



Regulatory Services and Community Safety

Business Support Team

Food Operating Plan 2016 / 2017

Approved by

Rachael Dalby, Director of Regulatory Services and Community Safety

1. Introduction

1.1. This Operating Plan has been produced as required by and in accordance with the Food Standards Agency (FSA) Framework Agreement on Local Authority Food Law enforcement.

1.2. It has been developed in broad accordance as prescribed by the FSA, its purpose being to demonstrate that Portsmouth City Council (PCC), in its role as the designated authority, has in place adequate and effective arrangements to meet its statutory obligations in respect of Food Safety.

1.3. The Business Support Team (BST) within PCC is designated as the competent food authority under the European Communities Act 1972, the Food Safety and Hygiene (England) Regulations 2013 and the Food Safety Act 1990.

1.4. This places a statutory duty on the BST to enforce the Acts. The delegated Authority to do this lies with the Director of Regulatory Services & Community Safety (RS&CS), who has further delegated authority to staff within the BST.

1.5. This plan covers the following:

- An outline of Portsmouth and the organisational structure and business plans relating to PCC and BST
- A profile of the BST, its approaches to enforcement and its resources;
- The responsibilities and objectives of the BST Food Service;

- The inspection of food businesses and enforcement of food law;
- The sampling of food to ensure compliance with food standards law;
- Safeguarding protocols to ensure compliance with legislative requirements and consistency of approach.

2. A snapshot of Portsmouth

- Population: Estimated 207,000 residents
- Area (sq km): 40
- Population density: Highly urbanised city
- Food Business Operators (FBO): 2136
- Business premises: >6800

3. Food within the City of Portsmouth

3.1. Its south coast location has made it a UK and European gateway city. The Portsmouth International Port is Britain's best connected port, providing eight freight and passenger routes to France, Spain and the Channel Islands and receiving food imports from the European Union (EU) and countries such as the Dominican Republic, Costa Rica, Morocco, Trinidad and Tobago, Granada, and Jamaica.

3.3. Gunwharf Quays, situated at the mouth of Portsmouth Harbour, is a £200 million, 500,000 sq ft mixed use development, which has re-launched Portsmouth as one of the most significant waterfront retail and leisure destinations in Europe. Alongside 90 retail stores Gunwharf has 30 bars and restaurants serving tens of thousands of meals per week.

Other high concentrations of food operators can be found in Palmerston Road, Osborne Road, Albert Road, Commercial Road, Kingston Road, Fratton Road, London Road and the High Street Cosham.

4. Portsmouth City Council - organisational structure and corporate priorities

4.1. PCC is run by an Executive, supported by a Scrutiny Board and review panels.

4.2. The Council is composed of 42 Councillors with one-third elected three years in four. All Councillors meet together as the Council to decide the Council's overall policies and set the budget each year.

4.3. The Council appoints the Leader of the Council and the Executive Members (together known as the Cabinet), upon recommendation from the Leader.

4.4. Decisions in the Executive may be collective or they may be taken by individual Executive members with a specific remit. The Executive is the part of the Council which is responsible for most day-to-day decisions.

4.5 The Executive is made up of a Cabinet of not more than nine Councillors including the Leader of the Council. The Executive has to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the budget or policy framework, this must be referred to the Council as a whole to decide.

4.6. There are two standing and other ad hoc overview and scrutiny committees (known as Policy and Review Panels) who support the work of the Executive and the Council as a whole. These allow citizens to have a greater say in Council matters by examining in detail matters of local concern. They lead to reports and recommendations which advise the Executive and the Council as a whole on its policies, budget and service delivery.

4.7. The Policy and Review Panels also monitor the decisions of the Executive. They can 'call-in' a decision which has been made by the Executive but not yet implemented. This enables them to consider whether the decision is appropriate. They may recommend that the Executive reconsider the decision. They may also be consulted by the Executive or the Council on forthcoming decisions and the development of policy.

4.8. The political make-up of the council at May 2016 is:

- 15 Liberal Democrat
- 1 Non-Aligned Independent
- 19 Conservative
- 4 UKIP
- 3 Labour

4.9. The environmental health team of the RS&CS service falls under the responsibilities of the Cabinet Member for Environment and Community Safety. The Food Safety function is undertaken by the BST. The RS&CS Director is the officer responsible for the Food Safety Service delivery, with the Environmental Health Manager (EHM) responsible for the

day-to-day management of the team and the service, supported by a Team Leader and various Lead Officers. The RS&CS Director reports directly to the Chief Executive Officer.

4.10. PCC has eight priorities that are driven by the needs of the city and the desire to improve. These are shared goals for the organisation that help to focus services' work and resources.

4.11. The eight priorities are:

- i. Increase availability, affordability and quality of housing
- ii. Protect and support our most vulnerable residents
- iii. Improve efficiency and encourage involvement
- iv. Raise standards in English and maths
- v. Regenerate the city
- vi. A cleaner and greener city
- vii. Improve public transport

4.12. The RS&CS service contributes to these priorities in various ways particularly with regard to priority v. and vi.

5. [RS&CS - An explanation of service and its contribution to PCC corporate priorities](#)

5.1. RS&CS brings together a diverse team to deliver a range of services to the community so that everyone can enjoy safer and healthier lives.

5.2. Service responsibilities include:

- environmental health

- hate crime
- domestic violence
- civil contingencies
- anti-social behaviour
- trading standards
- dog kennels.

6. RS&CS - Introduction to our business position

6.1. The future of environmental health functions remains uncertain and subject to national political dynamics that are, at this stage, impossible to predict with any degree of confidence.

6.2. What is certain is that RS&CS needs to respond flexibly to changing circumstances. Whilst all functions within environmental health will aim to fit with the medium-term financial strategy, in terms of reducing the council's dependence on central government grant, reducing the need among the population for services and increasing efficiency, the next few years represent a period of considerable uncertainty. Statutory functions however need to endure regardless of changes in budget, structure and policy.

6.3. Since the 2010 / 2011 financial year, budget reductions have arguably graduated to a level above 'risk' and are now the central overriding reality of our ability to deliver services and react to changing demands. The requirement to continue to deliver substantially the same services while reducing the cost by more than 10% every year is such a dominant issue that it now defines our strategic objectives and service delivery models.

7. Regulation and its relationship with "systems thinking"

7.1. The regulatory intervention approaches used by BST are prescriptively set out within the Food Law Code of Practice (FLCofP). These are part of a broader comprehensive approach to the regulation of food businesses.

7.2. These regulatory policies may impose burdens on business initially but, when designed and implemented properly, the burden of regulation is minimised and enforcement is limited to that which is necessary and proportionate to the policy objectives of the FLCofP they are designed to achieve.

7.3. Delivering improvements through regulation when it is properly undertaken ensures that improvement is gained whilst ensuring that no significant adverse impact is created elsewhere.

7.4. The FSA measures the regulatory outcome to determine whether the system of regulation as defined in the FLCofP delivers the improvement in the correct manner. The FSA Board continues to develop dynamic and adaptive interventions to deliver improvement and is currently deliberating the future of food safety enforcement.

8. The cost benefits of regulation

8.1. The BST believes that relationships between businesses and regulatory services reflect shared goals of public protection, supporting enterprise and growth and developing a sustainable future. Law and practice underpins and promotes these goals.

8.2. Well-written law, proportionately and consistently applied, forms the foundation for public protection and is good for the economy, society and the environment. The law needs to be clear about the duties of care applying to individuals, the state and businesses. The starting point for BST is that the public and businesses in the main intend to be in compliance with the law.

8.3. A positive regulatory environment contributes significantly to economic development and sustainable growth, improves the openness of international markets and creates a less constricted business environment for innovation and entrepreneurship. It protects compliant businesses by enabling fair competition and provides business with the confidence to invest, grow and create new jobs. Businesses can benefit from positive experiences of regulation.

8.4. The BST supports a regulatory system that is founded on research, and that is risk-led and evidence-driven. Our effectiveness is defined less by a set number of inspections and more by the quality of the relationships established between those involved in ensuring compliance.

8.5. Collaboration leads to focus on interventions that are founded on sound evidence with resources targeted where they are most needed.

8.6. The BST enforcement strategy protects people and communities from harm, safeguards against public health risks and contributes to improved quality of life for all. Through using advice, education and regulation, environmental health professionals are able to support economic development and sustainable growth, both through the nature of the interventions they select and the way that they interact with businesses in the course of their work.

8.7. To the business, environmental health interventions and support can provide:

- reductions in business costs associated with dealing with the consequences of non-compliance and consequential reputational damage;
- ensure fair competition and a level playing field;
- information to business to enable confident decision making and investment;
- protection to customers and enhanced customer confidence;
- a safe trading environment;
- better management control of risks to the business;
- business and consumer trust in open and fair markets;
- wider public health and environmental benefits.

8.8. In addition, it is important to recognise that BST functions are also critical within businesses and to acknowledge the direct contribution of environmental health professionals working within commercial enterprise and industry.

8.9. When businesses are able to demonstrate that they have in place and use appropriate systems for ensuring compliance, they are able to earn recognition of this and regulatory oversight can be adjusted accordingly.

8.10. Businesses needing support to achieve compliance can rely on the BST to support them to become compliant, but those unable or deliberately intending not to comply will rightly be targeted for appropriate enforcement interventions as the public and other businesses should not have to bear the cost of incompetence, negligence or wilful non-compliance.

8.11. Different FBO needs call for a range of differentiated interventions but, in their delivery, BST always seek to be fair, consistent and transparent with the degree of intervention required being determined, in part, by the degree of interaction between the business and the BST so that the latter can properly evaluate the level of confidence held in the business.

9. Structure and financial position

9.1. The BST team structure is as follows:



9.2. Sufficient budgetary provisions have been made available in 2016 / 2017 to maintain this level of staffing provision.

10. An Introduction to the BST

10.1. The BST is structured so that each core service function is led by an officer with specialist knowledge, the appropriate level of qualification and a technical understanding of the designated function.

10.2. It is expected, along with our team partners in the pollution and pest control teams, that we provide a single 'environmental health service' to our diverse customer base, which is effective, efficient and professional. The structure of the team aids the delivery of such a service, taking advantage

of the team's experience and competency across the wide range of responsibilities and functions.

10.3. The 2016 / 2017 Operating Plan will continue to advance the excellent work which has taken place in previous years. The BST management team will continue to take a strong enforcement stance to breaches of food law and develop a more consistent approach to inspection protocols and enforcement actions, supporting a tougher more robust attitude to serious or persistent failings.

10.4. Reviews with respect to process were implemented in 2014 / 2015 to address the weaknesses identified within existing policies particularly with regard to inspection regimes, monitoring and reporting and succession planning.

10.5. BST officers in leading roles, constructed to ensure that resources and expertise are shared or combined to strengthen officer and team development, distribute knowledge and promote best practice, will continue to ensure service delivery is effective and delivered in accordance with the FLCofP.

10.6. All officers continue to develop their skills and expertise and take an active role in all service functions. This is supported by a continuing development programme.

11. BST service functions

11.1. The BST, in addition to undertaking the Food Safety function, also has a wide range of other responsibilities particularly for Health and Safety, Infectious Disease Control, Animal Health, Licensing enforcement and Port Health. The

number of statutory powers delivered by the BST has steadily increased, resulting in over 150 statutory powers currently being administered across 10 function areas.

11.2. Following the inspection of FBOs, the second most resource-intensive area for which the BST is responsible is the International Ferry Port where we have a significant range of responsibilities with respect to disease control, ship sanitation certificates, foodborne diseases, ship disinfection, potable water supplies, norovirus controls on vessels, food import control and the importation of animals.

11.3. The BST also currently regulates four premises which are required to be formally approved under specific EU legislation due to the increased risk posed by their particular food activities.

11.4. A list of the enactments for which the BST is responsible can be found in **Appendix 1**.

12. BST Lead Officers and food law enforcement officers

12.1. Lead officer roles and FTE time is detailed within **Table 1**.

Table 1

Roles Requiring Lead	Equivalent FTE in area
Food Safety ^{*##}	3.55
Food Standards	0.25
H&S	0.7
Port Health	0.6
Infectious Disease / Animal Welfare	0.4
Primary Authority / Approved Premises	0.2
Policy, Business Planning, Management	0.6
Shellfish / Sea Water	0.3
Sampling	0.1
APP super-user	0.4
Total Resource	7.1 ^{**}

*Food safety includes dealing with food hygiene complaints as well as food complaints and food premises inspections. (Qualified officers assigned to inspection regime = 2.5 FTE) - 1.0 FTE assigned to food lead responsibilities, delivery of enforcement, assigned to liaison tasks

**Total does not include 0.3 FTE for the Environmental Health Manager

+ An EHO will be unavailable in 2016 / 2017 as a result of maternity leave

12.2. Three officers (1.4 FTE) are not currently in a lead position included in the equivalent FTE in each area.

12.3. Officers with specific responsibilities for respect to Food Law Enforcement are detailed within **Appendix 2**.

12.4 Lead officers responsibilities are highlighted within **Appendix 3**.

13. Scope of the BST Food Service

13.1 The food service consists of the following elements:

- ensuring that all food premises are identified and inspected on a risk-assessed basis and any necessary action is taken to secure the required food safety standards;
- maintaining the National Food Hygiene Rating Scheme (FHRS);
- reviewing, planning and building control applications to ensure that food hygiene requirements are considered at the design and build stages of development;
- providing advice to food businesses and members of the public on issues relating to food safety;
- investigating all complaints relating to food and food safety and taking appropriate enforcement action to prevent potential outbreaks of food poisoning;
- undertaking sampling in order to determine the quality and fitness of food and to inform proactive initiatives to secure food safety;
- minimising the spread of incidents of infectious diseases, including incidents of food poisoning by investigating relevant cases and taking action to control the spread of disease.

14. Service pressures and risks to service delivery

14.1. The BST has been under increasing pressure to reduce costs whilst still having a duty to deliver many statutory

services as well as make arrangements to secure continuous improvement.

14.2. Over the last six years the BST has been particularly tested in respect to how we have responded to this challenge as significant levels of savings have been required, and been delivered, annually during this period.

14.3. The scale of cost reductions required has meant that we have had to look beyond the immediate short-term and think more radically about how to reduce costs and how to sustain this in the longer term whilst still improving services.

14.4. Throughout this period the required reductions have enabled Environmental Health to undertake strategic overviews of service areas in order to avoid an erosion of service quality in priority delivery areas.

14.5. Successfully, BST has prioritised which services matter most, based on an accurate, realistic assessment of the costs, benefits and risks of the options to reduce spending.

14.6. Despite service streamlining and delivering frontline and back-office efficiencies, the impact of reduced resources has impacted upon our ability to deliver statutory obligations. Whilst clear rationales for selecting service functions for review have been devised and implemented, it is clear, following our most recent assessments, that increased demands upon officers and cumulative statutory obligations have caused BST to reach a level of service that scarcely meets, and in some notable areas falls below, the minimum acceptable level.

14.7. It is highly likely that, unless preventative actions are implemented, in 2016 / 2017 it will be difficult for BST to meet all the statutory duties expected of it and it will not be possible for the service to take on any new statutory duties that protect the public and the environment. Additionally, should the demand for services continue to increase there is a significant risk that the BST will be unable to maintain the quality and performance of the services it currently provides.

14.8. Analysis of demand and resource suggests that BST services are at a tipping point and that we need to take new strategic choices and find more efficient and effective ways of working. Whilst designing this new more sustainable approach and reviewing possible wider internal service merger opportunities, it may be difficult to remain reactive to the increasing problems we are likely to face in the near future.

14.9. Many of the decisions we have made to date have been based around the need to develop improvements in efficiency and to stretch resources in order to balance budgets. Consequently, all the comparatively easy-to-deliver reductions such as deleting vacant posts and reducing operating budgets such as training, equipment and office supplies have long been explored and implemented.

14.10. A focus on service reductions and improvements through the reorganisation of teams and functions, improving back office procedures and managerial support, whilst increasing income, have all made a successful contribution to maintaining effective delivery of statutory obligations.

14.11. The BST only delivers services which are formally required and demanded. All delivery of functions not satisfying regulations or duties have been eliminated.

14.12. Although streamlining and service improvements will continue, and are expected to deliver further positive conclusions, the overall reductions of staff in all areas has resulted in emerging and growing concerns about our abilities to future-proof services, meet our statutory responsibilities and maintain an effective reactive response to issues of public health concern.

14.13. A provisional strategic overview to avoid an erosion of service quality in priority delivery areas has identified several key areas of concern. Whilst the BST continues to prioritise which services matter most, based on an accurate, realistic assessment of the costs, benefits and risks, these areas have reached precarious levels which when unavoidable departures of highly experienced and effective staff occur, together with increased legislative demands, will cause significant service delivery complications and impact income generation.

14.14. We therefore need to be clear about our long and short-term strategic environmental health intentions and focus on making even better and smarter choices that prioritise interventions and service decisions based on a cost benefit impact. This will better allow the BST to identify the relative effect of decisions when receiving budgets and be clear what the impact of these decisions will be on strategic and operational outcomes.

15. BST Food Service - Priorities

15.1. Our foremost priorities in 2016 / 2017 are:

- compliance with the FLCofP in regard to the inspection of high and medium risk premises;
- delivery of our statutory duty to enforce legislation relating to food;
- maintaining political and customer awareness of food standards and food safety issues;
- identifying and educating FBOs in relation to the preparation and cooking of high risk foods.

15.2. The FLCofP sets out the framework under which the BST must carry out its statutory functions to protect the public in respect to food hygiene and food safety. It is the FLCofP which requires this Food Operating Plan to be created and the manner in which it is formatted.

15.3. The BST is required under legislation to have regard to the FLCofP when discharging its duties. Should the BST fail to have regard to relevant provisions of this Code we are likely to find our decisions or actions successfully challenged, and evidence gathered during a criminal investigation being ruled inadmissible by a court and formal action being instigated against us by the FSA.

15.4. The FLCofP provides guidance to local authorities on their approaches to official controls at food business establishments. The Code was last updated 7 April 2015. The changes included:

- revised arrangements for food establishment registration and inspection of mobile food establishments, ships and aircrafts;
- revised competency and qualification requirements for authorised officers.

15.5. The FSA and the FLCofP provides some flexibility to introduce a mixture of interventions and encourages the BST to provide a greater focus on the outcomes of activities rather than the traditional approach of reporting on activity alone.

15.6. In improving and developing our strong enforcement priorities it is incumbent upon us to have regard to the Framework Agreement on Local Authority Food Law Enforcement. This Framework Agreement sets out what the FSA expects from us in our delivery of official controls on food and food law.

15.7. Certain governmental reviews such as Hampton, and legislation such as the Regulatory Enforcement and Sanctions Act 2008 have placed responsibilities upon us to ensure that our inspections tackle key issues, but reduce administrative burdens. The BST has considered such recommendations to devise effective inspection protocols for high risk groups.

15.8. The inspection of all food businesses has regard to current FSA guidance. With respect to enforcement the BST is mindful of the Regulators' Compliance Code 4 and the Legislative and Regulatory Reform (Regulatory Functions) Order 2007. This Code is a central part of the Government's Better Regulation agenda as it aims to embed a risk-based, proportionate and targeted approach to regulatory inspection

and enforcement and is reflected in the decision making process when formal action is considered against FBOs.

15.9. Full compliance with the FLCofP requirements will remain the objective and failure to achieve these will be reported periodically, as necessary, to the Director and Cabinet.

16. Key characteristics of enforced self-regulation and risk-based approaches to food law enforcement

16.1. Hazard Analysis and Critical Control Point (HACCP) is an amalgam of enforced self-regulation and risk-based approaches (RBAs). HACCP forms the foundation of how Food Business Operators (FBOs) demonstrate the effective management of delivering food which is safe to eat. It is a preventative risk-based approach to food safety which seeks to minimise risks but cannot eliminate them.

16.2. The HACCP approach requires that FBOs plan what needs to be done to maintain food safety, to write this down, to follow the plan and to monitor and verify that the plan has been followed. HACCP systems only work when the FBO and the workforce are fully committed to their implementation. Adequate training is of fundamental importance for effective HACCP programmes.

16.3. RBAs to food safety regulation seek to ensure that greater emphasis is placed upon FBOs managing their own risks, and in so doing reserve our attention for the worst offenders. This approach does however make assumptions about the capacity of businesses to appreciate and manage

attendant risks, which we have found can be particularly difficult for smaller businesses.

16.4. RBAs attempt to minimise the regulatory burden on businesses through cost justifications and comply with the UK Government's 'better regulation' agenda, namely transparency, accountability, targeting, consistency and proportionality.

16.5. The only means the BST has to establish compliance levels is through inspection. Such inspections are the only way to advise and educate small businesses in relation to food law and good practice. The importance of timely regular inspections is therefore of some critical importance, as the less time we spend with FBOs the greater the likelihood of falling standards, non-compliances with the law and an increased need for more in depth education and enforcement - all of which has a negative impact upon resource.

16.6. The focus of responsibility is on FBOs to manage the risks generated, and ours is to intervene only where businesses clearly fail to do this. Our experiences over the last four years suggests that, despite our interventions, not all businesses are equipped to manage their own risks and more recently, as a result of available resource, we are less able to identify and assist FBOs and act preventively in a timely manner.

17. FBO compliance with food law

17.1. Overall the level of food hygiene compliance within Portsmouth is good. However there are a significant number

of businesses which fail to comply with food law requirements. The reasons for this are complex and may include any of the following:

- consider it to be more profitable not to comply than to do so;
- comply because it is seen as the 'right thing to do' or because the regulations fit with their own reading of the law;
- not necessarily see that there is anything wrong in the way that they operate despite the fact that they are not complying with the law;
- misunderstand or be misguided in their understanding of their legal duties or resort to opportunistic conduct and react negatively to control where the regulations are perceived as illogical or wrong;
- experience particular difficulties complying with legal obligations as a result of insufficient resources (financial or technical) to understand what the law requires of them;
- equate compliance only to what they are told during an inspection;
- be ignorant of the risks associated with their activities;
- not understand that poor standards and enforcement impacts upon a business's reputation.

17.2. The BST is integral in food safety regulation. Our approach does not take enforcement of the law to simply refer

to legal action; it permits a wide array of informal enforcement techniques such as education, advice, explanation, persuasion and negotiation.

17.3 Securing food which is safe to eat is our main objective, both through the remedy of existing problems and the prevention of others. Our preferred methods to achieve these ends are co-operative and conciliatory.

17.4. Where compliance is poor and there is good reason for it being so, persuasion, negotiation and education are the primary enforcement methods. Accordingly, compliance is not necessarily regarded as being immediately achievable; rather it may be seen as a long-term aim.

17.5. The use of formal legal methods, especially prosecution, is regarded as a last resort, something to be avoided unless all else fails to secure compliance.

17.6. The BST enforcement style is focused around our relationship with FBOs. Through offering support and advice we are attempting to be integrated with the business community. Our officers endeavour to be familiar with those they regulate, as we hope that in so doing we will be better able to assist and advise rather than regulate. Rapport building is however time consuming and requires suitable resources to be available.

17.7. With enforced self-regulation, RBAs and better regulation there may be a temptation to use these initiatives to reduce resources. The BST is however directed by the FSA's statutory and informal guidance and is subject to their audit.

The FSA has authority to set performance standards, monitor performance, demand information from us and inspect our food enforcement resources.

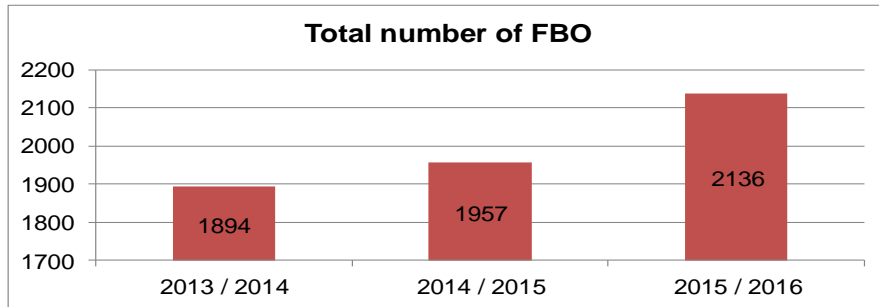
17.8. Food safety regulation, like all other risk regulation, is subject to a variety of tensions and contradictions which are not unique to this domain but which may be exacerbated by the nature of the retail and hospitality sectors and by some features of the legal and institutional arrangements for food safety. The inspections of FBOs are considered to be a priority in terms of public confidence in the local authority, the reputational standing of the authority and the terms of public health benefit.

18. Analysis of service delivery 2015 / 2016

18.1. The number of FBOs registered with PCC since 2012 / 2013 is depicted within **graph 1**. The increase equates to a 13% rise in food businesses over this three year period.

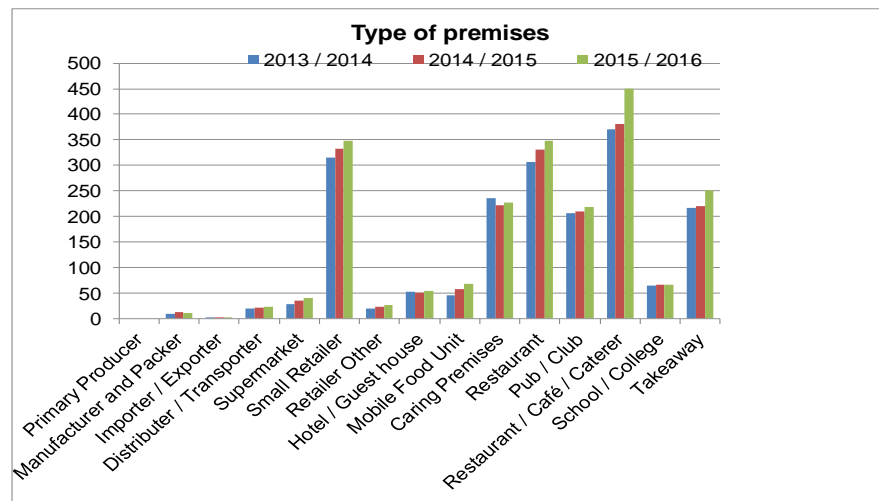
18.2. The impact of such an increase in terms of service compliance within the prescriptive FSA inspection timetables, whilst resources over the same period have decreased, is considered significant.

Graph 1



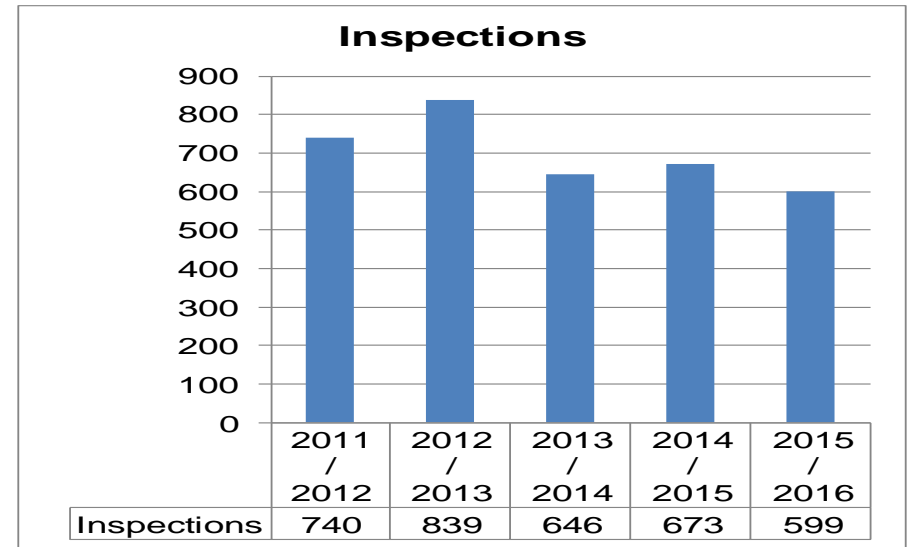
18.3. The number and type of FBOs over the last three years is depicted in **graph 2**. The category 'restaurant / café / caterer' recorded the highest increase at 21%.

Graph 2



18.4. The total number of inspections carried out in last three years is shown in **graph 3**.

Graph 3



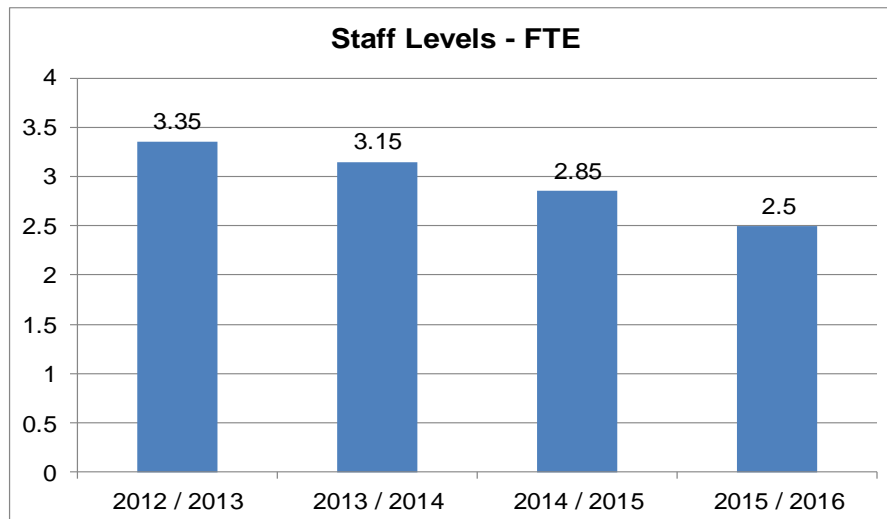
18.5. In 2015 / 2016 the inspection rate was the lowest recorded, being 28% lower than the highest achieved in 2012 / 2013.

18.6. It is worth noting that estimates made following an audit of our processes by the FSA in 2013 suggested that an inspection rate of 600 per annum could be achieved with the level of resource available at that time (3.35 FTE). This

equated to approximately 180 inspections being carried out by each officer each year. Since 2013 the FTE posts engaged in this specific inspection activity has fallen to 2.5, with the general cause of this decline being increasing demands made on staff resource in other service functions. Whilst difficult to precisely explain, the decline in inspection rates is highly likely to be reflected in the growth of FBO inspections of restaurants / caterers which generally take longer than businesses of lower risk, such as retailers.

18.7. The levels of staff resource available to inspect food businesses since 2012 / 2013 are demonstrated in **graph 4**. The reduction equates to a 25% decrease in staff in this area.

Graph 4



18.8. In 2015 / 2016 the level of staffing resource available for inspections would, with reference to the 2013 FSA criteria, equate to approximately 450 inspections being undertaken. The level of inspection actually achieved, 599, although falling, therefore remains higher than that envisaged by the FSA with the level of resource available. This level of inspection has been achieved through various means, including effective management of the function, and streamlining delivery processes and support to officers.

18.9. The falling level of inspection has resulted in non-conformance with the FLCofP. Intervention performance is shown within **graph 5**. The service has failed to deliver interventions in accordance with the FLCofP prescriptive timetable. Whilst intervention compliance has been a concern in previous years, the level of compliance in 2015 / 2016 has risen to a very high risk and has been identified as an area to which resources should be provided.

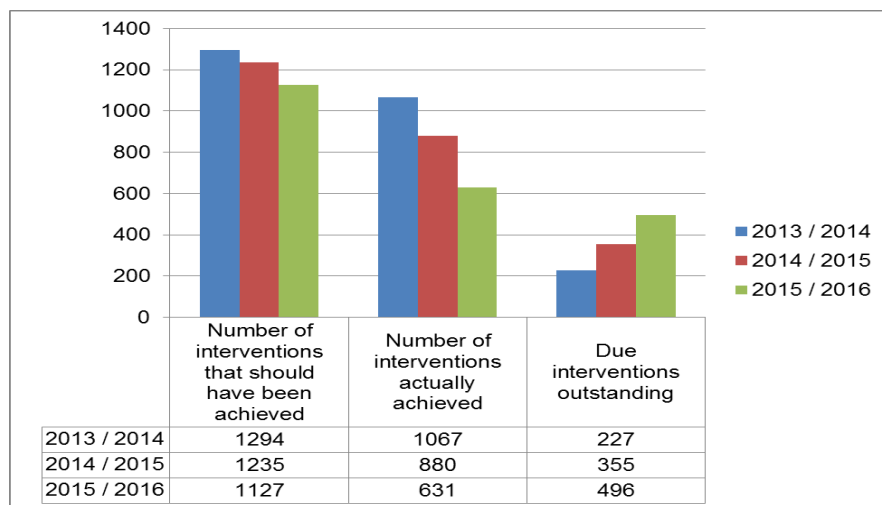
18.10. In 2014 / 2015 880 interventions, which equates to 71%, were delivered on time. This was a reduction of 11% on the 2013 / 2014 figure. In 2015 / 2016 this had fallen to 44% of inspections being delivered within the specified criteria set out within the FLCofP. This equates to a reduction of 27% in intervention performance since 2013 / 2014.

18.11. For clarity, interventions include: inspections; monitoring; surveillance; verification; audit; and sampling where the analysis / examination is to be carried out by an Official Laboratory.

18.12. The problems in keeping pace with the levels of intervention as required have occurred as a direct result of an increased level of the BST staff resource being assigned to areas which have not resulted in direct inspection work. The most obvious examples are our enforcement activities, compliance with other areas of the FLCofP, and food sampling requirements. Statutory functions of the team, in relation to animal welfare, infectious disease control, port health and health a safety have however undoubtedly contributed to the backlog in visits.

18.13. Despite assigning nearly 40% of all available resource to the food inspection function (2.5 FTE of 6.5 FTE) the impact of resources is currently at a critical level in terms of inspection compliance.

Graph 5

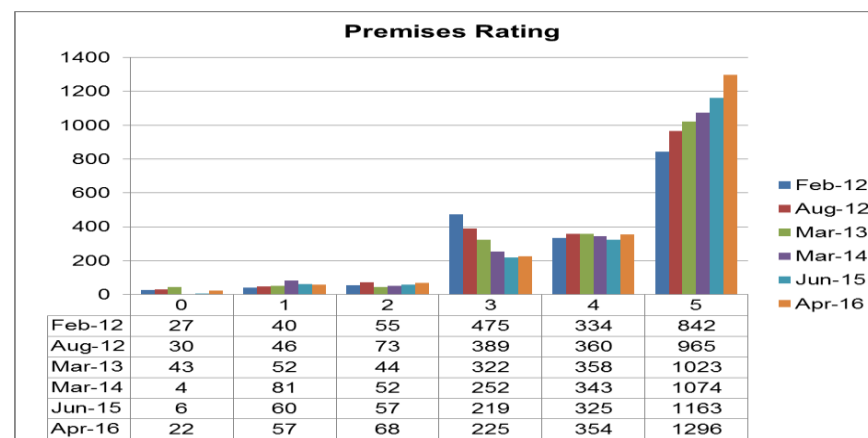


18.14. The numbers of premises rated '0', '1', '2', '3', '4', or '5' as of February and August 2012, March 2013, March 2014, June 2015 and April 2016 are highlighted in **graph 6**.

18.15. Although the number of interventions has gone down, those that have been carried out have been targeted towards those of higher risk (A, B and non-compliant Cs) which are inevitably more time-consuming in terms of the inspections themselves and also in the follow up actions necessary to deal with poor performance and non-compliance.

18.16. The decline in intervention rates has also been caused by the increase in enforcement action against a significant number of businesses with poor hygiene histories which have not responded to the informal approach. The time necessary to prepare a prosecution case and present the matter in court is extremely resource intensive.

Graph 6



18.17. **Graph 6** demonstrates that the number of premises achieving the highest '5' rating is continuing to improve. Additionally, the number of premises within the lowest ratings '0', '1' and '2' remains low and static.

18.18. Each time a business is inspected a new rating is provided with the level of improvement or decline in hygiene standards dictating the new rating score. The frequency of inspection is determined by the risk to people's health: the greater the risks to health, the more frequent the inspection.

18.19. As the rating of each of the inspected premises may have changed (positively or negatively) following inspection it is difficult to provide direct comparisons with the level of improvement or decline in the quality of food being offered by the businesses in the city (i.e. it's not possible to say that the reduction in '3' rated premises directly reflects the increase in '5' rated premises), but it is clear that the general standard of premises is continuing to improve.

18.20. The number of 5 rated premises is 54% higher now than it was in February 2012. 61% of all registered premises are rated '5'.

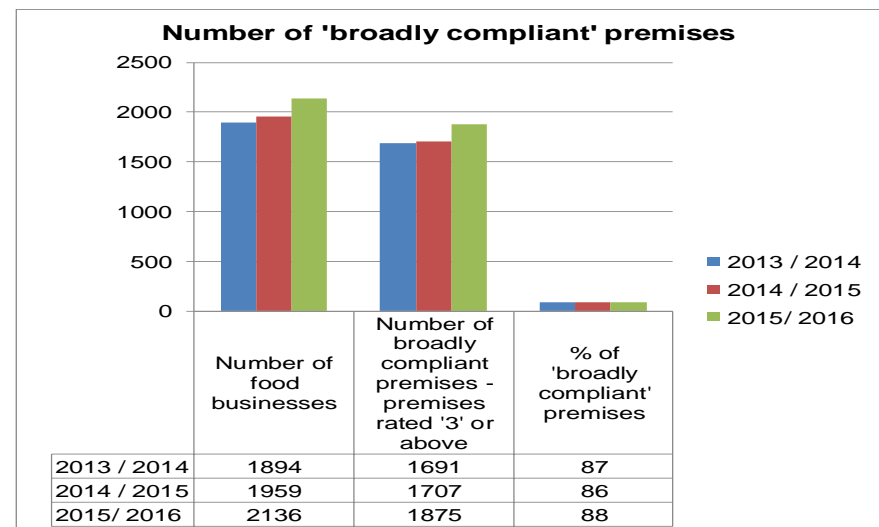
18.21. All current food business ratings are reported on the FSA's website, which is freely available to the public and businesses alike - no indication of the previous performance is necessary within the scheme. Businesses rated '0', '1' or '2' are given priority for action to secure improvement in hygiene standards. Irrespective of the original rating, if during inspection hygiene standards are very poor, or there is an imminent risk to health, appropriate enforcement action is

taken to make sure that consumers are protected. This can include the proprietor agreeing to voluntarily close the premises with our advice.

18.22. All FBOs are given feedback following an inspection. Officers will provide improvement advice and how any problems identified can be avoided and rectified. Where improvements are required, inspectors will issue a comprehensive written report clearly explaining precisely what is required to comply with the law. Where problems are acute or persistent, appropriate enforcement action is taken.

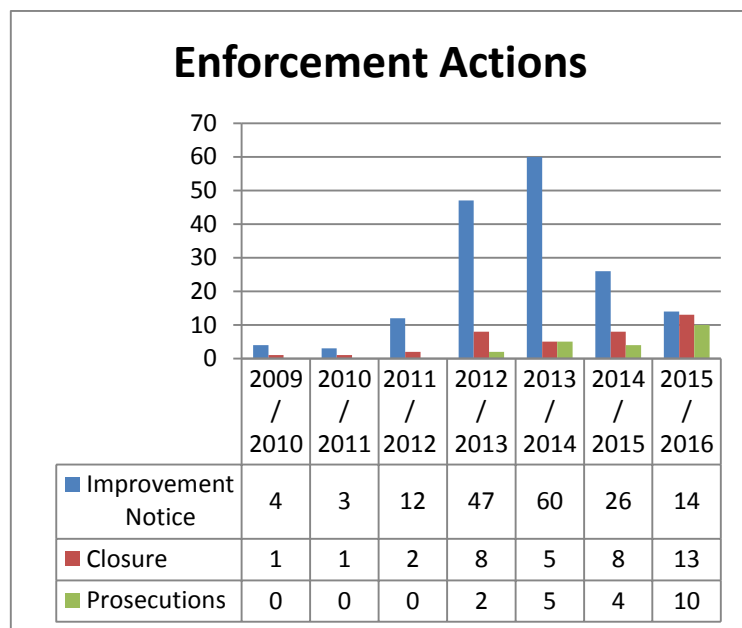
18.23. The number of broadly compliant premises (those premises rated '3', '4' or '5') has remained static, as demonstrated within **graph 7**.

Graph 7



18.24. The number of enforcement actions taken during the last six years is recorded in **graph 8**.

Graph 8



18.25. Immediately after the introduction of a revised risk-based inspection programme in 2012, the number of Improvement Notices served upon premises requiring a prompt, and timetabled improvement in standards dramatically increased.

18.26. The number of Improvement Notices has fallen since that time. However the number of premises closed pending improvement as a result of an imminent risk to public health being identified during inspection, and the number of premises prosecuted for serious legislative breaches, has increased.

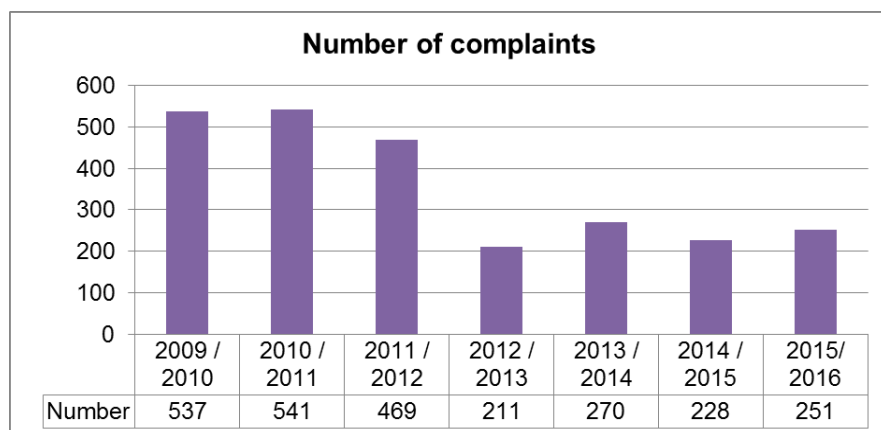
18.27. In 2015 / 2016 the levels of closure were the highest recorded, being 63% higher than in 2014 / 2015. The number of prosecutions has consequently increased.

18.28. We encourage customers to take an active role in reporting food businesses within Portsmouth that have poor food safety practices and investigate issues raised by them in the appropriate manner. Complaints are typically received in relation to:

- sighting of vermin or pests on food premises;
- poor levels of cleanliness in kitchens, store rooms or preparation rooms;
- poor food handling practices;
- contaminated food e.g. food containing foreign bodies, or that is out of date.

18.29. The number of complaints received in 2015 / 2016 is consistent with the significant reduction (50%) achieved in 2012 / 2013 and is a further reflection of how standards of food businesses have improved since that time. The number of complaints relating to food businesses is shown in **graph 9**.

Graph 9



18.30. Following the 2013 FSA audit of the BST operating procedures, some changes were made to the intervention programme and its delivery. The BST is required to inspect all registered food premises within Portsmouth as part of a planned programme. How frequently officers routinely inspect will depend on the type of business and its previous record: the better the record the greater the period between inspections. The rating given to premises after each inspection determines the length of time until the premises are inspected again. Premises are then rated and inspected according to the following **table 3**.

Table 3

Rating Category	Inspection Rating	Minimum Inspection frequency
A	92 or higher	6 monthly
B	72 - 91	12 monthly
C	52 - 71	18 monthly
D	31 - 51	2 yearly
E	0 - 30	Alternative enforcement strategy

18.31. The risk rating system considers the type and size of business, the level of food safety management and conditions noted during the inspection. In addition, premises providing food to vulnerable groups, for example children or the elderly, are subject to an additional weighting which will result in more frequent visits.

18.32. Whilst it is not normal practice to give prior notification of inspection, some visits will be carried out by appointment, particularly if the visit is primarily to look at documentation or practices, or if discussions are required with a specific employee or the business proprietor. Officers have the right to enter and inspect food premises at all reasonable hours.

18.33. The appropriate control for each premises will be considered on an individual basis by an appropriately qualified officer. The officer may decide to reclassify any premises that were the subject of an alternative enforcement strategy for a full inspection, for example premises where the operation has changed significantly or catering is undertaken.

18.34. In previous years low risk category E businesses have been subject to an alternative enforcement strategy. When these premises are due for inspection, if the premises have been subject to a formal inspection within the previous inspection period, the FBO will be sent an appropriate initial letter together with a low risk self-assessment questionnaire to complete. On return of the completed questionnaire the information will be reviewed to determine whether there have been any changes to the business since the last inspection which may present an increased risk to food safety. If a questionnaire is not returned within the 28-day limit, the business will be contacted to establish if a further copy is required. If the replacement questionnaire has not been received after a further 14 days, the food business may be subject to a food hygiene inspection.

18.35. Currently, in view of the demands placed upon officer time and the backlog of inspections, although we will aim to deliver this strategy for all E rated premises during 2016 / 2017, it is extremely unlikely that this will be achieved. Currently no regard is being given to E rated premises, even by means of alternative enforcement. This is unlikely to change unless additional resources can be found. This is considered to be a major noncompliance with the FLCofP and a high risk strategy.

18.36. In 2016 / 2017 we are likely therefore to have no alternative but to deviate from the FLCofP concentrating on the inspection of the highest risk premises.

18.37 In 2016 / 2017 we will achieve the following:

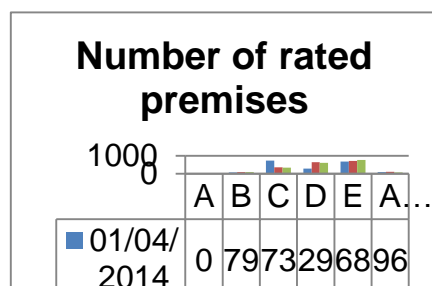
- 100% of A rated premises;
- 100% of B rated premises;
- 100% of C rated premises;
- 100% of the initial inspections of all premises awaiting a rating;
- D rated premises are unlikely to be routinely inspected;
- E rated premises will only be inspected where resource allow.

18.38. The number of 'A' 'B' 'C' 'D' and 'E' rated premises as of 1 April 2014, 13 June 2015 and 4 April 2016 are shown in **graph 10**.

18.39. It is clear from graph 10 that there has been a significant improvement in the number of premises obtaining a lower (and therefore "safer") risk rating. The improvement is particularly noticeable within the premises rated D and E. The number of D rated premises has increased by 103% since 2014, with the number of E rated premises increasing by 12% during the same period.

18.40. The numbers of premises awaiting inspection (AW) having submitted a registration form is higher than would be preferred. This is a further reflection of the level of resource available in this service.

Graph 10



19. Qualifications and experience

19.1. Qualification and training provisions are set out within Regulation (EC) No. 882/2004 on official controls (Regulation 882/2004). It should be noted that these requirements do not directly apply to the EHM as this officer has only indirect managerial responsibility for food law enforcement. Officers qualifications and experienced are detailed in **Appendix 4**.

20. Approved premises

20.1. Regulation (EC) No 853/2004 requires that food business establishments handling food of animal origin that fall under the categories for which Annex III lays down requirements must, with some limited exceptions, be approved by the competent authority.

20.2. Compliance with relevant requirements of Regulation 853/2004 is required in addition to full compliance with Regulation (EC) No. 852/2004. Registration under Article 6(2) of Regulation (EC) No. 852/2004 is not required for establishments that are subject to approval.

20.3. The BST currently regulates four Approved Premises. These are:

- Quattro Foods - 8 The Nelson Centre, Portfield Road, Portsmouth PO3 5SF;
- Viviers (UK) LTD - Shed 9 The Camber - White Hart Road, Portsmouth PO1 2JX;
- Johnsons Enterprises Limited - 4 Norway Road, Portsmouth, P03 5HT;
- Solent Fish - Marshlands Road, Farlington, Portsmouth, PO6 1ST

21. Food complaints

21.1 It is the responsibility of the BST to enforce the provisions of the Food Safety Act 1990 for complaints

concerning non-compliance with food safety requirements i.e. food which is unfit; food which has been rendered injurious to health; or food which is so contaminated.

21.2. In 2012 and 2014 BST investigated a number of complaints relating to food which had 'not been of the nature or substance demanded by the purchaser' which led to two criminal prosecutions against businesses failing in their responsibilities to ensure their customers received precisely what they ordered. In 2016 / 2017 we will continue to have increasing regard to such issues.

21.3. The BST also enforces the provision of the Food Labelling Regulations 1996, which relates to 'Use-by' date labelling and quality issues. The BST carries out this function rather than our colleagues within the trading standards authority. Despite the introduction of the Food Information Regulations in 2014 (repealing the Food Labelling Regulations 1996) and all food businesses being required to declare if any of 14 identified allergenic ingredients are used in non-prepacked or loose foods that are sold or provided, the number of complaints relating to such remain exceedingly low.

21.4. All food complaints are investigated in accordance with guidance issued from Local Government Regulation 'Guidance on Food Complaints' and Codes of Practice.

21.5. Initial investigations into food complaints are given high priority, since these can give an indication of where the food supply chain has broken down. Such breakdowns may be one-offs or can indicate a problem that, if left unattended, could have serious consequences. Arrangements are in place

to contact the FSA where food complaints may have wider implications.

21.6. Where companies involved are unable to provide a satisfactory defence that they take all reasonable precautions and exercise all due diligence to prevent such a complaint, legal proceedings may be instigated. The decision to prosecute is taken at the recommendation of the officer concerned, in consultation with the Food Lead, through the BSTL, EHM and Director.

21.7. Whether to prosecute is a formalised procedure which is followed in all cases where prosecution or formal cautions are recommended. Only when 'in service' approval has been obtained will the Council's legal representative become involved.

21.8. A 'ramped approach' to enforcement is taken unless the incident is so serious that an immediate prosecution is the only appropriate course of action. In all cases the company / business and complainant are kept informed as to the progress of the complaint.

22. Primary authority

22.1. In April 2009 the Regulatory Enforcement and Sanctions Act introduced the Primary Authority Scheme. This is an arrangement where a Local Authority agrees to provide specialist advice to a company regarding its Food Safety arrangements and acts as a point of contact for other local authorities where its food may be sold.

22.2. The Primary Authority is usually where the head office for a company is situated. The Originating Authority is the authority where the unit which manufactured a product is situated. In principle any authority shall have regard to any information or advice it has received from any liaison with home and / or originating authorities and any authority, having initiated liaison with any home and / or Originating Authority, shall notify that Authority of the outcome.

22.3. In 2011 / 2012 the BST entered into Primary Authority agreements with the Southern Co-operative Limited and the Royal Navy. These relationships will continue in 2016 / 2017.

23. Advice to business

23.1. Although the BST is taking a stronger stance in relation to serious or persistent failings we, of course, realise that where food businesses break the law, it is often due to ignorance rather than intentional acts or omissions.

23.2. As a consequence, our strategy is to provide advice to business as the first step to improvement. This is at the core of our function.

23.3. In addition to the inspection regime, in 2016 / 2017 officers of the BST will write to / inform FBOs how they can achieve the highest possible FHRS score or comply with procedural advice offered by the FSA. An example is the FSA guidance which has been provided through 2015 and 2016 about their concerns over FBOs safely serving rare / undercooked burgers and the need to ensure food service

outlets do not cause avoidable food poisoning incidents because they have insufficient control measures in place.

23.4. BST has provided an increased level of information to 180 FBOs particularly in relation to new and forthcoming changes in legislation / best practice advice. In 2016 / 2017 the BST intends to continue this work and potentially deliver a FBO forum by which its members will be informed of, and be able to discuss, new initiatives and their implications.

23.5. An example of where such work is necessary is nutritional labelling, which became mandatory this year. The importance of this work is highlighted by the requirements of the regulations.

23.6 To sell food and drink products, the label must be:

- clear and easy to read;
- permanent;
- easy to understand;
- easily visible;
- not misleading.

23.7 For products sold loose or in catering businesses there is a requirement to show:

- the name of the food;
- if any of the ingredients have been irradiated, or have come from genetically modified sources;
- certain warnings;
- any supplemental food additives ;
- allergen information.

23.8 If food is packaged directly by an FBO all packaging must be suitable for food use. Suitable packaging is marked 'for food contact' or has a symbol on it that looks like a wine glass and a fork. There are special rules for using plastics, ceramics or cellophane for packaging. An FBO must have written evidence that they have kept to them.

23.9. BST officers will also provide advice on an ad hoc basis for businesses depending on need.

23.10. Resources to do not permit formal food hygiene training to be delivered by our officers. There are however many local providers. Advice is provided on training courses offered throughout Hampshire and the Isle of Wight by other authorities and training centres and particularly for courses offered in ethnic minority languages.

23.11. All new food businesses are assessed and if appropriate will, when possible, be inspected within 56 days of being identified. On registration an information pack containing advice on food standards, food safety and other relevant legislation will be supplied to the business offering a communication channel between the BST and the business. The initial visit will be undertaken to establish the scope of the businesses activity, identify its compliance with food standards legislation and determine the level of support required. An intervention programme will then be designed to reflect the needs of the business and be reviewed after one year. Interventions will then be programmed based on the risk assessment in accordance with the adopted plan.

24. Food sampling

24.1. The BST understands that a proactive, point of sale, food sampling programme provides useful information about the microbiological fitness of food for sale.

24.2. The Sampling Lead participates in the Portsmouth and South East Hampshire sampling group which has a co-ordinated food-sampling programme based on Food Standards Agency guidance, local government regulation and agreed local priorities.

24.4. As a result of governmental funding cuts our proactive sampling programme in 2016 / 2017 is likely to be reduced. The possible reduction in funding and sampling initiatives is likely to be felt nationally. Where sampling is undertaken it will be in accordance with:

- participation in local government regulation / Public Health Laboratory Service sampling initiatives;
- participation in European Union initiatives, when they occur;
- participation in local initiatives devised by the local sampling group (Wessex Environmental Monitoring Service (WEMS) User Group (East)) or by problems highlighted within Portsmouth.

24.5 Our work aims to inform policy makers and to provide better information to assist in future sampling programmes as well as determining levels of compliance with areas of concern. Available FSA funding covers the cost of sample collection and analysis, and finances additional work over and

above that which we are expected to carry out; however any non-compliance highlighted by the sampling results are expected to be followed up by us.

24.6 The 2015 / 2016 monitoring programme, amongst other foodstuffs, related to the "quality" of kebab meat, ready-to-eat salads and mincemeat.

24.7 The level of non-compliance can be found in **table 4** below. Of the 32 samples in relation to these foods 81% were found not to be of the nature demanded and warranted follow-up action.

Table 4

Type	No. of samples taken	No. of adverse samples
Ready to eat salads (chemicals):	2	2
Minced meat from butchers (quality and species)	20	17
Meat products from restaurants (kebab - species)	10	7

24.8. The provisions made for specialist services to assist with the analysis of our sampling regimes are:

- **Food Examiner:**
Hampshire Scientific Service, Hyde Park Road, Southsea, Hampshire, PO5 4LL;

- **Food Analyst:**
Public Health England Microbiological Services, FW&E Microbiology Laboratory - Porton, Salisbury, Wiltshire, SP4 0JG.

25. Control and investigation of outbreaks and food related Infectious disease

25.1. The measures to be taken to control the spread of infectious diseases are contained in various Acts of Parliament and their associated Regulations. This legislation includes the control of food poisoning and food- and water-borne diseases.

25.2. Although the number of cases reported in Portsmouth is low, we acknowledge that the vast majority of cases are likely to go unreported. As a result of previous first-hand experiences we are extremely aware that a single case may lead to the discovery of an outbreak and could lead to a further outbreak if the person concerned is a food handler. We therefore give food poisoning cases the highest possible priority.

25.3. All investigations will follow those procedures laid out in the Hampshire and Isle of Wight Health Protection Unit Joint Outbreak Control Plan and associated procedures and guidance issued by the Health Protection Unit and the Communicable Disease Surveillance Centre.

25.4. All such investigations will be overseen by Food Lead, BSTL and EHM, and liaison will take place with Public Health England (PHE) based at our location in the Civic Offices.

25.5. The BST supports the Portsmouth and South East Hampshire Infectious Disease Forum and the Portsmouth Water Company Liaison Groups, which exist to promote best practice and consistency of approach between the neighbouring local authorities.

26. The Public Health Agenda

26.1. To ensure excellent liaison is maintained with PHE, members of the BST continue to participate in the joint working group.

26.2. Factors such as education, employment, environment, transport, planning, housing, and leisure services are crucial determinants of people's physical and mental wellbeing and impact on their life expectancy and this is why the EHM and BSTL are members of the group.

26.3. These wider social factors generally lie outside of the NHS and fit more closely with the work of the Environmental Health Service, so it is logical that we continue to have closer associations with PHE.

26.4. The 2010 Marmot Review 'Fair Society, Healthy Lives' gives more information about the impact of social factors on physical and mental wellbeing. Under the 2012 reforms, the Executive will work on the three key domains of public health: health improvement, health protection and health services.

26.5. In addition to having a general duty to improve local public health, PCC have taken on specific responsibilities for

commissioning a list of services, some of which (such as initiatives to tackle smoking, alcohol and drug misuse, obesity, increase physical activity and improve nutrition) are already part of our collective work.

26.6. In 2016 / 2017 the BST will engage further with Public Health in the delivery of the new public health agenda. Much of the work of the BST is unseen, for although it underpins the very fabric of public health it frequently only becomes visible when there is a problem. It is therefore necessary to maintain our capacity to respond effectively to real life- threatening problems, and our ability to respond to the growth agenda for business and the growing problem of health inequalities.

26.7. Working alongside PHE the BST will raise its profile and our importance to maintaining health. PHE has recently demonstrated a strong commitment to addressing many of the public health issues that we face in Portsmouth and to improving health and wellbeing.

27. Food alerts

27.1. Food alerts are received from the Food Standards Agency and directly to the BST by email.

27.2. The EHM, BSTL and Food Lead decide upon appropriate action in each case. Such actions may include mail shots, visits, local press releases etc. or an assessment that no further action is required.

27.3. The resource implication for alerts is unknown, as this depends upon the nature and type of alert, but existing resources usually perform this work as and when required.

27.4. In 2015 / 2016 in excess of 140 alerts and associated email correspondence were received from the FSA by the BST.

28. Training records

28.1. Officers keep copies of certificates of registration, qualifications and documents, and record on-going and revision training undertaken. These are managed by the BST Liaison Officer.

29. Staff development plan

29.1. Training has recently been centralised and a training plan for all employees has been developed by the centralised Learning & Development Team in consultation with each section. This plan recognises the need for professional officers to meet Continuing Professional Development (CPD) requirements.

29.2. The basic principles and ideals are:

- a duty to ensure that the team can meet all the demands that are placed upon it;
- an obligation to develop the potential of all its employees;
- regular and continual training and updating of skills in order to undertake officer responsibilities as necessary;

- a commitment to continual development of employees and services to ensure they are properly equipped to deal with future challenges;
- to ensure workforce and succession planning;
- to ensure all staff receive appropriate and mandatory customer service, governance and data protection training, to enable services to be designed and delivered to meet customer needs;
- to ensure officers attending training courses cascade information to the wider team.

29.3. This training may be provided through attendance of externally-organised courses and seminars or through in-house training activities.

29.4. The BST will carry out its own training of officers six times a year during two-hour meetings to cover the latest developments in legislative and regulatory advice. All training received will be documented as part of the Council's central training plan.

29.5. The BST is committed to providing ongoing CPD 20 hours per year as required by the FLCofP, and providing sufficient levels of training and experience to ensure we meet the requirements of Chapter 4, Section 4.7 of the FLCofP relating to qualifications and experience of staff.

30. Quality assessments

30.1. The Food Safety Act Code of Practice on Food Hygiene Inspections requires the BST to have an internal monitoring

system. The BST therefore has developed a series of Food Safety Procedures aimed at meeting the requirements of the FLCofP and official guidance. This is reviewed periodically and is used to ensure consistency and improvements in service delivery.

30.2. The Hampshire and Isle of Wight Food Advisory Committee utilises a system of Inter Authority Auditing (IAA). Engagement through the IAA will continue in 2016 / 2017 particularly in relation to competence compliance.

31. Service delivery monitoring

31.1. Together with the BSTL the FL monitors and assesses the BST to ensure a consistent approach to all service delivery tasks.

31.2. A revised protocol was devised in 2013 / 2014. In summary this comprised the FL accompanying officers on inspections (three per officer per year), and devising a new food inspection programme six times per year. The APP super-user designed an FBO intervention spread sheet in accordance with 'Making Every Inspection Count' and FSA auditing advice, to scrutinise irregularities in scoring, registration, inspection rates etc. This protocol will continue in 2016 / 2017.

32. Quality assurance systems

32. These consist of:

- daily support provided by Lead Officers / BSTL / EHM as required;
- monitoring of Notices prior to service / counter signatures required except in agency situations;
- further on-going review of 'standard' documentation (there is however no requirement for authorised officers to seek approval for such documents prior to delivery);
- random post-inspection checks of records and enforcement decisions by the FL and as necessary by the BSTL;
- occasional 'one per month' accompanied inspections by the FL with each member of staff. Details of these visits are recorded upon APP. Generally, unless there are specific H&S issues or enforcement action is imminent officers are expected not to carry out joint visits. All specific H&S issues / pending enforcement cases must be notified to Food lead / BSTL at the earliest opportunity;
- weekly team meetings, alternating between 'case issues' and training for CPD processes, and EHM attends one each month;
- annual one-to-one work review / supervision meetings to discuss casework with BSTL;
- annual PDR Performance Management and Development review meetings between EHM / BSTL;
- attendance at training / seminars and other exercises, which are organised to aid consistency and cascade training, and occasional briefings to aid consistency totalling 20 hours per year.

33. Food business establishment records

33.1. The BSTL, Food Lead and the APP 'Super User' (SU) maintains the database of food business establishments which have been registered, approved or conditionally approved.

33.2. In 2013 / 2014 it was necessary to review the manner in which records were kept and the transition from the paper to electronic filing system had never been undertaken. The transition is complete.

33.3. It is recognised that a complete, up-to-date and accurate database is essential in order to identify data inconsistencies and errors, and to enable inspection programmes to be delivered.

33.4. The BSTL, Food Lead and APP SU ensures that all premises are recorded, duplicates are removed, and the move from paper to electronic records was managed and recorded, to ensure all necessary information is now recorded and retrievable.

33.5. Routine monitoring and data management checks will be devised in order to maintain an effective system.

33.6 In 2016 / 2017 BST is exploring the use of alternative databases in a cost-saving exercise. This is likely to include the delivery of a new database in 2017 / 2018 following the transfer of historical records.

34. Proportionality and consistency to enforcement

34.1. The BST BSTL ensures that enforcement action taken by authorised officers is reasonable, proportionate, risk-based, and consistent with good practice and that account is given to the full range of enforcement options.

34.2. These include educating food business operators, giving advice, informal action, sampling, detaining and seizing food, serving Hygiene Improvement Notices / Improvement Notices, Hygiene Prohibition Procedures / Prohibition Procedures and prosecution procedures.

34.3. Except where circumstances indicate a significant risk, officers are required to operate a graduated and educative approach (*the hierarchy of enforcement*) starting at the bottom of the pyramid (i.e. advice / education and informal action) and only move to more formal action where the informal action does not achieve the desired effect.

35. Food law enforcement policy

34.1. The BST has reviewed our documented Food Law Enforcement Policy and have acknowledged that a more centralised consistent approach is required.

35.2. The BST Food Enforcement Policy was last reviewed in 2013 / 2014. Departures from this Policy will be exceptional and the reasons for any departure will be recorded.

35.3. In deciding the type of enforcement action to take, an authorised officer will have regard to:

- the nature of the breach and the history of compliance of the food business operator; or
- in the case of new businesses, an assessment of the food business operator's willingness to undertake the work identified by the officer.

35.4. It is important that the full range of enforcement options remains open to authorised officers. We have not adopted policies where the number of hygiene improvement notices served or the number of other legal processes, such as prosecution or formal caution, is an indicator of performance. All correspondence will continue to identify each contravention and the measures which, in the opinion of the officer, could be taken in order to secure compliance and will contain an indication of the time scale suggested for achieving compliance.

36. [Operating plan review](#)

36.1. The EHM will further review the 2016 / 2017 Operating Plan in 12 months.

Appendix 1 - List of enactments - BST responsibilities

Public Health Act 1936 and 1961
Public Health (Ships) Regulations 1979 (as amended)
The Food and Environment Protection Act 1985
Public Health (Control of Disease) Act 1984
The Health Act 2006
Prevention of Damage by Pests Act 1949
Pet Animals Act 1951
Animal Boarding Establishments Act 1970
Riding Establishments Act 1970
Breeding of Dogs Acts 1973 and 1999
Local Government (Miscellaneous Provisions) Act 1976 and 1982
Dangerous Wild Animals Act 1976
Sunday Trading Act 1994
Zoo Licensing Act 1981
Food Safety Act 1990, Section 5
Section 9 - Authority to inspect, detain, seize
Section 10 - Authority to serve Improvement Notices
Section 12 - Authority to serve Emergency Prohibition Notices
Section 29 - Authority to take samples
Section 30 - Authority to submit samples for analysis
Section 32 - Authority to enter premises at all reasonable hours, detain and seize documents.
Any regulations or orders made thereunder or having effect by virtue of the European Communities Act 1972 relating to food safety or animal feedstuff and any amendment or re-enactment of the foregoing and including the following:-

Food Safety and Hygiene (England) Regulations 2013
The Official Feed and Food Control (England) Regulations 2009
The Products of Animal Origin (Third Country Imports)(England) Regulations 2006 (as amended)
Animal By-Products Regulations 2005
The Products of Animal origin (Import and Export Regulations 1996 (as amended)
The Organic Products (Imports from Third Countries) Regulations 2003
All applicable EU emergency control regulations currently in force

Appendix 2 - Officers and responsibilities

Name and job title	Date appointed	No. of years' experience	FTE on food enforcement 2013 / 2014	Qualifications	Areas
Richard Lee EH Manager	1 st July 2010	-	Management only	Various - in multiple functions across service	-
Steven Bell BSTL	1 st July 2010	21+	0.5	Diploma in Consumer Affairs (DCA) inc Food paper Diploma in Trading Standards (DTS) Higher Certificate in Food Premises Inspection (Pending)	All areas relating to Food Standards
Christopher Larkin EHO	1 st Sept 2012	7+	0.7	Diploma in Environmental health. Masters Degree in Environmental health Law	All Areas

Donna Harvey EHO	1 st May 2013	10+	0.7	Degree in Environmental health	All Areas
David Jones EHO (Port Health)	4 th Jan 1977	31+	0.5	Diploma In Environmental health	All Areas
Aimee Cartwright EHO	2 nd Aug 2004	11+	0.4	Degree In Environmental health	All areas
Tina Dowell-Lucas EHO	4 th Oct 2004	11+	0.2	Degree In Environmental health	All areas
Debra Jones EH Inspector	30 th Nov 1981	21+	0.3	Ordinary Certificate In Food Premises Inspection	Food Safety as per Food Code of Practice
Stephen Lucking EH Inspector	24 th Feb 1992	21+	0.5	Higher Certificate In Food Premises Inspection	Food Safety as per Food Code of Practice

Appendix 3 - BST Lead officer responsibilities (food related)

Business Support Team Leader is responsible for coordinating:

- the feasibility, implementation, delivery, monitoring, review and assessment of operational and business plans, service delivery policies and strategies with respect to the core service functions; food, health and safety, port operations, sampling, infectious disease and animal welfare;
- the development and execution of robust, consistent approaches to service delivery;
- the appraisal of, and compliance with the requirements of the Food Standards Agency, Public Health England and the Health and Safety Executive and other governmental regulators/consultants/partners;
- the team's judicial arrangements, inspection/intervention and enforcement protocols;
- our statutory obligations including evaluation and adoption of legislative changes, and the authorisation of enforcement actions;
- service liaison, engagement and involvement with local, regional and national stakeholders where possible in parallel with lead officer responsibilities;
- the delivery of 'primary authority' relationships (overseeing / monitoring);
- the administration and delivery of statutory returns, audits and operational frameworks (Memorandums of Understanding/Service levels Agreements);
- the management of income streams;

- data collection and data storage;
- equipment needs, staff training/safety and support, succession development and contingency planning.

Food Standards Lead is responsible for coordinating the:

- legal requirements covering service enforcement responsibilities in terms of assessing compliance with the relevant legislation in regard to the quality, composition, labelling and presentation of food and the advertising of food materials and articles in contact with food;
- activities involving animal feed including sampling and post sampling procedures.

Food Safety/Hygiene Lead is responsible for coordinating:

- service delivery with respect to food businesses and their compliance with food hygiene regulations;
- organising the delivery and overseeing/monitoring inspection and interventions of food businesses in accordance with service plans and in accordance with FLCofP requirements;
- the provision of best practice advice and information to fellow officers and food business operators;
- the investigation of food poisoning and food complaints;
- the promotion of good hygiene practices in commercial and domestic premises;
- food business operators compliance with their legal obligation to provide the general public with food products that are safe to eat;

- the consistency and quality of inspection protocols.

Port Operations Lead is responsible for coordinating:

- ship inspections on board cruise liners, ferries, merchant vessels, small passenger vessels and pleasure craft to ensure compliance with UK and international standards for food safety, hygiene and sanitation;
- infectious disease control on incoming vessels and partnership ship inspections with the Consultant in Communicable Diseases Control and the Health Protection Agency;
- the investigation and control of food poisoning incidents on incoming vessels and from food premises located within the port;
- the monitoring of the quality of water supplies supplied to vessels;
- the inspection of vessels for rodent activity and the issue of certificates;
- the monitoring and compliant disposal of waste foodstuffs from vessels;
- the monitoring and maintenance of a system of imported food surveillance through the pre-notification of imported foods not of animal origin from third countries by forwarding agents and partnership working with Her Majesty's Revenues & Customs;
- physical examinations of products not of animal origin imported from third countries and checking authenticity of mandatory papers of those classified under specific Emergency Controls to ensure compliance;

- the monitoring of imports of food not of animal origin from third countries and inspect and take samples of new, unusual, suspect, incorrectly labelled and/or controlled foodstuffs;
- the verification of certificates of organic produce;
- the response to and notification of Rapid Alerts to interested parties to ensure suspect foodstuffs to be adequately controlled;
- the sampling programme of imported foods to ensure that is safe and wholesome and of the quality and composition demanded;
- the sampling of food products to ensure consumers are protected in accordance with the requirements of the FFA (surveys, identification of poor hygiene practices, verifying food safety management systems).

Sampling Lead is responsible for coordinating the:

- preparation of a sampling programme and devising our intended food sampling priorities;
- sampling concerned with the investigation of complaints about food and in response to local or national food hazard warnings or incidents;
- delivery of effective monitoring and enforcement of standards relating to the safety, composition and quality of foods;
- actions necessary to ensure that foods meet the relevant legal requirements and comply with relevant legislation.

Infectious Diseases Lead is responsible for coordinating the:

- investigation of outbreaks of infectious diseases and food poisoning;
- collection of samples and their analysis;
- delivery of general advice on infectious disease control, in particular the precautions to be taken to prevent further spread of infectious disease;
- investigation of complaints about the fitness of food linked to infectious disease cases;
- communication, liaison and investigation with G.P.s and the Consultant in Communicable Disease Control with regard to food-borne infections and resultant actions.

Shellfish Control and Seawater Sampling Lead is responsible for coordinating the:

- collection and analysis of shellfish to ensure bivalves meet the appropriate food safety standards for processing;
- classification, opening and closure of beds (and notification of such) as necessary;
- monitoring of shellfish movement documents issued to fisher persons harvesting bivalves as necessary;
- delivery of an on-going sampling programme to monitor the condition of bathing water and assessment of potential contamination streams.

13.8. Primary Authority Relationship Lead is responsible for coordinating the:

- advice and guidance to the business in respect of the regulated functions within the scope of any partnership;
- advice and guidance to other local authorities in relation to how the other authorities should exercise their enforcement functions in respect of that business.

Appendix 4 - Officer qualifications and experience

Sampling

Samples for microbiological examination or chemical analysis are only taken by authorised officers who are properly trained in the appropriate techniques and competent to carry out the duties assigned to them. Sampling in accordance with the provisions of the Food Hygiene (England) Regulations 2006 or the Food Safety (Sampling and Qualifications) Regulations 1990 and this Code of Practice is only undertaken by officers meeting the relevant requirements. These requirements do not apply where no formal action would be taken following sampling.

Food hygiene

Food hygiene and safety after primary production / at primary production, and those associated operations listed in Annex 1 of Regulation 852/2004 are undertaken by suitably qualified and experienced EHOs. Any EHO can take any necessary enforcement action in respect of the establishments in which these processes are carried out.

Officers authorised to undertake food hygiene and safety official controls, with the exception of sampling, will hold one of following:

- Certificate of Registration of the Environmental Health Registration Board;
- (EHRB) or Diploma in Environmental Health (or its antecedents) awarded by EHRB or the Royal

Environmental Health Institute of Scotland (REHIS) or The Higher or Ordinary Certificate in Food Premises Inspection.

Officers inspecting food business operators' procedures based upon HACCP principles will be able to demonstrate the following competencies:

- identify, by means of an audit, the need for improved food safety control in establishments having regard to the nature and size of the business;
- assess the quality of food safety hazard identification in a food business;
- assess the quality of CCP identification in a food business;
- assess the suitability of controls in place and their monitoring at CCPs;
- assess the verification and review by business operators of procedures based on HACCP principles;
- promote and support the implementation of procedures based on HACCP principles appropriate to the nature and size of the business;
- explain the principles of hazard analysis to food business operators or managers in terms appropriate to the nature and size of the business;
- specify targets for improved control of food safety hazards;
- provide advice on carrying out hazard analysis and implementing controls in terms appropriate to the nature and size of the business;

- explain, where appropriate, the relationship between HACCP systems (based on Codex) and other procedures based on HACCP principles;
- secure compliance with procedures based upon HACCP principles as required in legislation, appropriate to the nature and size of the business;
- explain the legal requirements in relation to procedures based on HACCP principles;
- secure progress towards compliance by discussion and persuasion;
- secure compliance by the issue of notices;
- secure compliance through the courts (and gather and preserve evidence in a form usable in court).

The following establishments should be inspected only by an EHO holding the Higher Certificate in Food Premises Inspection:

- All establishments which attract a minimum intervention frequency in accordance with the FLCofP.

In accordance with the FLCofP "Chapter 4 - Qualification and experiences" officers will process the relevant baseline qualifications, and the FL, BSTL and EHM will consider the relevant competence needed for all food roles building these into officers' personal development reviews to enable full compliance of Chapter 4 as soon as possible after 6th April 2016.

The BST has worked hard to ensure compliance with the requirements of Chapter 4 over the last six months and seeks to ensure complete compliance within 2016 / 2017.

Authorisation / Delegated Authority – EHM responsibilities:

- Under PCC Standard Orders the Director for RS&CS can authorise staff in accordance with this procedure on the recommendation of the EHM;
- In view of the various staff changes and the consistently higher level of enforcement action taken since 2012 / 2013, a review of the necessary authorisations has recently been completed and these will continue to be periodically reviewed in the future;
- to ensure staff are authorised in accordance with this procedure after establishing that the required qualifications and competencies have been met;
- to ensure that no member of staff is authorised to carry out food hygiene inspections, serve notices or inspect, detain or seize food unless they are competent, suitably qualified and have relevant experience as specified in the FLCofP;
- to ensure that the authorisation documents held by the individual officers comply with current legislation. Where the EHM is satisfied that the member of staff meets the requirements of the FLCofP and other relevant guidance, he arranges for the necessary

authorisation documents to be drafted and then signed by the Head of RS&CS;

- to ensure that officers will not be authorised to serve Hygiene Improvement Notices unless they can demonstrate a working knowledge of:
- the principles of HACCP;
- general inspection procedures;
- appropriate legislation;
- food safety act FLCofP;
- former LACORS advice on the drafting of notices;
- Departmental enforcement policy;
- Departmental procedure for the service, withdrawal and extensions of notices;
- PACE.

In addition, the EHM certifies that officers will not be authorised to serve Hygiene Emergency Prohibition Notices unless they can demonstrate they are able to:

- define 'imminent risk of injury to health';
- explain the circumstances in which the prohibition notice may be appropriate;
- draft a Hygiene Emergency Prohibition Notice, Notice of application for Emergency Prohibition Order, Notice of Continuing Risk to Health and Certificate that there is no longer a risk to health;
- explain the correct procedure and sequence of events relating to the service and follow up action required for Notices, Applications and Orders as required by the legislation, FLCofP and departmental procedures.

The EHM has no direct managerial responsibility for the inspection of FBOs in accordance with FLCofP. EHM is however responsible for all other aspects of service delivery.

EHM ensures that authorised officers receive relevant structured on-going training in accordance with FLCofP.