

Food Safety Operating Plan 2022 / 2023

Regulatory Services

Portsmouth City Council

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1. Introduction

- 1.1 This Food Safety Operating Plan has been produced in accordance with the Food Standards Agency (FSA) 'Framework Agreement on Official Feed and Food Controls by Local Authorities'. Its purpose is to demonstrate that Portsmouth City Council (PCC), as the designated 'Competent Authority', has in place adequate and effective arrangements to meet its statutory obligations in respect of food and feed safety.
- 1.2 The plan is subject to scrutiny and approval by the Cabinet Member for Safety in the Community to ensure local transparency and accountability. When approved, it is published on the Council's website.
- 1.3 Delivery of the plan and the enforcement of the legal requirements relating to food and feed standards, safety and hygiene is the responsibility of the Regulatory Services Team which forms part of the Culture, Leisure and Regulatory Services Directorate.
- 1.4 There is a wide range of EU-derived legislation that governs the safety of food and feed in the UK at all stages of the production and distribution chain including a number of general principles of food safety and food law which food businesses must comply with. The plan sets out how business is regulated and advised and how relevant legislation is enforced to minimise the food safety risks to the health and well-being of those living and working in Portsmouth and also those visiting the City.
- 1.5 Since the UK left the EU, the majority of directly applicable legislation has been consolidated into UK law and is referred to as 'retained' EU law. There have been no significant changes to the legal requirements relating to food safety or to the Council's enforcement priorities. However, the number of food and feed controls delivered at the Port is likely to significantly increase in the future as a result of the change in status to a Border Control Post (BCP) and the range of imported food commodities that require 'Official Control' checks.
- 1.6 Between March 2020 and July 2021, regulatory activity in relation to food businesses in Portsmouth was significantly impacted by restrictions on the hospitality industry and other Government measures introduced to control the spread of Covid-19. Guidance has subsequently been issued by the FSA to assist LAs recover their food intervention activities as restrictive public health measures have eased. A Recovery Plan for official food controls and related activities in Portsmouth to 2023/34 was implemented in September 2021. The plan contains a number of milestone targets to ensure interventions and regulatory activities are prioritised based on public health risk.

- 1.7 The Food Safety Operating Plan 2022/23 covers the following:
- A profile of food businesses in Portsmouth
 - The organisational structure and business priorities of PCC and Regulatory Services relating to food safety
 - The scope of the Food Safety Service and the resources available to meet the demands made on it
 - The delivery of the service to recover the food business inspection programme
 - A review of performance in 2021/22 and a summary of key activities identified for 2022/23.

2. Aims and Objectives of the Food Safety Service

- 2.1 The aim of the service is to ensure that food and drink that is produced, stored, distributed, and consumed in Portsmouth is safe. To support this aim, there are several key service objectives:
- Ensure by education and enforcement that food intended for human consumption which is produced and/or sold in Portsmouth is safe to eat and complies with food safety requirements
 - Deliver a programme of inspections and interventions in relation to food businesses, on a risk-based frequency
 - Provide support to help businesses comply with their legal obligations
 - Investigate and take appropriate action concerning complaints about food and food premises to protect public health
 - Take enforcement action, when necessary, in a consistent, transparent and proportionate basis
 - Carry out targeted and reactive environmental and food microbiological / compositional sampling
 - Prevent the spread of specified infectious and food borne diseases
 - Advise and educate consumers and service users on food safety matters
 - Deliver Port Health Authority functions at the BCP and International Port, including those relating to the sanitary condition of vessels, food imports and exports and the monitoring of shellfish / harvesting within the Council's area of jurisdiction
 - Maintain and improve dialogue with stakeholders and customers to improve the manner in which the service is delivered to them.
- 2.2 The service makes a significant contribution to tackling health inequality that exists in Portsmouth and is supporting recovery and renewal from the effects of the Covid-19 pandemic. Specifically, food safety interventions
- Improve the health of local communities
 - Encourage food businesses and operators to be cleaner and safer

- Support the local economy by giving advice and taking appropriate action to ensure businesses trade within the law.¹

3. Background

3.1 Profile of the food businesses in Portsmouth

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

3.1.2 The food industry in Portsmouth contributes significantly to the local economy. There are several concentrations of food businesses in the city (mainly food retail, caterers and takeaways), including Gunwharf Quays, Port Solent, Palmerston Road, Albert Road, Osborne Road, Kingston Road, Fratton Road and the High Street, Cosham. There are significant numbers of home caterers and childminders distributed throughout the city and a growing number of mobile traders operating at fixed pitches or in specific public events. The number of new food businesses increased by over 30% during the pandemic.²

3.1.3 There are also seven businesses which handle high risk foods such as meat, fish and shellfish which are distributed nationally and internationally and are required by food law to be approved by the Council. These premises require an enhanced level of supervision and inspection by Council officers. 3 approved premises are due for inspection in 2022/23.

3.1.4 The profile of the registered food businesses in Portsmouth on 31st March 2022, is shown in **Table 1**. The city is characterised by a high level of food business 'churn', ie the rate at which businesses open and others cease trading. In 2021/22, 364 food new businesses registered which, over the last two years, has caused a 16% increase in the total number of food businesses in the city.

3.1.5 The number of known new businesses is significant for the Council as it introduces an additional inspection burden to the programmed inspections of existing businesses. The number reported is likely to be an underestimate as national intelligence indicates that a significant number of food businesses start trading without registering particularly home caterers and those relying on social media for advertising services.

¹ [Corporate Plan - Our plan for recovery and renewal 2021/22 \(portsmouth.gov.uk\)](https://www.portsmouth.gov.uk/corporate-plan)

² Comparison made against 2019/20, the last year for which a full data set is available.

Table 1 - Profile of Food Businesses

Category	No of premises
Primary producers	0
Manufacturers and packers	26
Importers / exporters	6
Distributors / transporters	12
Retailers	406
Restaurants and caterers	1683
Total	2133

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

- Portico receives significant quantities of imported fruit, much of it organic, from RoW countries
- The international port serves freight and ferry routes to France, Spain and the Channel Islands and handles large quantities of food and other products from the EU by a RoRo operation
- The naval base contains several food businesses catering for naval personnel and civilian trade; the principal food business operator with 10 large outlets changed in 2021 requiring a significant inspection commitment
- A substantial number of cruise vessels are subject to boarding and sanitation inspections which include a food safety assessment. Over 40 cruise ships are expected in Portsmouth in 2022/3 with the number expected to increase in future years
- The build of the Border Control Post is complete; however its operation and the delivery of the full official food control programme has been delayed until late 2023 due to direction from Government.

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

3.1.8 PCC also has responsibility for monitoring the live bivalve mollusc shellfish beds in Portsmouth and Langstone harbours for microbiological and bio-toxin contamination. There are currently 12 production areas, the last review of classifications being undertaken by the FSA in April 2022.³

3.2 Organisational structure

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

³ <https://www.food.gov.uk/business-guidance/shellfish-classification>

- 3.2.2 There are overview and scrutiny committees (known as Policy and Review Panels) which support the work of the Council members and provide some oversight of the decisions made by the Executive.
- 3.2.3 The food safety function has been delivered by the Regulatory Services Team since a service reorganisation in May 2019. The Regulatory Services Manager has responsibility for operational matters supported by Lead Officers whose roles are to ensure the service is delivered in accordance with statutory requirements and the Food Law Code of Practice (FLCoP). Food safety interventions are carried out by a team of field-based Regulatory Services Officers who have demonstrated competency in the delivery of food safety controls.
- 3.2.4 There is additional support to the service from several partners including:
- UK Health Security Agency (UKHSA) which examines food samples for bacterial and viral contamination at its accredited laboratory in Colindale
 - Hampshire Scientific Services which is an accredited Public Analyst and food examiner for food hygiene and standards matters including labelling and compositional issues
 - A Consultant in Communicable Disease Control at UKHSA who is appointed as the 'Proper Officer' under the Public Health (Control of Disease) Act 1984 and Health Protection Regulations 2011, with regard to food poisoning and food borne infectious disease incidents
 - Animal and Plant Health Agency (APHA) and Border Force in relation to Official Controls and interventions at the BCP.

3.3 Service scope

- 3.3.1 A wide variety of food safety activities are currently undertaken including:
- Programmed inspections and interventions at food businesses (fixed or mobile) at a frequency set out in the FLCoP risk rating scheme
 - Revisits to poorly-performing businesses following programmed inspections to secure compliance with legal requirements
 - Assessing food hygiene and food standards issues (e.g. food allergens and 'use by' date labelling) during premises inspections
 - Carrying out assessments and updating data for the National Food Hygiene Rating Scheme
 - Sampling food for microbiological and compositional issues which is either intelligence-led or forms part of national sampling programmes
 - Investigating complaints about the standard of hygiene in food businesses in Portsmouth
 - Investigating complaints about food that has been produced and/or sold in Portsmouth

- Monitoring live bivalve molluscs and water quality for microbiological and biotoxin contamination
- Investigating food poisoning and food borne infectious disease cases
- Responding to national Food Safety Alerts and Incidents issued by the FSA
- Promoting food safety by education, training and business support and working with other organisations to assist food business operators
- Carrying out PHA 'Official Controls' i.e., documentary, identity, and physical checks (including sampling) of imported food consignments
- Checking certificates confirming imported consignments are of organic origin or catch certificates to ensure fish have been legally caught
- Issuing specific premises approvals to high-risk food businesses subject to that requirement.
- Issuing Ship Sanitation Certificates
- Sampling of potable water supplies on vessels and at supply points in the Port.

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. A new BCP building has been constructed. The public has access to the service by direct contact through City Helpdesk, an office reception, by e-mail and, for certain functions, through the Council's website.
- 3.4.2 Inspections of food businesses are normally undertaken when they are trading to ensure food handling practices can be assessed. The inspection of vessels and food consignments is undertaken on a flexible basis and is governed by advance notification of vessel movements in and out of the Port. Inspection activity for premises and vessels is therefore frequently undertaken outside normal office hours. As necessary, the BCP will be staffed on a shift pattern if / when it becomes operational. Officers work flexibly, often from a home base, and it is expected that service delivery in 2022/23 will continue to be shaped by new corporate working policies intended to improve service delivery to customers.⁴
- 3.4.3 There is no routine out of hours or emergency service for food safety matters; service requests are triaged weekly and prioritised for action based on public health risk.
- 3.4.4 Demands on the service eased during the pandemic as businesses were required to close or restrict their operation. However, the service remained operational throughout, and advice was given remotely, or other interventions undertaken in line with the service risk assessment intended to reduce the risk of Covid to food businesses and to the officers themselves. In total, 103 complaints about food and 96 complaints about the hygiene of premises were dealt with in the 12 months to

⁴ [New ways of working - Intranet \(portsmouth.gov.uk\)](https://portsmouth.gov.uk/intranet)

31st March 2022. Priority was given to poorly performing and high-risk food businesses which led to significant enforcement activity during the year (see section 3.6).

3.4.5 Portsmouth has a significant number of food business owners whose first language is not English. A specialist translation and interpretation service are used to assist food business operators by providing access to appropriate verbal and written advice in the appropriate language. This includes providing information on legal requirements and supporting proprietors at formal interviews when criminal investigations have been commenced.

3.4.6 Food businesses are risk-rated according to prescribed criteria relating food type, method of processing, customers at risk and level of compliance. Businesses are then inspected on the basis of an intervention risk rating which determines the frequency of inspection. These frequencies are set out in the FLCoP.

3.4.7 The risk profile of food businesses in Portsmouth on 31st March 2022 is shown in **Table 2**.

Table 2 - Food business risk profile

Risk category	Intervention risk rating	FLCoP target inspection frequency	Number
A	92 or higher	6 monthly	7
B	72-91	12 monthly	48
C	52-71	18 monthly	355
D	31-51	2 yearly	815
E	0-30	3 yearly or Alternative Enforcement Strategy	610
Unrated		Awaiting inspection	277
Total			2112

3.5 Food Hygiene Rating profile

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

3.5.2 The FHRS profile of the registered and rated food businesses in Portsmouth on 31st March 2022 is shown in **Table 3**.

Table 3 - Food Hygiene Rating profile

FH Rating	Descriptor	Number of businesses (% of rated premises)
0	Urgent improvement necessary	5 (0.3%)
1	Major improvement necessary	37 (2%)
2	Improvement necessary	37 (2%)
3	Generally satisfactory	136 (7%)
4	Good	265 (14%)
5	Very good	1357 (74%)
	Total number of rated premises	1837
	Premises not yet rated	277

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

- appeal, if the food business operator can demonstrate justifiable reason why the rating is incorrect
- 'right to reply', in which the operator can give an explanation why the condition of the business might have been unsatisfactory at the time of the inspection and what measures have been undertaken since to address any issues of concern
- request for a visit to reassess the rating, subject to certain conditions being met. A charge of £205 to the business is levied by PCC to recover the cost of these inspections.

3.5.4 In 2021/22, a request for a rating reassessment was received from 28 businesses, all achieved a higher rating as a result of improvements made. One appeal was received which was not upheld.

3.6 Food safety enforcement

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

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

3.6.3 In 2021/22, a total of 12 food businesses were subject to voluntary closure due to imminent health risk concerns, 2 Emergency Prohibition Notices were served (followed by court Prohibition Orders), 3 businesses required Hygiene Improvement

Notices to deal with structural and management deficiencies and 30 written warnings were issued.

4. Recovery from Covid-19 pandemic

4.1 Priorities and milestone targets

4.1.1 Regulatory activity in relation to food businesses has been impacted since mid-March 2020 when the Government introduced the first of a series of restrictions and public health measures intended to control the spread of Covid-19. In the early stages of the pandemic, many food businesses either closed, restricted their opening times/operating capacities or changed their operating model by introducing takeaway or delivery services. This significantly affected the number of interventions that could be completed. The operational capacity of the team was also reduced by staff absence and additional health and safety measures introduced to reduce the risk to officers when carrying out their duties.

4.1.2 In September 2021, a Food Safety Covid-19 Recovery Plan was produced which outlined the food safety work carried out during the pandemic, summarised the extent of the inspection backlog in July 2021 and set out priorities for the delivery of official food controls to 2023/24. The expectation of the FSA was that LAs would implement a risk-based programme of premises inspections alongside the delivery of

- official controls where the nature and frequency are prescribed in specific legislation and also those that support trade and enable export
- reactive work including enforcement in cases of non-compliance, managing food incidents and food hazards, and investigating and managing complaints
- food sampling
- ongoing proactive surveillance of food businesses to identify fraudulent practices and other criminal activity.

4.1.3 The Recovery Plan has two phases -

- **Phase 1 - 1st July to 30th September 2021**
Prioritisation of new businesses for intervention based on risk.
Planning of the intervention programme from September 2021 onwards.
- **Phase 2 - 1st October 2021 to 2023/24**
Delivery of the intervention programme with key milestones for higher risk businesses.



Notes

The key milestone dates within the Recovery Plan for higher risk establishments are shown.

For lower risk establishments not shown in the figure, local authorities have the flexibility to defer planned interventions and only undertake intervention where information/intelligence suggests that risks have increased/standards have fallen or if the establishment is otherwise considered a priority for intervention due to the risk posed.

In the case of food standards, the impact on the business of the new requirements on allergen labelling for products prepacked for direct sale - that apply from 1 October 2021 - should also be taken into account.

Note ⁵

4.2 Food premises inspections

- 4.2.1 Food safety inspections and interventions are carried out in accordance with the FLCoP and the relevant Food Safety Inspection Standard Operating Procedure. Due to resource pressures and the disruption to service operation during the pandemic, it has not been possible to undertake these in accordance with frequencies described the FLCoP. A backlog of outstanding due interventions has therefore arisen. The situation in Portsmouth reflects the national picture as local authorities have faced significant challenges during the pandemic to target limited resources where they add greatest value in providing safeguards for public health and consumer protection in relation to food.
- 4.2.2 The number of food hygiene interventions by risk band achieved in 2021/22 and those outstanding on 31st March 2022 is shown in **Table 4**.

⁵ From FSA Covid-19 Local Authority Recovery Plan: guidance and advice to local authorities for the period 1 July 2021 to 2023/24.

Table 4 - Food Hygiene interventions achieved and outstanding

Interventions	Achieved	Due and outstanding
A	8	5
B	51	48
C	20	360
D	19	816
E	1	608
Total	99	1837

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

4.3 Advice to food businesses

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

- Advice to businesses about achieving Covid compliance and safety operating if delivery has changed (see Recovery Plan)
- Carrying out assessments and publishing food hygiene ratings
- Leaving an intervention report after each inspection detailing any breaches in food safety law and giving advice about how compliance and an improved rating can be achieved
- Promoting the Food Standards Agency 'Safer Food Better Business' pack and other written food safety management information (including product labelling and allergen information) to improve a business's food safety diligence
- Communicating the new import requirements to importers and agents to improve transit of goods prior to the implementation of full UK border checks
- Giving new businesses “start-up” advice prior to their first inspection
- Advising business proprietors during inspections and other visits
- Providing advice in leaflets or information on the Council's website
- Responding to individual queries and complaints
- Giving advice to organisers planning high profile events in the city likely to be attended by large numbers of people
- Signposting to translated literature and interpreting services when proprietors, managers or staff do not have English as their first language.

4.4 Food Sampling

4.4.1 The food sampling policy was reviewed and updated in 2021. Sampling activities are mainly those required to deliver Official Controls at the port and also interventions which support regulatory activity in the City. Specific surveys are also

undertaken as part of annual food sampling programmes; the foods included for sampling are determined by national, regional and local priorities.

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

Proactive sampling in 2022/23 will include

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

Reactive sampling will include

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

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

4.5 Food-borne illness

4.5.1 Nearly 350 infectious disease notifications were received by the City Council in 2021/22. A breakdown of confirmed cases notified during the year is shown in **Table 5**.

Table 5

Organism	No of cases
Campylobacteriosis	285
Salmonellosis	17
Giardiasis	14
Salmonellosis	17
<i>Escherichia coli</i> infection, VTEC	12
Cryptosporidiosis	5
Shigellosis	4
Hepatitis E, acute	4
<i>Escherichia coli</i> infection, VTEC 0157	2
Shigellosis B (Flexneri)	1
Other food poisoning	1
Total	345

- 4.5.2 The total number of notifications has declined by 30% since 2018/19, the last year for which a full data set is available. Not all cases were confirmed as being food borne and/or caused by food businesses and there may be some degree of under reporting due to the pandemic, but the incidence of infection does highlight the importance of continued surveillance and timely interventions to prevent cases becoming more widespread and affecting a wider section of the local community.
- 4.5.3 Infectious disease investigations are made in accordance with a Single Case Plan made under a local agreement between the LAs of Hampshire and the Isle of Wight and the HIOW division of UKHSA. It was reviewed and updated in December 2020 and provides a framework for the investigation of single cases of infectious diseases, many of which are food-borne. Priority is given to cases involving persons who work in the food industry or have contact with vulnerable groups.
- 4.5.4 The Council also works in partnership with UKHSA to prevent and control cases and investigate wider outbreaks of food related disease that fall outside the scope of the single case plan. It is a member of the Hampshire, Isle of Wight and Thames Valley Local Health Resilience Partnership and works under a Joint Health Protection Incident and Outbreak Control Plan used in the management of an outbreak or incident of infectious disease, or suspected infectious disease, in the community.
- 4.5.5 The plan describes how organisations respond to an infectious disease outbreak or other serious incident related to infectious diseases and describes arrangements for co-ordinated and prompt action in a suspected outbreak or incident, such as an infectious disease or environmental contamination, which has had, or may have, a significant impact on public health. The plan is scalable and can be used partially or in its entirety depending on the incident and the response required. There were no significant outbreaks in Portsmouth in 2021/22 that required the implementation of the plan.

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

4.6 Food safety incidents and alerts

4.6.1 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.

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

4.6.3 The FSA uses its communication platform to notify LAs about food safety incidents and alerts and product recalls. Although very few notifications require any form of direct action on the part of the service, these continue to emphasise the value of food safety intelligence and 'horizon scanning' in reducing public health risks. It is difficult to predict the number of warnings likely to be received in 2022/23 and the effect this might have on the programmed work the team undertakes.

4.7 Liaison with other organisations

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

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

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

4.7.4 The service also works with Southern Water to explore additional measures that might be taken to prevent or reduce the frequency of sewage discharges into the harbours and also to assess the impact that these discharges are having upon the quality of the shellfish production areas. Officers also undertake joint premises

inspections with enforcement staff from Southern Water to reduce the amount of fat being discharged into shared sewers by commercial food businesses.

- 4.7.5 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.

5. Resources

5.1 Financial Allocation

5.1.1 The budget allocated for food safety regulation is £ 87,816 in 2022/23.

5.1.2 The Regulatory Services Manager is responsible for the allocation and delegation of budgets allocated for food enforcement functions. This is carried out in collaboration with the management team. Budgetary resources are used flexibly to meet changing demands on the service.

5.1.3 As mentioned previously, there is significant food business activity associated with the port and the associated build of the Border Control Post is complete, but its operation and the delivery of the full official food control programme has been to be delayed at least until late 2023 due to direction from Government.

5.1.4 The Government will now review how to implement these remaining controls in an improved way. A new Target Operating Model will be based on a better assessment of risk and will harness the power of data and technology. It will be published in the Autumn of 2022 and the new controls regime will come into force at the end of 2023. This process will build on existing work already taking place as part of the 2025 Border Strategy, including on the UK Single Trade Window - a new digital platform that will help traders to more easily move goods globally. The Government's goal is to create a seamless new 'digital' border, where technologies and real-time data will cut queues and smooth trade.

5.1.5 These delays and the current continued funding of the Port Health Service staff may enable qualified officers or those completing their competences to gain valuable experience in assisting the existing cohort of officers in the food business operator intervention programme. This additional provision of resources is however dependent upon the Government's approaches to border controls and their timetable for implementation.

5.2 Staffing Resources

- 5.2.1 Food safety inspections are carried out by appropriately qualified and authorised Regulatory Services Officers. The officers deliver a single 'environmental health service' to a diverse customer base which, in addition to food safety, covers health and safety in the workplace, infectious disease control, animal health and port health. As a consequence, the maximum resource that is available to deal with food hygiene and food standards is approximately 3 FTE officers.
- 5.2.2 The current level of resource (independent of the Port Health Authority) is insufficient to ensure all the requirements of the Recovery Plan are met, particularly to manage a significant food safety incident or outbreak or readily identify any significant changes to the profile of food businesses in the City. It is anticipated that the Appendix B key targets for June and December will be met, however there is pressure on the March 2023 target for premises risk-rated C 3, 4 and 5.

5.3 Staff Development

- 5.3.1 In March 2021, the FSA issued a statutory Competency Framework (CF) which applies to officers authorised to undertake food regulatory activities in the port and also inland. The CF sets out competencies and minimum qualifications required for LA officers undertaking 'official activities' including the enforcement of food safety legislation. Feed control is also included in the CF and an updated Feed Law Code of Practice is expected to be published by the FSA in 2022.
- 5.3.2 The Framework defines competency by specific activity rather than taking a role or profession-based approach. The training, assessment and development of food and port officers in Portsmouth will therefore be aligned to the Framework during 2022/23.
- 5.3.3 All officers are required to undertake a minimum of 20 hours CPD training each year on food safety related topics which is achieved by
- Structured in-house training for all food safety officers in bi-monthly meetings
 - Online training in relevant issues provided by an FSA-approved training provider
 - Cascade training sessions to pass on information or updates on specific issues or material considered by advisory committees
 - Regular updates through staff briefings and circulation of relevant information and technical material.
- 5.3.4 Seven officers are likely to be supported through either the CIEH EHP Portfolio or the TSO HCFC conversion programme, to improve the competency and flexibility of RS staff when undertaking official controls and other food safety interventions.

6. Quality measures

- 6.1 Officers undertaking official food controls are authorised in accordance with the requirements of the FLCoP and CF and act under Standard Operating Procedures which describe how inspections are carried out, how complaints are investigated and how legal powers are enforced. This ensures that the service complies with the service standard set out in the FSA Framework Document.
- 6.2 Activities which are used to monitor and maintain service quality include:
- Monthly team meetings with training sessions where appropriate
 - Random accompanied inspections of officers by the RS Lead to ensure risk rating is consistently applied
 - Peer review of all statutory notices before service
 - Managerial review of any case likely to be subject to enforcement action in the Courts
 - Random post inspection checks by the Regulatory Food Lead of records and enforcement decisions made by team members
 - Benchmarking activities and information exchange between PCC and other Hampshire LAs co-ordinated by Hants and IOW Food/H&S Advisory Committee
 - Participation in national FHRS consistency exercises
 - Examination of any customer complaints made through the corporate procedure - no complaints about the food safety service were received in 2021/22
 - Monitoring appeals against enforcement notices - no appeal has been made against any Hygiene Improvement Notice served in the last 8 years
 - Monitoring appeals against Food Hygiene Ratings - one appeal was made against a rating issued in 2021/22 which was not found to be justified.

Appendix A

Performance achievements in 2021/22

1. The Food Safety Covid-19 Recovery Plan was implemented; the first milestone target was met.
2. Inspection resources were targeted at food businesses that present the highest risk to public safety.
3. Action was taken against poorly performing businesses (FH rated 0, 1 or 2) including proportionate enforcement measures in line with EH and corporate enforcement policies. 14 businesses were required to close pending the completion of work to remove imminent risk to the public.
4. All service requests received during the pandemic were reviewed and followed up either with remote contact or site intervention.
5. All 200 food business registrations outstanding in September 2021 were triaged and incorporated into the planned inspection programme on the basis of risk.
6. All business requests for FHRS re-visits met the requirements of the FHR Brand Standard.
7. Food service policies and procedures were reviewed and updated as necessary to reflect any changes in legislation, FSA policy, FLCoP and FLPG and to ensure they remained fit for purpose.
8. The development of competency assessments for relevant Official Controls activity was commenced; priority was given to the new staff cohort recruited for the BCP.
9. Two key outdoor events (2022 Southsea Food Festival and VF22) were supported to ensure that attending mobile food businesses met the necessary hygiene and safety standards when trading.
10. The shellfish sampling programme was supported in consultation with CEFAS/FSA to enable the review of bed classifications in Portsmouth and Langstone harbours.

Appendix B Key priority areas for 2022/23

Recovery Plan milestones

Activity	Timeline	Action ⁶
Official controls delivery at BCP ⁷	Ongoing	As legislative requirements
Shellfish and water sampling from harvesting areas in Portsmouth and Langston Harbours	Ongoing	As legislative requirements
Conditional and full approval visits for new approved premises	Ongoing	As legislative requirements Estimated 12 inspections of existing approved premises to the end of 2023 (assuming existing risk profiles remain unchanged)
Inspection of fishing vessels	Ongoing	Inspections in accordance with FSA guidance EXPEN20020 issued 02/11/20 Estimated 5 new vessel inspections and 20 follow up inspections of existing vessels will be required by March 2023
Cat A premises (Hygiene)	To 31/03/22	Target met
Cat B premises (Hygiene)	To 30/06/22	Onsite intervention at 80 premises and new risk profiles assigned
Cat A premises (Standards)	To 30/06/22	Onsite intervention 8 at premises and new risk profiles assigned
Cat C premises (Hygiene) - less than broadly compliant (FHR 0, 1 or 2)	To 30/09/22	Onsite intervention at 27 premises and new risk profiles assigned
Cat D premises (Hygiene) - less than broadly compliant (FHR 0, 1 or 2)	To 31/12/22	Onsite intervention at 12 premises and new risk profiles assigned
Cat C premises (Hygiene) - broadly compliant or better (FHR 3, 4 or 5)	To 31/03/23	Onsite intervention at 315 premises and new risk profiles assigned
Cat D premises (Hygiene) - broadly compliant or better (FHR 3, 4 or 5)	Ongoing	Onsite intervention only where intelligence suggests that risks have increased
Cat E premises (Hygiene)	Ongoing	Onsite intervention only where intelligence suggests that risks have increased
Cat B premises (Standards)	Ongoing	Onsite intervention only where intelligence suggests that risks have increased or where there is impact of PPDS allergen labelling requirements
Cat C premises (Standards)	Ongoing	Onsite intervention only where intelligence suggests that risks have increased or where there is impact of PPDS allergen labelling requirements

⁶ The number of due inspections is based on those inspections outstanding by risk category at mid-July 2021.

⁷ Full implementation unlikely before the end of 2023.

The following principles will apply throughout the recovery programme -

- Where possible interventions will be carried out at a faster pace than the milestones described in the table above (which the FSA considers to be a minimum expectation)
- When intelligence or a complaint suggests that a business risk has increased, an intervention and, where necessary, formal enforcement action will be undertaken to address that risk
- New food businesses will be assessed on a monthly basis and initial visits undertaken in accordance with risk
- Ongoing food business interventions will be undertaken in line with the FLCoP
- Food incidents and foodborne outbreaks will be managed in accordance with the FLCoP and FLPG
- Service requests will be investigated in accordance with the FLCoP and FLPG and an appropriate response made in accordance with the PCC enforcement policy
- New food business registrations will be risk-assessed on a monthly basis and incorporated into the planned inspection programme on a risk-basis
- FHRS requested re-visits will be undertaken within 3 months and all notification and reporting requirements will be in accordance with the FHRS Brand Standard
- Food sampling activity will be prioritised as described in the local sampling programme, required by Official Controls legislation relating to the port or informed by intelligence received about particular foods, premises or imported commodities
- Officers will be supported in meeting their training and personal development needs in order to effectively deliver official food controls⁸

⁸ Officers shall only be authorised if they hold a 'baseline' qualification (if appropriate), have demonstrated competency against the relevant activities described the FLCoP Competency Framework and maintained at least 20 hours of relevant CPD activity each year.