatory Services is reasonably confident that the necessary resources are available to the service as required by the FSA and that the service is able to meet their requirements moving forward.

8.3 It is noted that the latest FSA report, published in January 2023, shows that more than 50,000 food business operators (FBO's) across the county were still awaiting inspection as of March 2022. The number had only fallen by around 10,000 compared with March 2021. The CIEH have stated that that tackling this will require significant added resources for local authorities. The FSA have acknowledged that local authorities are still struggling and will continue to face constraints that could affect their local food teams.

8.4 It is widely acknowledged that the number of new premises registrations being received on a weekly basis by Local Authorities (including Portsmouth) and is adding to the pressures food safety teams as we try to achieve the FSA's Recovery Plan. Much like us many local authorities are not yet in a position to inspect all new businesses within 28 days but we are triaging these and prioritising inspections based on risk, using the questionnaire provided by the FSA.

8.5 Triage and inspection of new businesses takes our limited resource away from the programmed inspections, so it is frustrating when new businesses are found to have ceased trading or in some cases never started trading, this is a common occurrence. We are attempting to design in solutions to resolve such matters.

8.6 Regulatory Services and the CIEH appreciate the intention behind proposed reforms to the [Food Law Code of Practice](#), designed to give local authorities greater ability to direct their resources to the highest risk FBO's.

8.7 To further assess the performance of local authorities the FSA have confirmed that the monitoring of the delivery of Official Controls and the frequency of surveys to obtain data will be increased as follows:

- Twice-yearly data collections (mid and end of year returns), the first return being at the end of Quarter 2 i.e., 2nd October 2023.
- A consistent data / question requirement obtained using an online platform.

Appendix A

Performance achievements in 2022/23

1. Inspection resources were targeted at food businesses that present the highest risk to public safety.
2. Action was taken against poorly performing businesses (FH rated 0, 1 or 2) including proportionate enforcement measures in line with EH and corporate enforcement policies. 43 businesses were required to close pending the completion of work to remove imminent risk to the public.
3. All service requests received during 2022/23 were reviewed and followed up either with remote contact or site intervention.
4. All business requests for FHRS re-visits met the requirements of the FHR Brand Standard.
5. Food service policies and procedures were reviewed and updated as necessary to reflect any changes in legislation, FSA policy, FLCoP and FLPG and to ensure they remained fit for purpose.
6. The development of competency assessments for relevant Official Controls activity was commenced; priority was given to the new staff cohort recruited for the BCP.
7. Two key outdoor events (2023 Southsea Food Festival and Victorious Festival 23) are being supported to ensure that attending mobile food businesses meet the necessary hygiene and safety standards when trading.
8. The shellfish sampling programme was supported in consultation with CEFAS/FSA to enable the review of bed classifications in Portsmouth and Langstone harbours.

Appendix B
Key priority areas for 2023/24

Activity	Timeline	Action ³
Official controls delivery at BCP ⁴	Ongoing	As legislative requirements
Shellfish and water sampling from harvesting areas in Portsmouth and Langston Harbours	Ongoing	As legislative requirements
Conditional and full approval visits for new approved premises	Ongoing	As legislative requirements Estimated 6 inspections of existing approved premises to the end of 2023 (assuming existing risk profiles remain unchanged)
Inspection of fishing vessels	Ongoing	Inspections in accordance with FSA guidance EXPEN20020 issued 02/11/20 Estimated 5 new vessel inspections and 20 follow up inspections of existing vessels will be required by March 2024
Cat A premises (Hygiene)	To 31/03/24	Target met
Cat B premises (Hygiene)	To 31/03/24	Onsite intervention at 51 premises and new risk profiles assigned
Cat A premises (Standards)	To 31/03/24	Onsite intervention 10 at premises and new risk profiles assigned
Cat C premises (Hygiene) - less than broadly compliant (FHR 0, 1 or 2)	To 31/03/24	Onsite intervention at 143 premises and new risk profiles assigned
Cat D premises (Hygiene) - less than broadly compliant (FHR 0, 1 or 2)	To 31/03/24	Onsite intervention at 51 premises and new risk profiles assigned
Cat C premises (Hygiene) - broadly compliant or better (FHR 3, 4 or 5)	To 31/03/24	Onsite intervention at 315 premises and new risk profiles assigned
Cat D premises (Hygiene) - broadly compliant or better (FHR 3, 4 or 5)	Ongoing	Onsite intervention only where intelligence suggests that risks have increased
Cat E premises (Hygiene)	Ongoing	Onsite intervention only where intelligence suggests that risks have increased
Cat B premises (Standards)	Ongoing	Onsite intervention only where intelligence suggests that risks have increased or where there is impact

³ The number of due inspections is based on those inspections outstanding by risk category at mid-July 2021.

⁴ Full implementation unlikely before the end of 2024.

		of PPDS allergen labelling requirements
Cat C premises (Standards)	Ongoing	Onsite intervention only where intelligence suggests that risks have increased or where there is impact of PPDS allergen labelling requirements

The following principles will apply throughout 2023/24:

- Where possible interventions will be carried out at a faster pace than the milestones described in the table above (which the FSA considers to be a minimum expectation).
- When intelligence or a complaint suggests that a business risk has increased, an intervention and, where necessary, formal enforcement action will be undertaken to address that risk.
- New food businesses will be assessed on a monthly basis and initial visits undertaken in accordance with risk.
- Ongoing food business interventions will be undertaken in line with the FLCoP.
- Food incidents and foodborne outbreaks will be managed in accordance with the FLCoP and FLPG.
- Service requests will be investigated in accordance with the FLCoP and FLPG and an appropriate response made in accordance with the PCC enforcement policy.
- New food business registrations will be risk-assessed on a monthly basis and incorporated into the planned inspection programme on a risk-basis.
- FHRS requested re-visits will be undertaken within 3 months and all notification and reporting requirements will be in accordance with the FHRS Brand Standard.
- Food sampling activity will be prioritised as described in the local sampling programme, required by Official Controls legislation relating to the port or informed by intelligence received about particular foods, premises, or imported commodities.
- Officers will be supported in meeting their training and personal development needs in order to effectively deliver official food controls⁵.

⁵ Officers shall only be authorised if they hold a 'baseline' qualification (if appropriate), have demonstrated competency against the relevant activities described the FLCoP Competency Framework and maintained at least 20 hours of relevant CPD activity each year.