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# NOTICE OF MEETING

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## **CABINET MEMBER FOR ENVIRONMENT & COMMUNITY SAFETY**

**THURSDAY, 20 SEPTEMBER 2018 AT 4PM**

### **THE EXECUTIVE MEETING ROOM - THIRD FLOOR, THE GUILDHALL**

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If any member of the public wishing to attend the meeting has access requirements, please notify the contact named above.

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## **CABINET MEMBER FOR ENVIRONMENT & COMMUNITY SAFETY**

Councillor Dave Ashmore (Liberal Democrat)

### **Group Spokespersons**

Councillor George Fielding, Labour

Councillor Gemma New, Conservative

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(NB This agenda should be retained for future reference with the minutes of this meeting).

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## **A G E N D A**

- 1 Apologies for Absence**
- 2 Declaration of Members' Interests**
- 3 Food Safety Operating Plan 2018/19 (Pages 3 - 42)**  
Purpose.

To provide clarity in respect to Portsmouth City Council's (the Council) Food Safety Plan for 2018 / 2019 by providing:

- A summary of the statutory duties placed upon the Council and food business operators (FBO) within Portsmouth;
- The scope of the Food Safety Service (FSS) and highlighting the demands made on it;
- A profile of food businesses in Portsmouth;
- The business priorities of the Council and FSS relating to food safety;
- A summary of the 2017 / 2018 service delivery in terms of food premises inspections;
- A review key FSS activities identified for 2018 / 2019;
- How FBOs are likely to be regulated in the future.

### **Recommendations**

**It is recommended that the Cabinet Member for Environment and Community Safety:**

- a) Acknowledges the increasing food related demands placed available resources as set out in Section 8 and 15, and the impact of forthcoming changes to governmental regulatory requirements as set out within Section 9;**
- b) Approves the continuation of a risk-based approach to the statutory and regulatory inspection and enforcement of food business operators as set out in Section 11;**
- c) Approves the 2018/ 2019 Food Safety Operating Plan attached as Appendix 1.**

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# Agenda Item 3



|                               |   |
|-------------------------------|---|
| <b>Title of meeting:</b>      | Environment and Community Safety Portfolio Decision Meeting |
| <b>Date of meeting:</b>       | 20 <sup>th</sup> September 2018                             |
| <b>Subject:</b>               | Food Safety Operating Plan 2018 / 2019                      |
| <b>Report by:</b>             | Director of Culture and City Development                    |
| <b>Wards affected:</b>        | All   |
| <b>Key decision:</b>          | No  |
| <b>Full Council decision:</b> | No  |

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## **1 Purpose of report**

1.1 To provide clarity in respect to Portsmouth City Council's (the Council) Food Safety Plan for 2018 / 2019 by providing:

- a summary of the statutory duties placed upon the Council and food business operators (FBO) within Portsmouth;
- the scope of the Food Safety Service (FSS) and highlighting the demands made on it;
- a profile of food businesses in Portsmouth;
- the business priorities of the Council and FSS relating to food safety;
- a summary of the 2017 / 2018 service delivery in terms of food premises inspections;
- a review key FSS activities identified for 2018 / 2019;
- how FBOs are likely to be regulated in the future.

## **2 Recommendations**

2.1 It is **RECOMMENDED** that the Cabinet Member for Environment and Community Safety:

- a) acknowledges the increasing food related demands placed available resources as set out in Section 8 and 15, and the impact of forthcoming changes to governmental regulatory requirements as set out within Section 9;
- b) approves the continuation of a risk-based approach to the statutory and regulatory inspection and enforcement of food business operators as set out in Section 11;
- c) approves the 2018 / 2019 Food Safety Operating Plan attached as Appendix 1.

### **3 Reasons for recommendations**

- 3.1 To protect public health and contribute to a healthy community in Portsmouth by ensuring the safety, wholesomeness and quality of food through education and appropriate intervention.

### **4 Legal background - the Council**

- 4.1 Portsmouth's FSS is delivered in accordance with the Food Law Code of Practice (the Code), the latest version of which was released in March 2017.
- 4.2 The Code is issued by the Food Standards Agency (FSA) and governs the manner in which the Council enforces relevant food safety legislation and delivers official controls to secure food law compliance.
- 4.3 The Code is issued under the Food Safety Act 1990 (the Act) and has statutory force. If the Council does not have regard to its provisions our decisions or actions could be successfully challenged. Additionally, evidence gathered during criminal investigations could be ruled inadmissible by a court.
- 4.4 The FSA audits the Council's activities against their minimum prescriptive standards of performance and publishes the results.

### **5 Current scope of the Food Safety Service**

- 5.1 Food safety activities currently undertaken by the Council include:
- Programmed inspections and interventions at food businesses (fixed or mobile) at a frequency set out in the Code risk rating scheme;
  - Revisits to premises 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 (FHRS);
  - Food microbiological and compositional sampling 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 of live bivalve molluscs and water 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 FBOs;
  - Carrying out documentary and identity checks of consignments of imported food;
  - Providing Health Certificates for food to be exported and, where appropriate, certificates confirming imported fruit is of organic origin;

- Issuing specific approvals to high risk food businesses subject to that requirement;
- Issuing Ship Sanitation Certificates;
- Sampling of potable water supplies on vessels.

## **6 Legal background - food businesses operators**

6.1 Food businesses must ensure that they comply with the Act by not:

- rendering food injurious to health;
- selling food which is not of the nature or substance or quality demanded to the purchasers prejudice;
- falsely describing or presenting food.

6.2 Anyone who prepares and/or sells food is required to make sure it is safe to eat. The ingredients used, the premises in which the products are made, the method of production and the person making the food all have an impact on the safety and quality of the final product.

6.3 Additionally, the law requires all businesses to have a food safety management system based on the principles of HACCP (Hazard Analysis and Critical Control Point). This is a way of managing food safety 'hazards'. HACCP procedures and records must be appropriate for the nature and size of the business and must be kept up to date.

## **7 The food hygiene rating scheme**

7.1 Through a preplanned inspection program the Council administers the FSAs FHRs. Ratings are a qualitative snapshot of the standards of food hygiene found the time of inspection. The standards include:

- handling of food;
- how food is stored;
- how food is prepared;
- cleanliness of facilities;
- how food safety is managed.

7.2 The scheme gives businesses a rating from 5 to 0 which is can displayed at their premises and online so the public can make more informed choices about where to buy and eat food. The scores mean the following:

- 5 – hygiene standards are very good
- 4 – hygiene standards are good
- 3 – hygiene standards are generally satisfactory
- 2 – some improvement is necessary
- 1 – major improvement is necessary
- 0 – urgent improvement is required

## **8 Food business profile and compliance**

8.1 The profile of the registered food businesses in Portsmouth by category, as 1<sup>st</sup> April 2018, is shown in Table 1. The city is characterised by a high level of

food business 'churn', i.e. the rate at which businesses cease trading and others are established. In 2017/18, 322 new food businesses registered with the Council and 405 were known to cease trading.

- 8.2 The number of new businesses represented a churn rate of 17% in the year. This is significant for the Council as it introduces an additional inspection burden to the programmed inspections of existing businesses prescribed by the Code.

**Table 1** - A profile of the registered food businesses in Portsmouth.

| Category                    | No of premises |
|-----------------------------|----------------|
| Manufacturers and packers   | 16             |
| Importers / exporters       | 2              |
| Distributors / transporters | 14             |
| Retailers                   | 386            |
| Restaurants and caterers    | 1454           |
| <b>Total</b>                | <b>1872</b>    |

- 8.3 Demands on the service continue to be high with over 1000 programmed interventions achieved in food businesses and 160 reactive service requests dealt with in 2017 / 2018. The focus remains on poorly performing and high risk food businesses which has led to a significant level of enforcement activity during the year.
- 8.4 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. Inspection frequencies are set out in the Code.
- 8.5 Of the 1074 food hygiene interventions achieved in 2017 / 2018, 987 were premises inspections, 3 were surveillance visits, 63 related to information / intelligence gathering and 21 involved education and business support. During the majority of these, a food standards assessment was also made.
- 8.6 It is 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. In 2017 / 2018, 67 food safety warning letters and 17 Hygiene Improvement Notices were issued, 6 premises were closed due to imminent health risk concerns, 2 businesses were prosecuted and 1 formal caution was issued for food safety offences. This level of enforcement activity, whilst significant, represents only 1% of the total number of registered food businesses in the City.
- 8.7 The risk profile of food businesses in Portsmouth, as at 1<sup>st</sup> April 2018, is shown in Table 2. The number of high and medium risk premises is currently stable, the number of very low risk business has declined and the significant business churn has led to a number of premises awaiting inspection at the year end.

**Table 2** - The risk profile of food businesses in Portsmouth.

| Rating category | Intervention risk rating | Minimum inspection frequency                    | Number      | +/- change since 2016/17 |
|-----------------|--------------------------|---|-------------|--------------------------|
| A               | 92 or higher             | 6 monthly                                       | 1           | -                        |
| B               | 72-91                    | 12 monthly                                      | 62          | +3%                      |
| C               | 52-71                    | 18 monthly                                      | 386         | -                        |
| D               | 31-51                    | 2 yearly  | 715         | +13%                     |
| E               | 0-30                     | 3 yearly or<br>Alternative Enforcement Strategy | 629         | -20%                     |
| Unrated         |                          | Awaiting inspection                             | 79          | +14%                     |
| <b>Total</b>    |                          |   | <b>1872</b> | <b>-3%</b>               |

- 8.8 The current FHRs profile of the registered food businesses in Portsmouth as at 7<sup>th</sup> July 2018 is shown in Table 3.

**Table 3** - FHRs profile of the registered food businesses in Portsmouth.

| FH Rating                             | Descriptor                   | Number of premises |
|---------------------------------------|------------------------------|--------------------|
| 0                                     | Urgent improvement necessary | 3                  |
| 1                                     | Major improvement necessary  | 43                 |
| 2                                     | Improvement necessary        | 41                 |
| 3                                     | Generally satisfactory       | 181                |
| 4                                     | Good                         | 288                |
| 5                                     | Very good                    | 1201               |
| Unrated                               | -                            | 43                 |
| <b>Total number of rated premises</b> |                              | <b>1800</b>        |

- 8.9 At the beginning of July 2018, 95% of premises were broadly compliant (those premises rated '3', '4' or '5') which has remained static from 2017 / 2018. All businesses whose rating falls below 3 receive an appropriate intervention to ensure necessary improvements are made to secure food safety.
- 8.10 The number of food hygiene interventions carried out in 2017 / 2018 is shown in Table 4. It shows that due to resource constraints, it was not possible to complete all of the 'due inspections' by the year end. Priority is given to the highest risk businesses (A, B and non-compliant Cs). Due interventions outstanding at the year-end was down to 143. This represented a significant fall of 30% from the previous year and the lowest level for 5 years.

**Table 4** - The number of food hygiene interventions carried out in 2017 / 2018.

| Interventions | Achieved    | Due and outstanding |
|---------------|-------------|---------------------|
| A             | 2           | 0                   |
| B             | 67          | 0                   |
| C             | 250         | 5                   |
| D             | 216         | 78                  |
| E             | 202         | 60                  |
| Unrated       | 337         | 0                   |
| <b>Total</b>  | <b>1074</b> | <b>143</b>          |

- 8.11 There is significant food business activity associated with the port:

- Portsmouth International Ferry Port serves freight and ferry routes to France, Spain and the Channel Islands and, as a 'Designated Point of Entry', receives food imports from the European Union (EU). A key importer of bananas from the Caribbean was lost from the port during 2018;
- The naval base contains several large food businesses catering for naval personnel and civilian trade;
- A significant number of cruise vessels are subject to boarding and sanitation inspections (42 cruise ships are expected in 2018).

8.12 In 2017 / 2018, over 20,000 of food consignments entered the Port. Several key interventions were undertaken to ensure food imported from the EU and third countries did not present a safety risk. Of the consignments entering, 100% of vessel manifests were checked, 1200 specific documentary checks were made, 165 physical checks and 87 identity checks were carried out based on intelligence received, and 71 consignments were condemned as being unfit for human consumption.

8.13 The Council has 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. In 2017 / 2018, 149 shellfish samples were taken. Positive results enabled the Authority to classify two new harvesting areas in Fareham Lake. It is anticipated that the level of sampling required in order to maintain the classification of our bivalve mollusc production areas will remain high in 2018 / 2019 - consequently drawing significant levels of resource from other service delivery areas.

8.14 Food safety inspections are carried out by appropriately qualified and authorised environmental health practitioners. 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 safety is approximately 2.0 FTE officers.

## **9 Regulating our future**

9.1 "Regulating Our Future" (ROF) is a new programme being developed by the FSA to update its current inflexible and outdated regulatory model. It is likely that ROF will be introduced in 2020.

9.2 ROF will revolve around core principles set by the FSA:

- Businesses are responsible for producing food that is safe and what it says it is, and should be able to demonstrate that they do so;
- Consumers have a right to information to help them make informed choices about the food they buy – businesses have a responsibility to be transparent and honest in their provision of that information;



- FSA and regulatory partners' decisions should be tailored, proportionate and based on a clear picture of UK food businesses;
- The regulator should take into account all available sources of information;
- Businesses doing the right thing for consumers should be recognised; action will be taken against those that do not;
- Businesses should meet the costs of regulation, which should be no more than they need to be.

9.3 ROF will include the following:

- Compliance standards: The FSA will set new standards for food businesses and clarify the requirements for compliance to those standards.
- Enhanced registration: FBOs will be required to undergo “Enhanced Registration”, where there will be an expectation that operators comply with safety and standards regulations before they start trading. A new centralised food business database will be created.
- Segmentation: The FSA will analyse a larger range of parameters relating to food safety and authenticity, factors not just related to the product type and volumes, but also to the performance and compliance of the operator themselves. This will allow for a flexible approach to inspection and intervention, with priorities being assigned commensurate to the risks posed to the consumer.
- Assurance: Providing flexibility in how businesses prove their compliance with food law, for example allowing the use of private auditing schemes and digitally enabled technologies to provide assurance data. The intent is to reduce the amount of duplication in checks and inspections, lower the regulatory burden on good performers and enable local authorities to re-allocate resources to tackle poor performing businesses.
- Intervention: The FSA intends that local authorities will still take action locally against non-compliant businesses, as well as providing support to new businesses. However the FSA will also use other sources of information to undertake surveillance and horizon scanning, including that from an expanded role for the National Food Crime Unit and better use of intelligence from industry and international partners.
- Potential impacts: Food business operators will need to be proactive in ensuring compliance earlier and choosing assurance options; good operators may be rewarded with a lower cost of compliance, while poor performers may see increases in costs.

9.4 Success will be judged on a number of outcome criteria that are yet to be articulated precisely but will include measures relating to public health, public and business confidence in food and the performance of the regulatory bodies.

## **10 A contrary view of ROF**

- 10.1 An opposing assessment of ROF is that the FSA's proposals will result in the deterioration of food safety standards and generate more work for local authorities.
- 10.2 Opponents argue that local authorities must be provided with sufficient resources to conduct sufficient unannounced inspections and audits to prevent food safety standards from falling to unacceptable levels. It has been referenced that leaving under-resourced local authorities to cope with all of the challenges they currently face in delivering ROF, plus receiving huge amounts of new data, the completeness and reliability of which cannot be checked, is not a recipe for maintaining, let alone raising, food safety standards.

## **11 Service delivery priorities in 2018 / 2019**

- 11.1 Service delivery priorities in 2018 / 2019 include:
- Target inspection resources to food businesses that present the highest risk to public safety;
  - Take appropriate action against poorly performing businesses (rated 0, 1 or 2) including proportionate enforcement measures in line with enforcement policies;
  - Manage the planned inspection programme to achieve a 100% inspection rate for higher risk Category A, B and non-compliant C premises that are due an intervention during the year;
  - Inspect Category D premises (lower risk) at a rate determined by available resource levels;
  - Deal with Category E premises (lowest risk) by means of an alternative enforcement strategy in lieu of inspections (which may include telephone surveys and questionnaires) to determine current activity and whether an intervention is required;
  - Introduce charging for FHRS re-visits when requested by the business;
  - Track and consider the impact of proposals to change food law delivery currently under review by the FSA in its ROF strategy. Examine the implications of EU exit for the delivery of the food safety controls at the Port;
  - Continue the shellfish sampling programme in consultation with the FSA with ongoing review of bed classifications in Portsmouth and Langstone harbours.

## **12 Equality impact assessment**

- 12.1 The inspection criteria have been subject to a preliminary equality impact assessment, attached as **Appendix 2**. Implementation will not affect the concept of fairness established under the adoption of the FHRS in 2011, which ensures that all food establishments are being inspected and enforced equally in all premises

regardless of ethnicity or cuisine type. However further information in relation to the impact of services upon food businesses is required.

### **13 Legal implications**

- 13.1 Legal Services has previously confirmed that the requirement to carry out periodic food inspections of food premises using a risk-based approach is derived from and in accordance with 'EC Regulation 882/2004' and the 'Framework Agreement on Food Law Enforcement' in respect of legislation relating to England and Wales.
- 13.2 Legal Services has also previously confirmed that the Code enables the replacement of the inspection-focussed approach to food law enforcement with a more flexible one, whereby local authorities can use a wider range of interventions to monitor, support and increase business compliance. The FSA acknowledges that the aim of this revision is partly to ensure that resources are directed at those food businesses that present the greatest risk to public health and consumer protection.

### **14 Director of Finance's comments**

- 14.1 The activities proposed within the Food Operating Plan 2018 / 2019 and summarised in section 8 of this report will be funded from the existing service portfolio budgets, as approved by Full Council.

### **15 Service Director remarks**

- 15.1 The FSS Food Operating Plan is an expression of the Councils' continuing commitment to the delivery of food safety in Portsmouth.
- 15.2 The FSS service is of huge value to Portsmouth, ensuring that food is prepared and served in a manner which protects the public, supporting businesses and seeking to ensure that the safety criteria applied to food in Portsmouth delivers food of a 'high' or 'very high' hygiene standard.
- 15.3 Maintaining high quality food is essential. Not only because of the health benefits but because food shapes our street scene environment, underpins our economy, helps build resilient communities and is at the heart of our culture and society.
- 15.4 Our officers work extremely hard to support FBOs in maintaining and improving their hygiene rating and developing their businesses. However as Local Government continues to undergo far reaching changes we recognise that we must prepare to adapt to the unknown challenges and financial implications presented by the new and evolving regulatory landscape whilst continuing to protect the true value of the FSS and its significant contribution to Portsmouth.
- 15.5 The FSS has identified significant service risks relating to the range, depth and number of demands placed upon it and the resources assigned to it. Whilst the FSS develop appropriate protocols to maintain the level of skills needed within the team to deliver our responsibilities in the future the levels of resourcing assigned to it is of significant concern.

- 15.6 Resources are considered to be critical when considering the minimum requirements currently prescribed by the government. Furthermore we predict that as we begin to implement the ROF programme the situation may deteriorate further. Public confidence in food is vital for Portsmouth and the Council must continue to ensure that the FSS is suitably resourced to ensure that all food in Portsmouth is safe for consumption.

.....  
Signed by: Stephen Bailey - Director of Culture and City Development

**Appendices:**

**Appendix 1: Food Safety Operating Plan 2018 / 2019**

**Appendix 2: Preliminary Equalities Impact Assessment**

**Background list of documents: Section 100D of the Local Government Act 1972**

The following list of documents discloses facts or matters which have been relied upon to a material extent by the author in preparing this report:

| <b>Title of Document</b>                                | <b>Location</b>   |
|---|---|
| Food Standards Agency - Regulating Our Future July 2017 | <a href="https://www.food.gov.uk/sites/default/files/media/document/rof-paper-july2017_0.pdf">https://www.food.gov.uk/sites/default/files/media/document/rof-paper-july2017_0.pdf</a> |

The recommendations set out in 2.1. above were approved/ approved as amended/ deferred/ rejected by the Cabinet Member for the Environment and Community Safety on 20<sup>th</sup> September 2018.

.....  
Signed by: Councillor Dave Ashmore, Cabinet Member for Environment and Community Safety

# Food Safety Operating Plan 2018 / 2019

Regulatory Services

Business Support Team

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Portsmouth City Council

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## **1. Introduction**

- 1.1 There is a wide range of EU-derived legislation that governs the safety of food in the UK at all stages of the production and distribution chain. There are a number of general principles of food safety and food law which food businesses must comply with:
- to place safe food on the market (not injurious to health or unfit for human consumption);
  - for presentation of food;
  - for traceability of food;
  - provision of suitable food information to consumers;
  - for the withdrawal or recall of unsafe food placed on the market;
  - to ensure food and feed imported into, and exported from, the EU and third countries shall comply with food law;
  - for the hygienic handling of food to reduce microbiological risks.
- 1.2 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 (PCC) in its role as the designated 'Competent Authority' has in place adequate and effective arrangements to meet its statutory obligations in respect of food safety.
- 1.3 The Plan is subject to approval by the Environment and Community Safety Committee to ensure local transparency and accountability. When approved, it is published on the Council's website.
- 1.4 Delivery of the Plan and the enforcement of the legal requirements relating to food standards, safety and hygiene is the responsibility of the Business Support Team in Regulatory Services which forms part of the Culture and City Development Directorate.
- 1.5 Food business regulation will be changing from 2019 / 2020. The FSA is currently consulting on its 'Regulating Our Future' (ROF) programme which is a new national delivery model intended to modernise how food businesses are regulated by introducing a system that is fit for purpose in a global market and can adapt as circumstances change and technology develops in the future. The key elements of the programme are shown in Appendix A. The principal changes are to the process of food business registration and the application of the food hygiene intervention scheme and to introduce national inspection strategies for certain business types. The agency is also consulting on the development of updated performance measures for Local Authorities in relation to the food safety function.
- 1.6 The full implications of how ROF will impact on Portsmouth's food safety plan are currently unclear but preparatory work will be undertaken in 2018 / 2019 when the key elements of the programme are finalised and an updated Food Law Code of Practice (FLCoP) is published by the FSA.

- 1.7 Although the UK will be leaving the EU in March 2019, it is anticipated that all relevant food safety law will remain consolidated into UK law by enabling legislation.
- 1.8 The Food Safety Operating Plan covers the following:
- A profile of food businesses in Portsmouth;
  - The organisational structure and business priorities of PCC and Environmental Health relating to food safety;
  - The scope of the Food Safety Service and demands made on it;
  - The delivery of the service in terms of food premises inspections and the sampling of food;
  - Operational protocols to ensure compliance with legislative requirements and consistency of approach;
  - A review of performance in 2017 / 2018 and a summary of key activities identified for 2018 / 2019.

## **2. Aims, Objectives and Auditing of the Food Safety Service**

- 2.1 Portsmouth's Food Safety Service is delivered in accordance with the FLCoP, the latest version of which was released in March 2017. The Code is issued by the FSA and governs the manner in which a Competent Authority enforces relevant food safety legislation and delivers 'official controls' to secure food law compliance. The Code is issued under the Food Safety Act 1990 and has statutory force. Competent Authorities that do not have regard to its provisions could find their decisions or actions successfully challenged, and evidence gathered during a criminal investigation could be ruled inadmissible by a court.
- 2.2 The key objectives of the service are to:
- 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 primary producers and 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 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, including those relating to food imports or exports and monitoring of shellfish / harvesting within the port area;



- Maintain and improve dialogue with stakeholders and customers to improve the manner in which the service is delivered to them;
- Provide appropriate business support through Primary Authority relationships.

2.3 The FSA audits Local Authority food and feed enforcement activities and publishes reports of their findings. Local Authorities are audited against the feed and food law standard in the Framework Agreement, a document which sets out the minimum standards of performance required from Local Authorities across the full range of their feed and food law enforcement activities. During the last audit in 2013, the Council was deemed to meet the basic standards in this agreement. A service improvement plan was then implemented which was signed off in November 2014.

2.4 The service, and the manner in which it is delivered, contributes to three key priorities as set out in the Council's Corporate Plan, which was updated in March 2017.

1. Encourage regeneration and investment;
2. Empower residents to be healthy and independent;
3. Provide excellent customer service.

### **3. Background**

#### **3.1 Profile of the Food Industry in Portsmouth**

3.1.1 PCC 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 around 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.

3.1.3 There are also several businesses which handle high risk foods such as meat 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.

3.1.4 The profile of the registered food businesses in Portsmouth by category, as at 1<sup>st</sup> April 2018, is shown in Table 1. The city is characterised by a high level of food business 'churn', i.e. the rate at which businesses cease trading and others are established. In 2017 / 2018, 322 new food businesses registered with the Council and 405 were known to cease trading. The number of new businesses represented a churn rate of 17% in the year. This is significant for the Council as it introduces an additional inspection burden to the programmed inspections of existing businesses prescribed by the FLCoP.

**Table 1**

| <b>Category</b>             | <b>No of premises</b> |
|-----------------------------|-----------------------|
| Manufacturers and packers   | 16                    |
| Importers / exporters       | 2                     |
| Distributors / transporters | 14                    |
| Retailers                   | 386                   |
| Restaurants and caterers    | 1454                  |
| <b>Total</b>                | <b>1872</b>           |

3.1.5 There is significant food business activity associated with the port:

- Portsmouth International Port serves freight and ferry routes to France, Spain and the Channel Islands and, as a 'Designated Point of Entry', receives food imports from the European Union (EU). A key importer of bananas from the Caribbean was lost from the port during 2018;
- The naval base contains several large food businesses catering for naval personnel and civilian trade;
- A significant number of cruise vessels are subject to boarding and sanitation inspections (42 cruise ships are expected in 2018).

3.1.6 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. Many events are regular such as Victorious, Southsea common events and street markets; others are occasional such as the Americas Cup event. Intervention activity is targeted on the basis of risk and any intelligence received.

3.1.6 PCC also has responsibility for monitoring the live bivalve mollusc shellfish beds in Portsmouth and Langstone harbours for microbiological and bio-toxin contamination. As a result of the regular monitoring programme, two additional beds were classified in 2018 as being suitable for the long term harvesting of shellfish.

## **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 Environment and Community Safety.

3.2.2 There are two standing and other ad hoc overview and scrutiny committees (known as Policy and Review Panels) who 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 was part of a wider review of environmental health and trading standards services which were combined into a Regulatory Services Team in 2017. The Regulatory Services Manager has responsibility for operational matters supported by a

Team Leader and a Food Lead officer whose role is to ensure the service is delivered in full compliance of the FLCoP. Food safety interventions are carried out by a team of field-based environmental health practitioners.

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

- Public Health England (PHE) 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 PHE 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.

### **3.3 Scope of the Food Safety Service**

3.3.1 Food safety activities currently undertaken include:

- Programmed inspections and interventions at food businesses (fixed or mobile) at a frequency set out in the FLCoP risk rating scheme;
- Revisits to premises 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;
- Food microbiological and compositional sampling 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 of live bivalve molluscs and water 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 documentary and identity checks of consignments of imported food
- Providing Health Certificates for food to be exported and, where appropriate, certificates confirming imported fruit is of organic origin
- Issuing specific approvals to high risk food businesses subject to that requirement.
- Issuing Ship Sanitation Certificates;

- Sampling of potable water supplies on vessels.

### **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. 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 is undertaken on a flexible basis and is governed by advance notification of vessel movements in and out of the Port. Inspection activity for premises and vessels is therefore frequently undertaken outside normal office hours.
- 3.4.3 There is no routine out of hours or emergency service for food safety matters; service requests are triaged each working day and prioritised for action on the basis of public health risk.
- 3.4.4 Demands on the service continue to be high with over 1000 programmed interventions achieved in food businesses and 160 reactive service requests dealt with in 2017 / 2018. The focus remains on poorly performing and high risk food businesses which has led to a significant level of enforcement activity during the year.
- 3.4.5 Portsmouth has a significant number of food business owners whose first language is not English. A specialist translation and interpretation service is 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. Inspection frequencies are set out in the FLCoP.
- 3.4.7 The risk profile of food businesses in Portsmouth, as at 1<sup>st</sup> April 2018, is shown in Table 2. The number of high and medium risk premises is currently stable, the number of very low risk business has declined and significant business churn has led to a number of premises awaiting inspection at the year end.

**Table 2**

| Rating category | Intervention risk rating | Minimum inspection frequency                    | Number      | +/- change since 2017 / 2018 |
|-----------------|--------------------------|---|-------------|------------------------------|
| <b>A</b>        | 92 or higher             | 6 monthly                                       | 1           | -                            |
| <b>B</b>        | 72-91                    | 12 monthly                                      | 62          | +3%                          |
| <b>C</b>        | 52-71                    | 18 monthly                                      | 386         | -                            |
| <b>D</b>        | 31-51                    | 2 yearly  | 715         | +13%                         |
| <b>E</b>        | 0-30                     | 3 yearly or<br>Alternative Enforcement Strategy | 629         | -20%                         |
| <b>Unrated</b>  |                          | Awaiting inspection                             | 79          | +14%                         |
| <b>Total</b>    |                          |   | <b>1872</b> | <b>-3%</b>                   |

3.4.8 E-rated low or minimal risk food businesses are dealt with through an Alternative Enforcement Strategy (self-assessment or inspection on an alternate cycle). Follow-up inspections following self-assessment is carried out if deemed necessary i.e. the risk profile of the business has increased since the last assessment.

3.4.9 After each inspection a food business is rated under the national Food Hygiene Rating Scheme (FHRS) which gives a measure of 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.

3.4.10 The FHRS profile of the registered food businesses in Portsmouth as at 7<sup>th</sup> July 2018 is shown in Table 3.

**Table 3**

| Rating                                | Descriptor                   | Number of premises |
|---------------------------------------|------------------------------|--------------------|
| <b>0</b>                              | Urgent improvement necessary | 3                  |
| <b>1</b>                              | Major improvement necessary  | 43                 |
| <b>2</b>                              | Improvement necessary        | 41                 |
| <b>3</b>                              | Generally satisfactory       | 181                |
| <b>4</b>                              | Good                         | 288                |
| <b>5</b>                              | Very good                    | 1201               |
| <b>Unrated</b>                        |                              | 43                 |
| <b>Total number of rated premises</b> |                              | <b>1800</b>        |

3.4.11 At the beginning of July 2018, 95% of premises were broadly compliant (those premises rated '3', '4' or '5') which has remained static from 2017/18. All businesses whose rating falls below 3 receive an appropriate intervention to ensure necessary improvements are made to secure food safety (see Section 3.5.2).

### 3.5 Food safety enforcement

- 3.5.1 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 usual 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.
- 3.5.2 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. In 2017 / 2018, 67 food safety warning letters and 17 Hygiene Improvement Notices were issued, 6 premises were closed due to imminent health risk concerns, 2 businesses were prosecuted and one formal caution was issued for food safety offences. This level of enforcement activity, whilst significant, represents only 1% of the total number of registered food businesses in the City.

## 4. Service Delivery

### 4.1 Food premises inspections

- 4.1.1 Food safety inspections and interventions are carried out in accordance with the FLCoP and the relevant Food Safety Inspection Standard Operating Procedures and undertaken in accordance with frequencies described in Section 3.4.8.
- 4.1.2 The number of food hygiene interventions carried out in 2017/18 is shown in Table 4. It shows that due to resource constraints, it was not possible to complete all of the 'due inspections' by the year end. Priority was given to the highest risk businesses (A, B and non-compliant Cs). Due interventions outstanding (as assessed under the FLCoP) at the year-end was down to 143 (representing a fall of 30% from the previous year and the lowest level for 5 years).

**Table 4**

| <b>Interventions</b> | <b>Achieved</b> | <b>Due and outstanding</b> |
|----------------------|-----------------|----------------------------|
| A                    | 2               | 0                          |
| B                    | 67              | 0                          |
| C                    | 250             | 5                          |
| D                    | 216             | 78                         |
| E                    | 202             | 60                         |
| Unrated              | 337             | 0                          |
| <b>Total</b>         | <b>1074</b>     | <b>143</b>                 |

4.1.3 'Interventions' are defined in the FLCoP as activities intended to monitor, support and increase food law compliance within a food establishment. Of the 1074 food hygiene interventions achieved in 2017/2018, 987 were premises inspections, 3 were surveillance visits, 63 related to information / intelligence gathering and 21 involved education and business support. During the majority of these, a food standards assessment was also made.

## **4.2 Food complaints**

4.2.1 Service requests are dealt with under the Standard Operating Procedure for complaints concerning either food items or food premises.

4.2.2 In 2017 / 2018, 160 complaints about food items and food premises were received. The majority were found to be justified and action was taken on the basis of risk presented to the public.

## **4.3 Primary Authority Partnerships**

4.3.1 PCC supports the operation of the Primary Authority Scheme and within Regulatory Services is seeking to establish new partnerships across a range of food safety and trading standards regulatory areas and also improve the way it works with its existing partners.

4.3.2 In 2011 / 2012, Environmental Health entered into Primary Authority Partnerships with the Southern Co-operative and the Royal Navy covering the regulatory area of food safety. These will continue into 2018 / 2019. It is anticipated that the Southern Co-operative's food safety management system will gain 'assured advice' status in 2018 / 2019.

## **4.4 Advice to Businesses**

4.4.1 A significant element of PCC's regulatory strategy is the offering of advice to businesses to assist them in achieving a satisfactory standard of food safety and compliance with the law.

4.4.2 Examples of business support undertaken include:

- Carrying out assessments and publishing National Food Hygiene Rating Scheme scores;
- Leaving a written report after each inspection giving advice about how a proprietor might improve the Rating score;
- Promoting the Food Standards Agency 'Safer Food Better Business' pack to improve food safety management and diligence documentation;
- Giving new businesses "start-up" advice prior to their first inspection;
- Advising business proprietors during inspections and other visits;

- Providing advice in leaflets or on the Council's website;
- Responding to individual queries;
- Giving advice to organisers planning high profile events in the city with a significant number of food traders and 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;
- Offering Level 2 Chartered Institute of Environmental Health Food Safety training courses (through the Independence and Wellbeing Team).

## **4.5 Food Sampling**

- 4.5.1 Formal and informal food sampling provides useful information about composition and the microbiological fitness of food for sale. PCC participates in the regional food sampling programme (Wessex Environmental Monitoring Service User Group) which targets particular foods according to FSA guidance or other local priorities. In 2017 / 2018, a sampling programme to determine colourants in prepared meat dishes was undertaken.
- 4.5.2 In 2017 / 2018, over 20,000 of food consignments entered the Port. Several key interventions were undertaken to ensure food imported from the EU and third countries did not present a safety risk. Of the consignments entering, 100% of vessel manifests were checked, 1200 specific documentary checks were made, 165 physical checks and 87 identity checks were carried out based on intelligence received, and 71 consignments were condemned as being unfit for human consumption.
- 4.5.3 In the Port, sampling priorities were risk products featured on Annex 1 of EC Regulation 669/2009, any product notified on the FSA Early Warning System and routine monitoring based on any intelligence received via the EU's 'Trade Control and Expert System' (TRACES). 5 samples of suspect items were taken in the year.
- 4.5.4 At the present time, there is significant uncertainty about the impact of the UK leaving the EU in March 2019, the absence of clarity on the nature of any future customs relationship and what it will mean in operational terms for the Port. It is likely that if new customs duties, tariffs or other controls were to be imposed, this could present a significant logistical problem for the Port and present additional inspection burdens for the service. The cost implications of this cannot be quantified at present and will only be known when the negotiations are complete and the exit conditions finalised.
- 4.5.5 PCC also has 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. In 2017 / 2018, 149 shellfish samples were taken. Positive results enabled the Authority to classify two new harvesting areas in Fareham Lake.



4.5.6 It is anticipated that the level of sampling required in order to maintain the classification of our bivalve mollusc production areas will remain high in 2018 / 2019 - consequently drawing significant levels of resource from other service delivery areas.

#### 4.6 Control and Investigation of Food Related Cases and Outbreaks

4.6.1 Over 500 infectious disease notifications were received by the City Council in 2017 / 2018. It is generally recognised that the number of reported cases is a small proportion of the actual number of cases of food borne illness each year in the UK. A breakdown of cases notified during 2017 / 2018 is shown in Table 5.

4.6.2 The total number of notifications doubled from the previous year and although not all were confirmed as being food borne and/or caused by food businesses, the 150% increase in *Campylobacter* cases highlights the importance of continued surveillance and timely interventions to prevent cases becoming more widespread and affecting a wider section of the community.

**Table 5**

| Organism                     | Number of cases |
|------------------------------|-----------------|
| <i>Campylobacter</i>         | 328             |
| <i>Giardia lamblia</i>       | 59              |
| <i>Cryptosporidium</i>       | 49              |
| <i>Salmonella</i>            | 26              |
| <i>Escherichia coli</i>      | 20              |
| <i>Yersinia</i>              | 10              |
| <i>Shigella</i>              | 4               |
| Hepatitis A                  | 2               |
| Hepatitis E                  | 1               |
| <i>Legionella</i>            | 1               |
| Norovirus                    | 1               |
| <i>Entamoeba histolytica</i> | 1               |
| <b>Total</b>                 | <b>502</b>      |

4.6.3 Infectious disease investigations are made in accordance with a Single Case Plan which was updated by PHE in November 2016. This plan is made under the Local Agreement between Local Authority Environmental Health services of Hampshire and the Isle of Wight and the South East Centre Health Protection Unit (HLOW Office). It represents agreement between environmental health teams in Hampshire and PHE 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 PHE to prevent and control cases and investigate wider outbreaks of food related disease that fall outside the scope of the single case plan.

#### **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 Food Lead Officer in consultation as necessary with the Food Standards Agency, Public Health England, and Trading Standards etc.
- 4.7.3 In March 2018 the FSA updated its communication platform to improve the notification of incidents and food hazards / alerts to local authorities. 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 2018 / 2019 and the effect this might have on the programmed work the team undertakes.

#### **4.8 Food Standards interventions**

- 4.8.1 Food standards interventions are carried out on a routine basis by staff that are trained and competent in food law and food science or by staff supervised by such specialist staff. All Food and Standards complaints received by the BST are assessed and either assigned to an appropriate officer for appropriate action or recorded for intelligence purposes. Most relate to labelling and food composition queries.

#### **4.9 Liaison with Other Organisations**

- 4.9.1 The Service is committed to formal inter-agency liaison relationships 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.
- 4.9.2 The Hampshire and IOW local authorities have established a Food Hygiene Advisory Committee to collaborate on food safety issues, produce common policies and procedures and promote consistency in food safety regulation. Portsmouth's Food Hygiene Lead officer regularly attends the meetings of this group. A regional Trading Standards forum, which specifically covers food standards issues, is also attended by Portsmouth's Food Standards Lead Officer.
- 4.9.3 Officers from the service also attend similar county-wide forums covering health and safety at work and infectious disease control which meet four times a year.

- 4.9.4 Officers 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.
- 4.9.5 The service also continues to liaise 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.
- 4.9.6 Meetings of voluntary organisations, such as the Portsmouth Chinese Association, have been attended with translation support, to improve the food safety message to food business operators whose first language is not English.
- 4.9.7 The service uses media such as The Portsmouth News and its web pages to deliver food safety messages and promote successful enforcement action taken in the courts.

#### **4.10 Promoting Food Safety**

- 4.10.1 Food Safety training, mainly CIEH Level 2 courses, is offered by the Council (through the Independence and Wellbeing Team).
- 4.10.2 Promotional work undertaken during 2017/18 included
- Continued promotion of the National Food Hygiene Rating Scheme to encourage businesses to improve and to inform consumers of standards being achieved;
  - Provision of advice and support to business with a poor track record of food hygiene compliance, specifically to raise the FH Rating score to 3 or above;
  - Improvement of communication and dialogue with local businesses and consumers to improve food safety standards.

#### **4.11 Team performance in 2017 / 2018**

- 4.11.1 A summary of the key activities undertaken by the team last year is shown in Appendix B. Priority was given to the planned food premises inspection programme and taking formal action / providing business support depending on the issue(s) identified and the risk it presented to public health.

## **5. Resources**

### **5.1 Financial Allocation**

- 5.1.1 The budget allocated for the BST staff in 2018/ 2019 is £269,800. A comparison with 2017/18 is shown in Table 5.

**Table 5**

| <b>Account Description</b> | <b>Service Budget 2017/18</b> | <b>Service Budget 2018/19</b> | <b>+/- change</b> |
|----------------------------|-------------------------------|-------------------------------|-------------------|
| Employees                  | 261,800                       | 269,800                       | 3.1%              |
| Net Expenditure            | 288,500                       | 278,800                       | -3.4%             |

### **5.2 Staffing Resources**

- 5.2.1 Food safety inspections are carried out by appropriately qualified and authorised environmental health practitioners. 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 safety is approximately 2.0 FTE officers, which is a reduction of 0.5 FTE on 2017 / 2018.
- 5.2.2 In 2017 / 2018 a contractor was used to inspect / assess category E premises (lowest risk) to determine whether revision to their risk rating was appropriate or whether further action was necessary to improve compliance with food safety standards. This significantly reduced the number of due interventions that were outstanding at the end of the year.

### **5.3 Staff Development Plan**

- 5.3.1 All members of staff have the opportunity to have 1 to 1 meetings as necessary with the Regulatory Services Manager or Environmental Health Team Leader to consider and address personal development issues.
- 5.3.2 In 2016 / 2017 competency assessments were completed for all officers undertaking food law enforcement duties which have formed the basis for future training and staff development activity. It is proposed that these will be reviewed and updated in 2018 / 2019 for both standards and hygiene matters.
- 5.3.3 A minimum of 20 hours CPD training each year on food safety related topics is required by the FLCoP and this is achieved by the following:
- 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 (Section 4.9.2);
- Regular updates through staff briefings and circulation of relevant information and technical material.

5.3.4 The service uses a range of training material provided by a range of organisations including the Chartered Institute of Environmental Health, FSA, PHE, Trading Standards South East Limited and also external providers (such as ABC Training) in areas of specialist expertise.

## **6. Quality assessment**

- 6.1 Officers authorised under food safety legislation are provided with Standard Operating Procedures describing 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 The service was subject to a full FSA audit in 2013. The subsequent service improvement plan was actioned in 2014, which included the review of all Operating Procedures and quality measures. The plan was signed off by the Agency in 2014. The reviews will continue into 2018 / 2019 to drive service improvements despite restrictions on available resources.
- 6.3 Activities which are used to monitor and maintain service quality include:
- Monthly team meetings with six each year being reserved for training;
  - Random accompanied inspections of officers by Food Lead officer to ensure risk rating is consistently applied;
  - Review by the Food Lead officer of any FHR inspection resulting in a rating of 0,1 or 2;
  - Peer review of all statutory notices before service;
  - Random post inspection checks by the Food Lead officer 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 Advisory Committee;
  - Examination of any customer complaints made through the corporate procedure - 0 complaints about the food safety service were made in 2017 / 2018;
  - Appeals against enforcement notices - no appeal has been made against any Hygiene Improvement Notice served in the last 5 years;
  - Appeals against Food Hygiene Ratings - no appeal has been made against any rating issued in 2017 / 2018.

## **7. Key Performance Areas 2018 / 2019**

Key activities for 2018 / 2019 are to:

1. Target inspection resources to food businesses that present the highest risk to public safety.
2. Take appropriate action against poorly performing businesses (FH rated 0, 1 or 2) including proportionate enforcement measures in line with EH and corporate enforcement policies.
3. Manage the planned inspection programme to achieve a 100% inspection rate for higher risk Category A, B and non-compliant C premises that are due an intervention during the year.
4. Ensure that requests for service are subject to an initial assessment and response within 3 working days or sooner depending on the seriousness of the issue.
5. Ensure that all applications for premises approval under EC 853/2004 are determined within 28 days of receipt.
6. Inspect Category D premises (lower risk) at a rate determined by available resource levels.
7. Deal with Category E premises (lowest risk) by means of an alternative enforcement strategy in lieu of inspections (which may include telephone surveys and questionnaires) to determine current activity and whether a PCC intervention is required.
8. Introduce charging for FHRS re-visits when requested by the business.
9. Review and update all food service policies and procedures as necessary to reflect any changes in legislation, FSA policy, FLCoP and FLPG to ensure they remain fit for purpose.
10. Track and consider the impact of proposals to change food law delivery currently under review by the FSA in its 'Regulating Our Future' strategy. Examine the implications of EU exit for the delivery of the food safety controls at the Port.
11. Identify additional means to promote food safety standards and requirements to local businesses to improve compliance in key areas.
12. Continue to participate in the Hants and IOW Food Advisory Group and TSSEL work programmes and meetings.

13. Continue to participate in local, regional and national food sampling surveys concerning microbiological quality and food standards matters.
14. Ensure that staff continue to receive appropriate and sufficient up to date training to meet the 20 hour CPD and competency requirements as defined in the FLCoP. Priority will be given to that CPD necessary to deliver the service priorities, to meet statutory and procedural requirements, and any training needs of new members of the team.
15. Carry out internal peer reviews to promote consistency in approach towards inspection, risk rating and enforcement of food law.
16. Engage with the organisers of key outdoor events to ensure that food businesses that come to the City meet the necessary hygiene standards when trading.
17. Continue to engage with organisations supporting minority ethnic groups to support food business operators whose first language is not English.
18. Continue the shellfish sampling programme in consultation with CEFAS/FSA with ongoing review of bed classifications in Portsmouth and Langstone harbours.
19. Review and update as necessary competency assessments (hygiene and standards) for all staff engaged in food safety regulation.

## **8. Review**

- 8.1 The process of review of the Plan as a whole will be undertaken in March each year based on
- performance and resources available over the previous 12 months;
  - responses to feedback from local businesses and the community;
  - observations from members and the food safety team;
  - advice and guidance issued by the FSA and other agencies.

The review of this document will then inform the development of the Food Safety Plan for 2019 / 2020 which will be scheduled for member consideration in June 2019.

- 8.2 Review of officer workload and priorities will be done on an ongoing basis throughout the year.

## Appendix A - Regulating Our Future Summary

“Regulating Our Future” (ROF) is a programme being developed by the FSA whose stated aims are to update what the Agency describes as an outdated, “one size fits all” regulatory model by introducing a new system with sufficient flexibility to adopt new approaches that are proportionate to risks, and is financially and operationally sustainable.

The Agency argues that the changing food landscape, including longer, more complex supply chains, new retail and distribution models, a more mature assurance industry, etc., provide not just challenges but also opportunities to manage food safety risks in a more holistic, data and technology centric way.

ROF will revolve around a number of core principles set by the FSA:

- Businesses are responsible for producing food that is safe and what it says it is, and should be able to demonstrate that they do so;
- Consumers have a right to information to help them make informed choices about the food they buy – businesses have a responsibility to be transparent and honest in their provision of that information;
- FSA and regulatory partners’ decisions should be tailored, proportionate and based on a clear picture of UK food businesses;
- The regulator should take into account all available sources of information;
- Businesses doing the right thing for consumers should be recognised; action will be taken against those that do not;
- Businesses should meet the costs of regulation, which should be no more than they need to be.

The model that will be introduced, probably in 2020, will include the following elements:

### **Compliance standards**

FSA will set the standards for food businesses and clarify the requirements for compliance to those standards.

### **Enhanced registration**

Food business operators will be required to undergo “Enhanced Registration”, where there will be an expectation that operators comply with safety and standards regulations before they start trading. A new centralised food business database will be created.

### **Segmentation**

FSA will analyse a larger range of parameters relating to food safety and authenticity, factors not just related to the product type and volumes, but also to the performance and compliance of the operator themselves. This will allow for a flexible approach to inspection and intervention, with priorities being assigned commensurate to the risks posed to the consumer.



## **Assurance**

Providing flexibility in how businesses prove their compliance with food law, for example allowing the use of private auditing schemes and digitally enabled technologies to provide assurance data. The intent is to reduce the amount of duplication in checks and inspections, lower the regulatory burden on good performers and enable local authorities to re-allocate resources to tackle poor performing businesses.

## **Intervention**

The FSA intends that local authorities will still take action locally against non-compliant businesses, as well as providing support to new businesses. However the FSA will also use other sources of information to undertake surveillance and horizon scanning, including that from an expanded role for the National Food Crime Unit and better use of intelligence from industry and international partners.

## **Potential impacts**

The FSA states that it is proposing 'fundamental changes' to the regulatory system. In particular, the model will bring significant change for how businesses, local authorities and the FSA operate. Food business operators will need to be proactive in ensuring compliance earlier and choosing assurance options; good operators may be rewarded with a lower cost of compliance, while poor performers may see increases in costs.

Success will be judged on a number of outcome criteria that are yet to be articulated precisely but will include measures relating to public health, public and business confidence in food and the performance of the regulatory bodies.

## Appendix B - Team performance in 2017/18

| Activity   | Performance   |
|--|---|
| Continue to target inspection resources to the premises of highest risk.   | Achieved and ongoing.   |
| Continue to take appropriate action against poorly performing businesses (FH rated 0, 1 or 2) including proportionate enforcement measures in line with EH and corporate enforcement policies.   | Action was taken against any business which fell below FHR 3 or presented a public health risk, see para 3.5.2.   |
| Continue to manage the planned inspection programme to achieve a 100% inspection rate for high risk Category A to C premises.  | Achieved. 5 C rated businesses were outstanding at the year-end as were seasonal traders; inspected in Q1 2018 / 2019.  |
| Ensure that 95% of newly registered businesses are inspected within 28 days of first registration.   | Not achieved. High rate of business churn presents a high resource demand, see para 3.1.4.  |
| Ensure that requests for service are subject to an initial response within 3 working days or sooner depending on the seriousness of the issue.   | Achieved.   |
| Ensure that all applications for premises approval under EC 853/2004 are determined within 28 days of receipt of application.  | No applications received in 2017/18 for new premises approval.  |
| Continue to inspect Category D premises (lower risk) at a rate determined by available resource levels.  | Achieved. 73% of D rated premises due were inspected in the year, see para 4.1.2. Remainder prioritised for Q1 2018 / 2019.   |
| Continue to subject Category E premises (lowest risk) to an alternative enforcement strategy in lieu of inspections (which may include telephone surveys and questionnaires) to determine current activity and whether a PCC intervention is required. | Achieved. 77% of E rated premises due were inspected in the year, see para 4.1.2.   |
| Increase awareness of FHR in business rated 0, 1 or 2 with a view to improving future compliance with food safety standards.   | Food Hygiene Report left with each business after inspection with FHR and advice to improve / retain rating. 987 business received FHR advice in the year including those rated 0, 1 and 2. |
| Evaluate the impact of FSA proposals to introduce mandatory FHR display and charging for revisit requests.   | Mandatory display deferred until 2019 at the earliest.<br>Procedure now in place to charge for revisit requests. To be implemented Q3 2018/19.  |
| Identify additional means to promote food safety standards and requirements to local businesses to improve compliance in key areas.  | Carried forward to 2018 / 2019.   |
| Continue to participate in the Hants and IOW Food Advisory Group work  | All meetings in 2017 / 2018 attended.   |

|   |   |
|---|---|
| programmes and meetings.  |   |
| Continue to participate in local, regional and national food sampling surveys concerning microbiological quality and food standards matters.  | All meetings in 2017/18 attended.   |
| Ensure that staff receive appropriate and sufficient up to date training to meet the 20 hour CPD and competency requirements as defined in the FLCoP. Priority will be given to that CPD necessary to deliver the service priorities, to meet statutory and procedural requirements, and any training needs of new members of the team. | Achieved by most officers. Ongoing.   |
| Carry out internal peer reviews to promote consistency in approach towards inspection, risk rating and enforcement of food law.   | Achieved and ongoing.   |
| Track and consider the impact of proposals to change food law delivery currently under review by the FSA in its 'Regulating Our Future' strategy.   | ROF framework not finalised. First stage implementation expected in March 2019.   |
| Engage with the organisers of key outside events to ensure that food businesses that come to the City meet the necessary hygiene standards when trading.  | Intelligence gained through PESAG, interventions based on intelligence received and risk of event. Ongoing.             |
| Continue to engage with organisations supporting minority ethnic groups to support food business operators whose first language is not English.   | Ongoing.  |
| Continue the shellfish sampling programme in consultation with CEFAS/FSA with ongoing review of bed classifications in Portsmouth and Langstone harbours.   | Ongoing. New beds classified, sampling achieved at rate necessary to maintain existing classifications, see para 4.5.5. |
| Deliver the new iDOX database to ensure food interventions are accurately recorded and statutory returns are not compromised.   | New database implemented. LAEMS return deadline met.  |

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# Equality Impact Assessment

Preliminary assessment form v5 / 2013

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

The preliminary impact assessment is a quick and easy screening process. It should:

- identify those policies, projects, services, functions or strategies which require a full EIA by looking at:
  - negative, positive or no impact on any of the equality groups
  - opportunity to promote equality for the equality groups
  - data / feedback
- prioritise if and when a full EIA should be completed
- justify reasons for why a full EIA is not going to be completed

**Directorate:**

Director of City Development & Culture

**Function e.g. HR,  
IS, carers:**

Environmental Health

**Title of policy, service, function, project or strategy (new or old) :**

Food Safety Operating Plan 2018 / 2019

**Type of policy, service, function, project or strategy:**

☐

Existing

☒

New / proposed

☐

Changed

### Q1 - What is the aim of your policy, service, function, project or strategy?

The Plan provides:

- a summary of the statutory duties placed upon the Council and food business operators (FBO) within Portsmouth;
- the scope of the Food Safety Service (FSS) and highlighting the demands made on it;
- a profile of food businesses in Portsmouth;
- the business priorities of the Council and FSS relating to food safety;
- a summary of the 2017 / 2018 service delivery in terms of food premises inspections;
- a review key FSS activities identified for 2018 / 2019;
- how FBOs are likely to be regulated in the future.

### Q2 - Who is this policy, service, function, project or strategy going to benefit or have a detrimental effect on and how?

All Portsmouth citizens, food businesses and visitors to the city

### Q3 - Thinking about each group below, does, or could the policy, service, function, project or strategy have a negative impact on members of the equality groups below?

| Group                   | Negative                 | Positive / no impact                | Unclear                  |
|-------------------------|--------------------------|-------------------------------------|--------------------------|
| Age                     | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Disability              | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Race                    | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Gender                  | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Transgender             | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Sexual orientation      | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Religion or belief      | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Pregnancy and maternity | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Other excluded groups   | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If the answer is "negative" or "unclear" consider doing a full EIA

**Q4 - Does, or could the policy, service, function, project or strategy help to promote equality for members of the equality groups?**

| Group                  | Yes                                 | No                       | Unclear                  |
|------------------------|-------------------------------------|--------------------------|--------------------------|
| Age                    | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Disability             | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Race                   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Gender                 | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Transgender            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Sexual orientation     | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Religion or belief     | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Pregnancy or maternity | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Other excluded groups  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

If the answer is "no" or "unclear" consider doing a full EIA

**Q5 - Do you have any feedback data from the equality groups that influences, affects or shapes this policy, service, function, project or strategy?**

| Group              | Yes                      | No                                  | Unclear                  |
|--------------------|--------------------------|-------------------------------------|--------------------------|
| Age                | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Disability         | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Race               | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Gender             | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Transgender        | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Sexual orientation | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

|                         |                          |                                     |                          |
|-------------------------|--------------------------|-------------------------------------|--------------------------|
| Religion or belief      | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Pregnancy and maternity | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Other excluded groups   | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If the answer is "no" or "unclear" consider doing a full EIA

**Q6 - Using the assessments in questions 3, 4 and 5 should a full assessment be carried out on this policy, service, function or strategy?**

☐ yes ☒ No

**Q7 - How have you come to this decision?**

Portsmouth City Council's food enforcement policy is part of the Food Standard's Agency's national food safety framework agreement for the operation of food safety across all local authorities within the United Kingdom. Portsmouth delivers it's local food policy / plan in accordance with a statutory Food Law Code of Practice provided by UK Government. The Code was last updated in March 2017. The Code serves to protect all citizens and does not disproportionately affect any equality group.

If you have to complete a full EIA please contact the Equalities and diversity team if you require help  
Tel: 023 9283 4789 or email:equalities@portsmouthcc.gov.uk

**Q8 - Who was involved in the EIA?**

Steven Bell

**This EIA has been approved by:** Richard Lee

**Contact number:** 023 9283 4857

**Date:** 10 September 2018



Please email a copy of your completed EIA to the Equality and diversity team. We will contact you with any comments or queries about your preliminary EIA.

Telephone: 023 9283 4789

Email: [equalities@portsmouthcc.gov.uk](mailto:equalities@portsmouthcc.gov.uk)

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