

Regulatory Services, Community Safety and Troubled Families

Environmental Health

Business Support Team

## Food Operating Plan 2015 / 2016

Portsmouth City Council



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## **Food Operating Plan 2015 / 2016**

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## Contents

Section	Title	Page
1	Introduction	1
2	Description of Portsmouth	1
3	A Snapshot of Portsmouth	2
4	Portsmouth City Council - Organisational Structure and Corporate Priorities	2
5	RSCSTF - An explanation of service & contribution to the Corporate Priorities	4
6	RSCSTF Business Plan 2014 / 2015 Summary	4
7	RSCSTF Key Performance Indicators 2014 / 2015	4
8	An introduction to the BST	5
9	BST Service Functions	5
10	BST Lead Officers and Food Enforcement Officers	6
11	BST Lead Officer Responsibilities (Food Related)	7
12	Scope of the BST Food Service	10
13	Demands on the Food Service	11
14	BST Food Service - Priorities	11
15	BST - Food Interventions Programme 2014 / 2015	12
16	BST Officer Qualification / Delegated Authority	19
17	Qualification and Experience	19
18	Sampling - Qualifications and Experience	19
19	Food Hygiene and Safety - Qualifications and Experience	19
20	Specific Qualification and Experience Requirements	20
21	Authorisation / Delegated Authority - EHM Responsibilities	21
22	Approved Premises	22
23	Food Complaints	22
24	Primary Authority	23
25	Advice to Business	23
26	Food Sampling	25
27	Control and Investigation of Outbreaks and Food Related Infectious Disease	25
28	The Public Health Agenda	26
29	Food Alerts	27
30	Training Records	27
31	Staff Development Plan	27
32	Quality Assurance	28
33	Service Delivery Monitoring	28
34	Quality Assurance Systems	28
35	Food Business Establishment Records	29
36	Proportionality and Consistency to Enforcing	29
37	Food Law Environment Policy	30
38	Operating Plan Review	30
Appendix 1	List of Enactments - BST Responsibilities	31
Appendix 2	FBO Survey	32

**Regulatory Services, Community Safety and Troubled Families (RSCSTF)  
Business Support Team (BST)  
Food Operating Plan 2015 / 2016**

**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 and Troubled Families (RSCSTF), 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 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. Description of Portsmouth**

2.1. Portsmouth is the 'great waterfront city' situated within the South Hampshire / Solent region of the South East of England and is undergoing a major transformation.

2.2. 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.

2.3. 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. The Spinnaker Tower at 170 metres tall is taller than the London Eye and Blackpool

Tower and, as a national icon for Britain, has successfully raised the city's profile, both nationally and internationally as a place to visit, live and work, acting as a catalyst for further investment and development. In 2015 PCC announced a £3.5m deal with airline Emirates to rebrand the Spinnaker Tower, painting it blue and gold prior to the Americas Club events to be held in July this year.

2.4. 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.

2.5. World renowned as the home of the Royal Navy and the new Queen Elizabeth-class aircraft carriers, and a tourist visitor destination, Portsmouth is also home to a number of high profile UK and multinational companies such as BAE Systems, EADS Astrium, IBM and the Pall Corporation.

2.6. Tourism is a significant sector of the local economy. The city has a long established national and international profile, with its Historic Dockyard and other attractions, complemented by hosting world class events such as the International Festival of the Sea, Volvo Ocean Race and Great South Run. The city has been recognised as an Attract Brand by Visit England which recognises the visitor numbers to the city (considering both holiday and business visitors) and other criteria such as consumer choice when asked to name destinations associated with English holiday and perception as a short break destination.

2.7. With almost 50kms of waterfront Portsmouth has always provided a unique quality of life and a diverse range of attractions and amenities for its businesses and residents. The offering as a place to live has been significantly enhanced by penthouse, town house and apartment developments at Port Solent Marina, Gunwharf Quays and a number of ex-Navy sites.

2.8. Portsmouth is an ambitious waterfront city, with a vision to be a successful European city break destination, unique in the region for its cultural heritage, innovation and dynamism.

### 3. A Snapshot of Portsmouth

**Population:** Estimated 208,900 residents. GPs serve 217,562 registered patients living within 88,000 properties

**Area:** 15.5 square miles

**Population density:** Highly urbanised city. 52 people per hectare (most densely populated local authority outside London)

**Food Business Operators (FBO):** 1950

**Business premises:** >8000

### 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 9 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 June 2015 is:

- 15 Liberal Democrat;
- 1 Non-Aligned Independent;
- 18 Conservative;
- 4 UKIP;
- 4 Labour.

4.9. The Environmental Health team of the RSCSTF service falls under the responsibilities of the Cabinet Member for Environment and Community Safety. The Food Safety function is undertaken by the BST. The RSCSTF 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 RSCSTF 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 RSCSTF service contributes to these priorities in various ways particularly with regard to priority v. and vi.

## 5. RSCSTF - An explanation of Service and its contribution to the Corporate Priorities

5.1. RSCSTF brings together a diverse team to deliver a community where residents can enjoy safer and healthier lives.

5.2. Service responsibilities include:

- environmental health;
- hate crime;
- domestic violence;
- civil contingencies;
- anti-social behaviour;
- trading standards;
- troubled families;
- dog kennels.

## 6. RSCSTF Business Plan 2014 / 2015

6.1. In March 2015, PCC completed a senior management review. As a result a deputy chief executive and 12 new directors were put into post on 1<sup>st</sup> April. Following this and the local and general elections in May, PCC is refreshing its plan for 2015/16, reinforcing its shared priorities for the city and the council and setting out its plan for the next 12 months and the expectations for the new directorates. At the time of publishing the plans for 2015 / 2016 had not been completed.

## 7. Structure and Financial Position of the BST 2014 / 2015

7.1. The BST team structure is as follows:



5 Environmental Health Officers



2 Environmental Health Inspectors

7.2 Sufficient budgetary provisions have been made available in 2015 / 2016 to maintain this level of staffing provision.

## 8. An Introduction to the BST

8.1. 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.

8.2. It is expected, along with our team partners in the pollution and pest control teams, that we will 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.

8.3. The 2015 / 2016 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.

8.4. 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.

8.5. 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 Food Law Code of Practice (FLCofP).

8.6. Despite the officer lead designations, 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.

## 9. BST Service Functions

9.1. 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, Health Act, Licensing enforcement and Port Health.

9.2. Therefore, as well as the various diverse responsibilities detailed in **Table 1A**, officers have a designated Responsible Authority role for the purposes of the Licensing Act 2003. The team are required to make relevant representations regarding licence applications and this additional work, together with licensing inspections to check compliance with conditions impacts upon the team's normal food duties.



9.3. The team is also responsible for licensing all of the following: riding establishments, pet shops, dangerous wild animals and the licensing of people and premises where skin piercing, tattooing, acupuncture and electrolysis is carried out.

9.4. The introduction of smoke free legislation under the Health Act 2006 is enforced by BST, as are the responsibilities to sample the shellfish beds located in the Portsmouth and Langstone Harbours. The BST also assists the Environment Agency in the monitoring and compliance with the Bathing Water Directive.

9.5. Following the inspection of FBOs, the second most resource-intensive area for which the BST is responsible is the Continental 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.

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

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

## 10. BST Lead Officers and Food Law Enforcement Officers

10.1. The BST operates a computer based management system. This system, called APP, has been utilised by RSCSTF since 2008.

10.2. Although a time recording system is available within APP, BST has yet to gain benefit of the system's abilities to monitor officer time. Our anecdotal analysis suggests however that approximately 51% of total officer time in 2014 / 2015 was spent on food safety. This equates to 3.55 Full-Time Equivalent (FTE) members of the team.

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

**Table 1A.**

<b>Roles Requiring Lead</b>	<b>Equivalent FTE in area</b>
Food Safety*#	3.55
Food Standards	0.25
H&S	0.7
Port Health	0.5
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
<b>Total Resource</b>	<b>7.0**</b>

\*Food safety includes dealing with food hygiene complaints as well as food complaints and food premises inspections.

\*\*Total does not include 0.3 FTE for the Environmental Health Manager  
 # Level impacted by staff illness 2014/2015

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

10.5. Officers with specific responsibilities for respect to Food Law Enforcement are detailed within **Table 1B**.

**Table 1B.**

Name and Job Title	Date Appointed	No. of years Food Law Enforcement Experience	FTE on Food Enforcement 2013 / 2014	Qualifications	Details of Authorisation
			Total FTE 3.8		
Richard Lee EH Manager	1 <sup>st</sup> July 2010	-	Management only	Various - in multiple functions across service	-
Steven Bell BSTL	1 <sup>st</sup> 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 <sup>st</sup> September 2012	7+	0.7	Diploma in Environmental Health. Masters Degree in Environmental Health Law	All Areas
Donna Harvey EHO	1 <sup>st</sup> May 2013	10+	0.7	Degree in Environmental Health	All Areas
David Jones EHO (Port Health)	4 <sup>th</sup> January 1977	31+	0.5	Diploma In Environmental Health	All Areas
Aimee Cartwright EHO	2 <sup>nd</sup> August 2004	11+	0.4	Degree In Environmental Health	All areas
Tina Dowell-Lucas EHO	4 <sup>th</sup> October 2004	11+	0.2	Degree In Environmental Health	All areas
Debra Jones EH Inspector	30 <sup>th</sup> November 1981	21+	0.3	Ordinary Certificate In Food Premises Inspection	Food Safety as per Food Code of Practice
Stephen Lucking EH Inspector	24 <sup>th</sup> February 1992	21+	0.5	Higher Certificate In Food Premises Inspection	Food Safety as per Food Code of Practice

**11. BST Lead Officer Responsibilities (Food Related)**

11.1. 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.

11.2. 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.

11.3. 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.

11.4. 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).

11.5. 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.

11.6. Infectious Diseases Lead is responsible for coordinating the:

- investigating 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 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.

11.7. 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.

11.8. 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.

## 12. Scope of the BST Food Service

12.1 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.

### 13. Demands on the Food Service

13.1 The demand over the last two years remains has increased by at least 8% as registered FBOs have risen to approximately 1960 registered premises as of June 2015 (up in 2013/2014 by 5% and in 2014/2015 by a further 3%). This 8% increase in FBOs over the last two years has caused additional pressures upon service delivery particularly as FTE staffing levels as remained static.

13.2. As the minimum number of officers involved in the inspection of food premises is considered to be 1 per 500 the resource levels currently available to the BST are considered to be acceptable. This figure has been devised from informal advice obtained from the FSA.

13.3. The current ratio is approximately 1 per 551 premises so it is anticipated that the Service will not meet precisely the prescriptive requirements of the FLCofP in terms of inspection frequency during the 2015 / 2016 period.

13.4 The 1957 registered premises are mainly composed of restaurants, takeaways and retailers.

13.5. Inevitably, as a result of the high number of FBOs registered in the City, there is a significant level of 'churn' as these change hands, open and close.

### 14. BST Food Service - Priorities

14.1. Our foremost priorities in 2015 and 2016 are:

- compliance with the Food Law Code of Practice (FLCofP);
- delivery of our statutory duty to enforce legislation relating to food;
- maintaining political and customer awareness of food standards and food safety issues.

14.2. 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.

14.3. 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.

14.4. The FLCofP provides guidance to local authorities on their approach to official controls at food business establishments. The Code was last updated on the 6 April 2014. The changes included:

- clarification of the descriptors used to rate and assign intervention frequencies at food establishments;

- greater focus on businesses with persistent or serious non compliances by reducing the frequency of interventions in those businesses with good management controls in place;
- a reduction in dual enforcement in a small number of establishments currently subject to both FSA and local authority control.

14.5. In November 2013 the FSA undertook an audit of the environmental health service. This was a positive experience. During this process the BST embraced the opportunity to further assess its procedures and policies to ensure compliance with the FLCofP. The auditors recommended 3 primary areas where the authority should refocus its attention.

14.6. These were centred on the regulation of businesses which require specific approval to operate, the authorisation and training of officers and the management of our database / record keeping. In total 12 recommendations were made. All of these have now been implemented.

14.7. The FSA and the FLCofP does provide 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.

14.8. 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 feed and food law.

14.9. 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.

14.10. The inspection of all food businesses has regard to current FSA guidance (reference inspection protocol). 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.

14.11. 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.

## 15. BST - Food Service Interventions Programme 2015 / 2016

15.1. Since 2011 the BST has implemented the national 'Food Hygiene Rating Scheme' (FHRS) which is run in partnership with the Food Standards Agency (FSA). In the subsequent four years various Cabinet Members have endorsed revised risk based inspection and enforcement plans devised to target resources upon businesses where the lowest acceptable level of hygiene is being maintained.

15.2. The FHRS is intended to offer guidance to consumers in choosing where to eat out or shop for food by giving them an enhanced level of information about the hygiene standards in restaurants, cafés, takeaways, hotels and food shops. The FHRS is also intended to actively encourage businesses to improve their hygiene standards.

15.3. Under the FHRS, officers from the BST inspect food businesses to ensure that they meet the requirements of food hygiene law. Subsequently these officers rate the hygiene standards found at the time of inspection. At the bottom of the scale is '0' which requires urgent improvement. At the top of the scale is '5' which means the hygiene standards are very good.

15.4. The Food Law Code of Practice (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 requires every local authority to have a Food Operating Plan and prescribes the manner in which it is formatted.

15.5. 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, decisions and actions of the team are likely to be successfully challenged, and evidence gathered during a criminal investigation being ruled inadmissible by a court and formal action being instigated against the city council by the FSA.

15.6. The 2015 / 2016 plan outlines how food safety will be monitored and controlled. The service plan covers a wide range of topics including:

- food team aims and objectives;
- authority background;
- service delivery;
- resources;
- quality assessment;
- service plan and operational plan review;
- approved premises controls at approved premises; and
- food sampling.

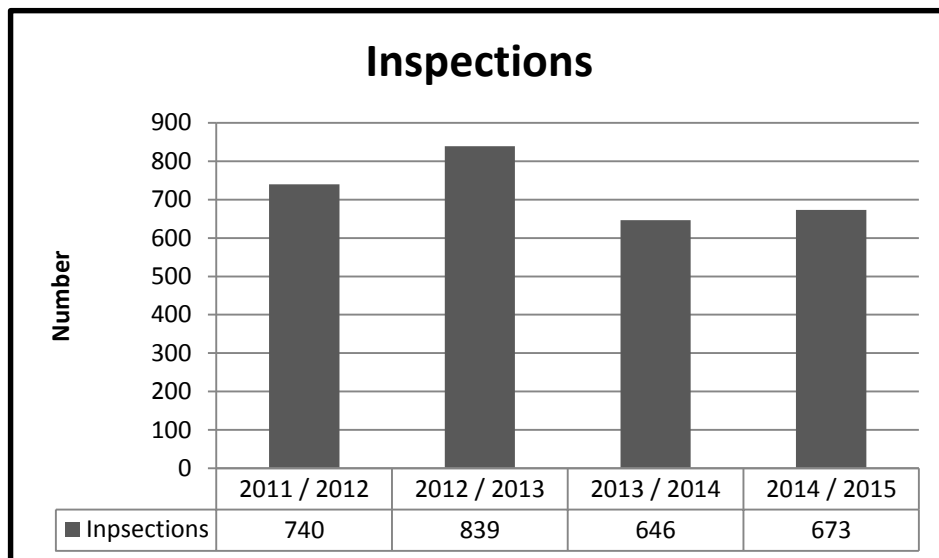
15.7. The number and type of Food Business Operators (FBO) on the 13<sup>th</sup> June 2015 is shown in **table 2**. The number in brackets is the change in premises number within each category as from 1<sup>st</sup> April 2015). **Table 2**

Primary Producer	0 (-)	<b>Restaurant / Caterers</b>	
Manufacturer and Packer	13 (+4)	Hotel/Guest House	51 (-1)
Importer / Exporter	3 (+2)	Mobile Food Unit	58 (+10)
Distributor / Transporter	22 (+3)	Caring Premises	222 (-14)
<b>Retailers:</b>		Restaurant and Caterer	320 (+14)
Supermarket / Hypermarket	35 (+6)	Pub/Club	210 (+3)
Small Retailer	332 (+16)	Restaurant / Café / Caterer	381 (+11)
Retailer Other	24 (+4)	School / College	66 (+1)
		Takeaway	220 (+4)
<b>Total Premises - 1957 (+63)</b>			



15.8. The total number of inspections carried in last three years is shown in **graph 1** below.

**Graph 1**

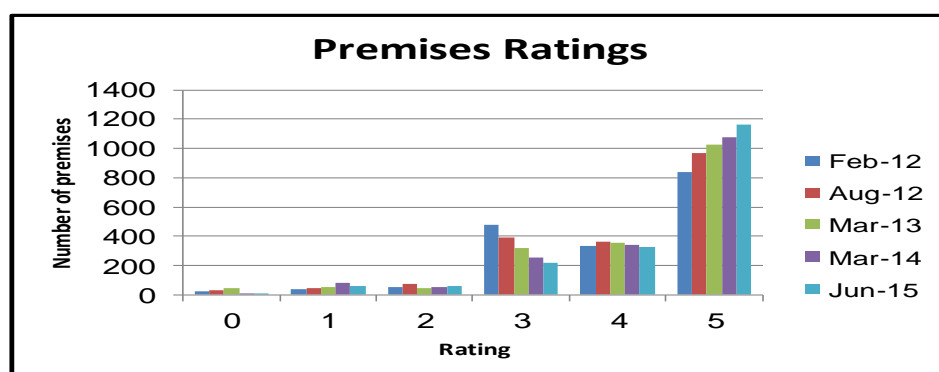


5.9. In 2014 / 2015 the inspection rate was lower than that achieved in previous years but in line with that projected. A 4% increase in visits over 2013 / 2014 total was obtained. Estimates made following an audit of our processes by the FSA in 2013 suggest that an inspection rate of 600 per annum could be achieved. The 2014 / 2015 is therefore an improvement on that projection.

5.10. The level of inspection performance in 2013 was based around the number of full time equivalent (FTE) officers available at that time (3.35) and the number of food business operators in the city (approximately 1900). These figures have slightly changed in 2014 / 2015 as staff available engaged in this specific activity over the past 12 months has been impacted by staff illness. The current level of resource remains at 2.85 FTE.

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

**Graph 2**



5.12. **Graph 2** 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.

5.13. Each time a business is inspected a new rating is provided with the level of improvement or decline in hygiene standard 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.

5.14. 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.

5.15. All current food business ratings are reported on the FSA's website which is freely available to the public and business 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 agreeing with the proprietor to voluntarily close the premises.

5.16 All FBOs are provided 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.

5.17. In 2013 / 2014 and 2014 / 2015 interventions compliance rating remained steady at approximately 85% as demonstrated by **table 3** below.

**Table 3**

Year	Number of food businesses	Number of broadly compliant premises - premises rated '3' or above	% of 'broadly compliant' premises
2013/ 2014	1894	1691	87
2014 / 2015	1959	1707	86

5.18. The number of enforcement actions taken during the last six years is recorded in **table 4** below.

**Table 4**

<b>Enforcement Type</b>	<b>09 / 10</b>	<b>10 / 11</b>	<b>11 / 12</b>	<b>12 / 13</b>	<b>13 / 14</b>	<b>14 / 15</b>
Improvement Notice	4	3	12	47	60	26
Closure	1	1	2	8	5	8
Prosecutions	0	0	0	2	5	4

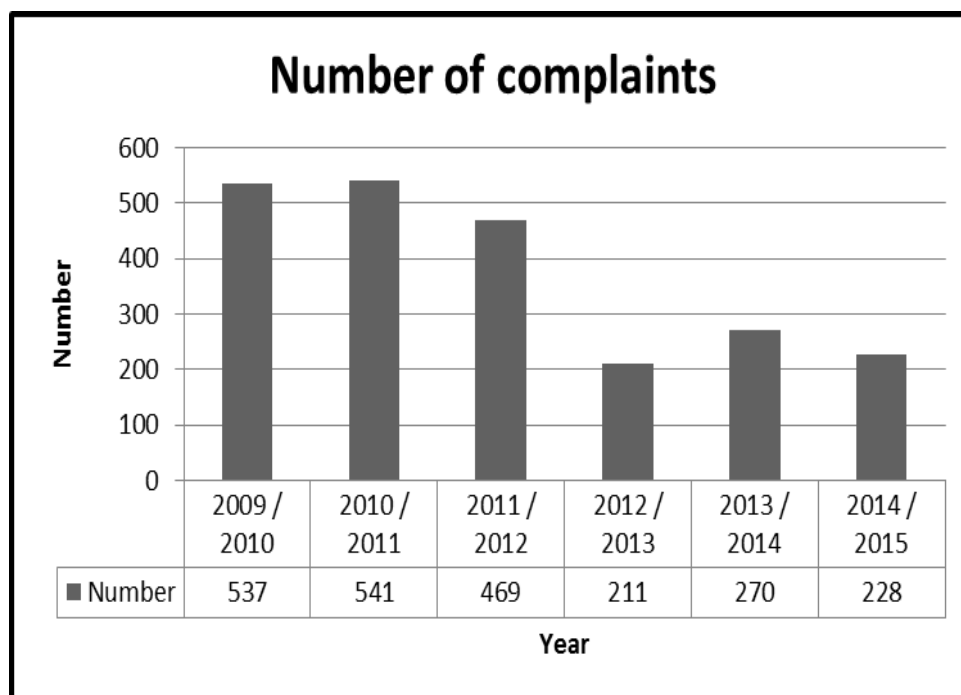
5.19. Immediately after the introduction of the revised risk based inspection programme in 2012, the number of Improvement Notices served upon premises requiring a prompt, timetabled, improvement in standards dramatically increased. The number of improvements notices in 2014 / 2015 however fell by 56%. The number of premises closed pending improvement and the number of premises prosecuted for serious legislative breaches of remains relatively constant over the last 3 years.

5.20. 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.

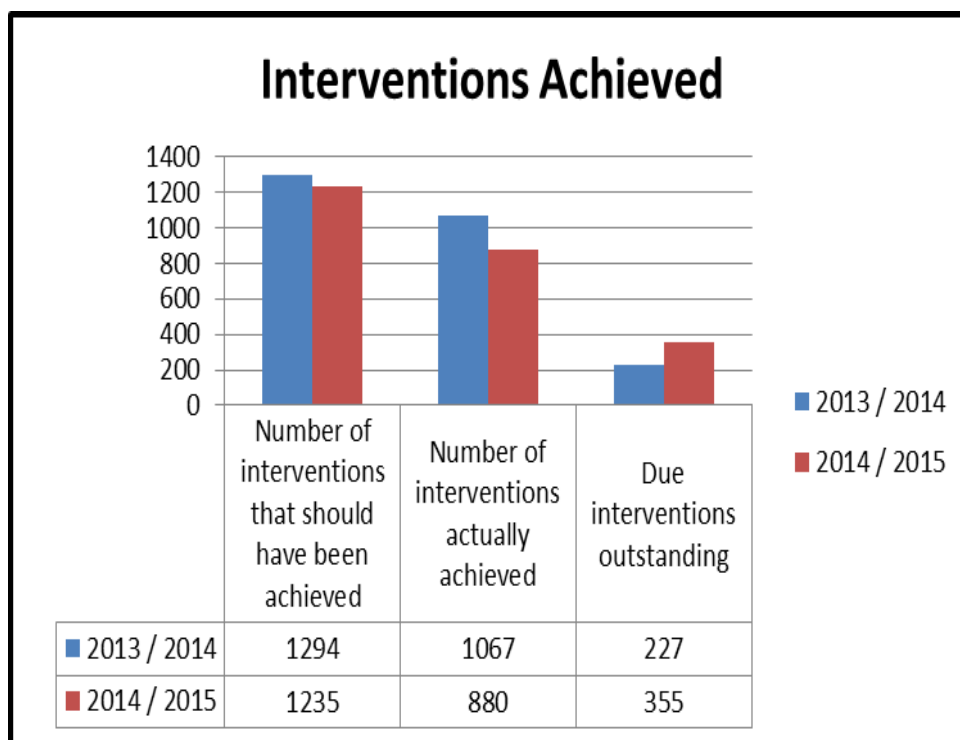
5.21. The number of complaints received in 2014 / 2015 is consistent with the significant reduction (50%) achieved in 2012 / 2013 and is a further reflection of how standards of food businesses have improved. The number of complaints relating to food business operators are shown in **graph 3 below**.

**Graph 3**



5.22. In 2014 / 2015 a slightly lower number of 'interventions' were carried out than in 2013 / 2014. The number of interventions instigated and the number outstanding for 2013 / 2014 and 2014 / 2015 are set in **graph 4** below. As expected, maximising the resources available but as a result of the long term sickness of a member of the team, the service was unable to deliver all intervention in accordance with the prescriptive timetable as required by the FLCofP. 880 interventions which equates to 71% of interventions were delivered on time. This is a reduction of 11% on 2013 / 2014 number. For clarity interventions include: inspections; monitoring; surveillance; verification; audit; and sampling where the analysis / examination is to be carried out by an Official Laboratory.

**Graph 4**



5.23. Following the 2013 FSA audit of the BST operating procedures, some changes have been 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 is inspected again. Premises are then rated and inspected according to the following **table 5** below.

**Table 5**

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

5.24. 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.

5.25. Whilst it is not normal practice to give prior notification of inspection, some visits will be carried out by appointment or with prior notification, 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.

5.26. The appropriate control for each premise 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.

5.27. Low risk category E business will be subject to an alternative enforcement strategy. When these premises are due for inspection, if the premises has been subject to a formal inspection immediately previously, the FBO will be sent an appropriate initial letter together with a low risk self-assessment questionnaire to complete. On receipt of completed questionnaires 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.

5.28. If the questionnaire has not been returned within the 28-day period, the outstanding premises will be contacted with a reminder to establish if a further copy of the questionnaire needs to be dispatched. If the questionnaire has not been received after a further 14 days, the food business may be subject to a food hygiene inspection.

5.29. The number of 'A' 'B' 'C' 'D' and 'E' rated premises as of the 1<sup>st</sup> April 2014 and the 13<sup>th</sup> June 2015 are shown in **table 6** below. With 'A' being the highest risk and 'E' being the lowest.

5.30. It is clear from **table 6** 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 C and D. The % change is highlighted in bold. The numbers of premises waiting inspection and a rating having submitted a registration form is higher than would be preferred. This is potentially a reflection of the staff absence due to sickness.

**Table 6**

Risk Category	Number of Premises
A	3 (+3)
B	90 (-11)
C	358 (-374) <b>[-51%]</b>
D	649 (+350) <b>[+117%]</b>
E	727 (+44)
Awaiting rating	121 (+45)

## 16. BST Officer Qualification / Delegated Authority

16.1. Officer qualifications / authorities within the BST are shown in **table 7** below. It should be noted that the table demonstrates the numbers of each type of qualification held and is not representative of the number of officers. Table 1B, page 7 provides details of officer numbers.

**Table 7**

<b>Number of qualifications held in the BST</b>	<b>Qualification / Delegated Authority</b>
5	Diploma / Degree in Environmental Health
1	Diploma in Trading Standards (Inc Food Standards Paper)
1	Higher Certificate in Food Premises Inspection
1	Ordinary Certificate in Food Premises Inspection
1	Diploma In Consumer Affairs (Inc Food Standards paper)
7	Service of Hygiene Improvement Notices
7	Service of Improvement Notices
5	Service of Hygiene Emergency Prohibition Notices / Emergency Prohibition Notices
5	Service of Remedial Action Notices / Detention Notices

## 17. Qualifications and Experience

17.1. 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.

## 18. Sampling - Qualifications and Experience

18.1 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 are only undertaken by officers meeting the relevant requirements. These requirements do not however not apply where no formal action would be taken following sampling.

## 19. Food hygiene and Safety - Qualifications and Experience

19.1. 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 EHO. Any EHO can take any necessary enforcement action in respect of the establishments in which these processes are carried out.

## 20. Specific Qualification and Experience Requirements

20.1 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.

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

- To identify, through the conduct 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;
- To 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;
- To 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).

20.3. 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.

20.4. 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 by 6<sup>th</sup> April 2016.

## 21. Authorisation / Delegated Authority – EHM responsibilities

21.1. Under PCC Standard Orders the Director for RSCSTF has the authority to authorise staff in accordance with this procedure on the recommendation of the EHM.

21.2. 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 this will continue to be periodically reviewed in the future.

21.3. The EHM has the responsibility to ensure staff are authorised in accordance with this procedure after establishing that the required qualifications and competencies have been met.

21.4. The EHM ensures 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.

21.5. The EHM also ensures 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 RSCSTF.

21.6. The EHM ensures 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.

21.7. 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.



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

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

## 22. Approved Premises

22.1. 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.

22.2. 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.

22.3. The BST currently regulates three 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.

## 23. Food Complaints

23.1 It is the responsibility of the BST to enforce the provisions of the Food Safety Act 1990 as far as food complaints concerning non-compliance with the food safety requirements i.e. food which is unfit; food which has been rendered injurious to health; or food which is so contaminated.

23.2. In 2012 / 2014 we investigated a number of complainants relating to food which has '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 have received precisely what they have ordered. In 2015 / 2016 we will continue to have high regard to such issues.

23.3. 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.

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

23.5. 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.

23.6. 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 FL, through the BSTL, EHM and Director.

23.7. 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 being involved.

23.8. 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.

## 24. Primary Authority

24.1. 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.

24.2. 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.

24.3. In 2012 / 2013 the BST entered into a Primary Authority agreements with the Southern Co-operative Limited and the Royal Navy. These relationships are managed and all requirement protocols by the FL in close supportive liaison with the BSTL.

## 25. Advice to Business

25.1. Although the BST is taking a stronger stance in relations 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.

25.2. 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, so much so that in 2012 / 2013 we formally, with Cabinet approval, changed the team's name from the Commercial Team to the Business Support Team.

25.3. In addition the inspection regime, in 2015 / 2016 officers of the BST will visit areas of the City where large numbers of FBOs are concentrated to offer additional advice and assistance as to how FBOs can achieve the highest possible FHRS score or compliance with procedural advice offered by the FSA. An example of such FSA guidance is that provided in early 2015 surrounding their concerns of safely serving rare burgers and the need to ensure foodservice outlets do not cause avoidable food poisoning incidents because they have insufficient control measures in place.

25.4. It is the intention of the BST to provide greater information to FBOs particularly in relation to new and forthcoming changes in legislation. In 2015 / 2016 the BST therefore intends to continue its work to deliver a FBO forum within which its members will be informed of, and be able to discuss, new initiatives and their implications. In May 2015 approximately 750 FBOs were asked to complete a survey relating to how they would like to receive information from us in respect to information food safety information. A full copy of the survey results can be found in **Appendix 2**.

25.5. The EU Food Information for Consumers Regulation has been published in the Official Journal of the European Union. This means that the transition process has begun to replace the current food labelling regulations. The transitional arrangements mean that most of the requirements do not apply until the end of 2014, with nutrition labelling becoming mandatory in 2016. Therefore, food businesses have time to get used to the arrangements and make sure they comply with new labelling requirements as they come in. The BST being aware of the confusion that these regulations may cause smaller food businesses intend to continue to assist in the diffusion of suitable information to FBOs during their inspections and via other initiatives.

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

25.7. Resources 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 languages.

25.8. All new food businesses are assessed and if appropriate will 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 to 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.

## 26. Food Sampling

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

26.2. 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, Local Government Regulation and agreed local priorities.

26.3. In 2013 / 2014 a £20,000 budget pressure approval has ensured that our food sampling programme can continue.

26.4. Our sampling programme in 2015 / 2016 will consists of the following:

- Participation in Local Government Regulation/Public Health Laboratory Service sampling initiatives;
- Participation in the 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).

26.5. In 2014 / 2015 217 samples were taken (up 16% on 2013 / 2014).

26.6. 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.

## 27. Control and Investigation of Outbreaks and Food Related Infectious Disease

27.1. 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.

27.2. 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.

27.3. 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.

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

27.5. 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.

## 28. The Public Health Agenda

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

28.2. 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.

28.3. 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.

28.4. 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.

28.5. 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.

28.6. In 2015 / 2016 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, 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 effectively respond to real life threatening problems and our ability to respond to the growth agenda for business and the growing problem of health inequalities.

28.7. 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.

28.8. In 2014 / 2015 we have been working closely with our Public Health Partners in relation to the Sustainable Food Cities network. This network hopes to create cities where every school, hospital, restaurant and workplace canteen serves only healthy and sustainable meals. Additionally, we have begun to jointly participate in

the *Eat Out Eat Well* initiative aimed rewarding restaurants, cafes and other caterers in Portsmouth that enable consumers to make healthy choices when eating out.

## 29. Food Alerts

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

29.2. The EHM, BSTL and FL 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.

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

29.4. In 2014 / 2015 in excess of 100 alerts were received from the FSA by the BST.

## 30. Training Records

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

## 31. Staff Development Plan

31.1. 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.

31.2. The basic principles and ideals are:

- a duty to ensure that it is able to meet all the demands that are placed upon the team;
- 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 continuous development of employees and services to ensure it is 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 ensured officers attending training course cascade information to the wider team.

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

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

31.5. The BST is committed to providing ongoing CPD 20hrs per year as required by the FLCofP.

## 32. Quality Assessments

32.1. 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.

32.2. The Hampshire and Isle of Wight Food Advisory Committee recently reinstated a system of Inter Authority Auditing (IAA). In October 2013 senior officers from East Hants District Council and Rushmore Borough Council reviewed the procedures and policies of the BST.

## 33. Service Delivery Monitoring

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

33.2. A revised protocol was devised in 2013 / 2014. In summary this comprised of the FL accompanying officers on inspections (3 per officer per year), devising a new food inspection programme 6 times per year. The APP super-user designed an FBO intervention spread sheet in accordance with 'Making Every Inspection Count' FSA auditing advice, to scrutinise irregularities in scoring, registration, inspection rates etc. This protocol will continue in 2015 / 2016.

## 34. Quality Assurance Systems

34. 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 '1 per month' accompanied inspections will be carried out by the FL with each member of staff. Details of such visits shall be 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 FL / BSTL at the earliest opportunity;

- Weekly team meetings - alternating between 'case issues' and training for CPD processes; EHM to attend one per month;
- Yearly one-to-one work review/supervision meetings to discuss casework with BSTL;
- Yearly PDR Performance Management and Development review meetings EHM / BSTL;
- Attendance of training / seminars and other exercises, which are organised to aid consistency / cascade training and briefings to aid consistency (occasional). 20 hours per year.

### 35. Food Business Establishment Records

35.1. The BSTL, FL and the APP 'Super User' (SU) will maintain the database of food business establishments which have been registered and food business establishments which have been approved or conditionally approved.

35.2. 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.

35.3. 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.

35.4. The BSTL, FL and APPSU will ensure the all premises are recorded, duplicates are removed, and the move from paper to electronic records is managed and recorded to ensure all necessary information is recorded and retrievable.

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

### 36. Proportionality and Consistency to Enforcement

36.1. The 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.

36.2. These includes 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.

36.3. 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.



## 37. Food Law Enforcement Policy

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

37.2. 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.

37.3. 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.

37.4. 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.

## 38. Operating Plan Review

38.1. The EHM will further review the 2015 / 2016 Operating Plan in 12 months.

## Appendix 1 - List of Enactments - BST responsibilities

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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 Notice
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 There under 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

### Food Safety Questionnaire Results

#### Key points

- A total of 176 respondents completed the food safety questionnaire - 28%<sup>1</sup> of those who were invited to participate via email (there were 710 recipients on the original Mailchimp bulletin). This is an excellent response rate and shows local businesses are engaged and willing to participate in actively maintaining standards on the whole.<sup>2</sup>
- Open rate: 52.0% (average for government sector 24%)
- Click rate: 18.2% (average 3.5%)
- Mailchimp eliminates unsuccessful email addresses (bounce-backs, unsubscribe requests) from the mailing list, and after this weeding process we now have 622 of the original 710 left.
- An important lesson from this exercise is that more email addresses need to be harvested by the EH team, and the list kept fresh (i.e. ask businesses to update their details).
- 97% of respondents felt they would definitely like to receive up-to-date information from the Environmental Health team
- Respondents clearly demonstrate that an email newsletter would be the most popular way to receive information from the council.

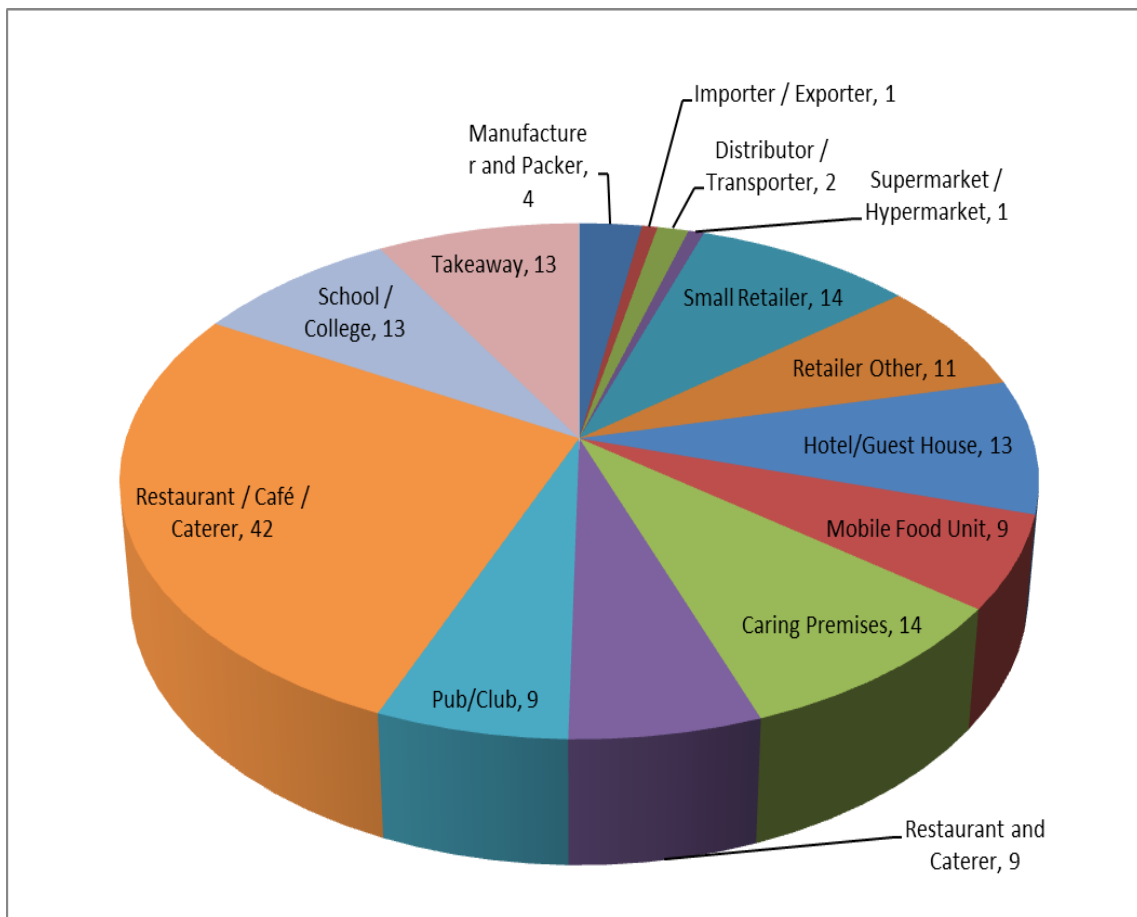
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<sup>1</sup> Based on the number who received the email once Mail Chimp and stripped out emails NOT the original list

<sup>2</sup> Please note the survey was only available to those who had previously supplied email addresses to the Environmental Health team at PCC, therefore not all businesses throughout the city had the opportunity to comment.

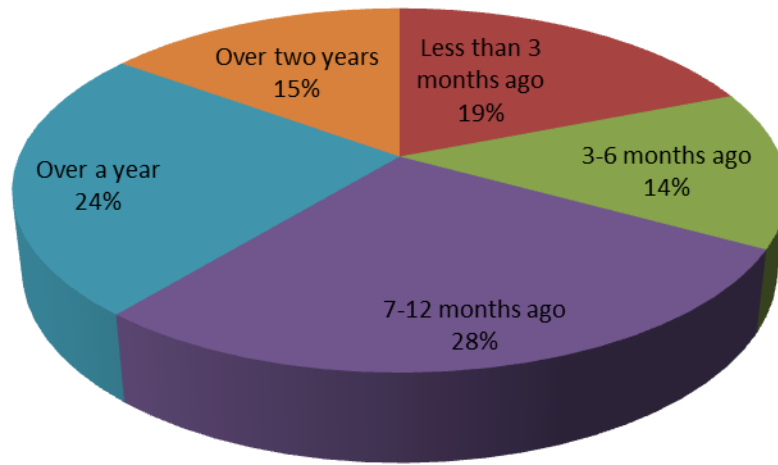
## Overview of Results

The respondents were made up of the following types of food business.



Responses came from a broad range of food related businesses, however the biggest number of responses came from those involved in Restaurant/Café/Caterer business - 49 responses came from individuals engaged in this business area.

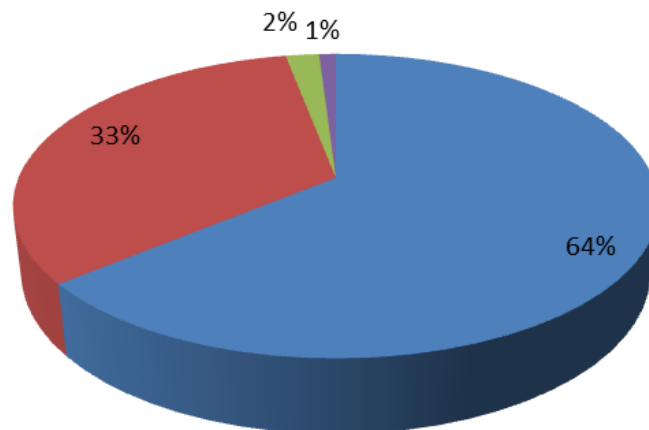
### When was your last food hygiene inspection carried out?



Of those who answered the question, more than half had been inspected within the last 12 months. Nine responders did not answer this question - in most cases this appears to be because they are still awaiting an inspection.

### How useful did you find the feedback from your last inspection?

■ Very useful ■ Useful ■ Not useful ■ Not very useful



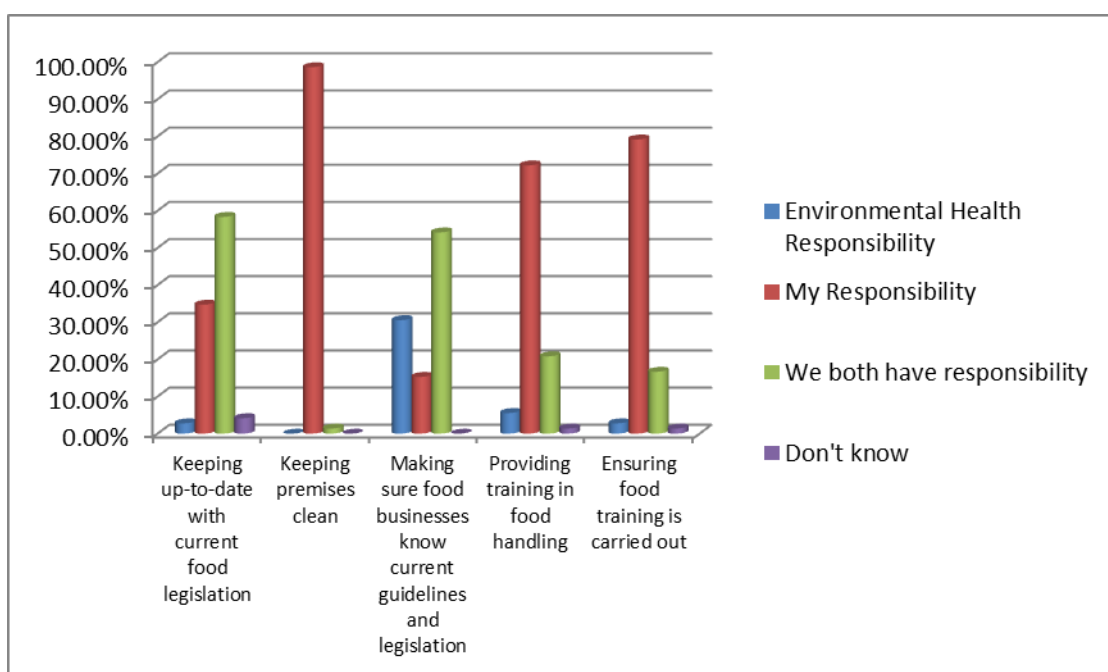
For the most part, respondents indicated that they found the inspection process useful. Only 3% indicated that it was not.

Only 24% of respondents had any interaction with the Environmental Health team for something other than a food related inspection. Only 2 respondents said that any

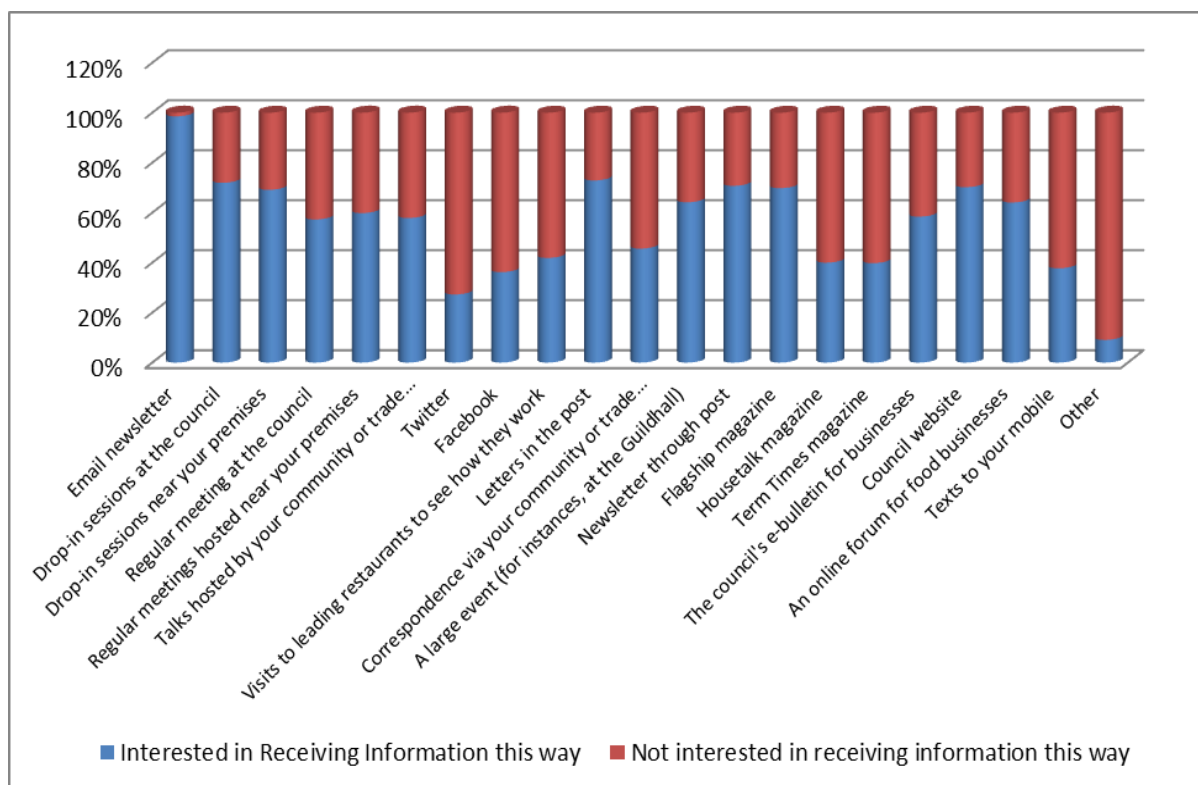
Environmental Health initiated visit was to provide update on policy change or share best practice.

Only 30% of respondents were offered advice and 29 out of those responding said that Environmental Health were available to answer specific questions. Whereas 97% of respondents felt they would definitely like to receive up-to-date information from the Environmental Health team.

On the whole the chart below demonstrates that food businesses in the Portsmouth area have a general understanding of where responsibility lies in maintaining an environmentally safe business. It does show that business operators do believe that the Environmental Health team do share some responsibility for helping them keep up to date with the relevant information and changes to legislation and ensuring they have the guidance they need.



## Preferred Communications Options



The chart above clearly demonstrates that an email newsletter would be the most popular way to receive information from the council. While drop-in sessions are also popular there was some indication from respondents that they would need to be as and when because generally speaking they would be too busy to attend frequently.

Less popular communication methods include social media, specialist council publications such as Housetalk and Term Times and Texts to mobiles.

Although certain communications methods were popular, agreement of frequency of contact was varied. The table below shows the preferred frequency of the majority of respondents to this question by communication type.

Method of Contact	Preferred frequency of Contact
Email newsletter	Monthly
Drop-in sessions at the council	When law changes
Drop-in sessions near your premises	When law changes
Regular meeting at the council	Annually
Regular meetings hosted near your premises	Quarterly
Talks hosted by your community or trade association	Annually
Twitter	Monthly
Facebook	Monthly
Visits to leading restaurants to see how they work	Annually
Letters in the post	When law changes
Correspondence via your community or trade association	When law changes
A large event (for instances, at the Guildhall)	Annually
Newsletter through post	Quarterly
Flagship magazine	Quarterly
Housetalk magazine	Quarterly
Term Times magazine	Quarterly
The council's e-bulletin for businesses	Quarterly
Council website	When law changes
An online forum for food businesses	Quarterly
Texts to your mobile	Quarterly

## Finally

The results demonstrate that a move towards an electronic newsletter containing updated information and contact information would be welcomed by individuals running food businesses in the city. More traditional methods of communication such as notifications through the post are seen to be required when law changes and this may reflect a more traditional view that 'official' items should come through the post, this is gradually changing in society as a whole but any communication strategy should take into account that some business owners may resist this for longer!

The majority of respondents seem to have very little contact with the Environmental Health team outside the requirements of their hygiene assessments and did indicate they valued the input from the team.



## Appendix One - Free comments

Below are comments from the respondents when asked if they would like to provide any further views.

- I would like to be able to arrange an advisory visit to discuss my business as it is very unique, and what the most up to date info is regarding 'best Practice'. How would I arrange such a visit? (CAN PROVIDE CONTACT DETAILS UNDER SEPARATE COVER)
- The EH member didn't visit our premises until we were in the third year of running of our first business i.e. visit was not until 2013 and we haven't had a visit to date.
- I find the EHO officers helpful and resourceful I have a great relationship which each I know at Portsmouth and similarly in Southampton. I prefer to be honest about problems I've experienced and get good advice back. The standard generally in kitchens is surprisingly low and I find students from college have little or no idea. I find the eh department something with which I can threaten my staff with - for me the department works well. You do not need to hold meetings or magazines to pass information on occasional text or email Bullet points when necessary would suffice. We all have little time
- yes thy can be helpful with best practice advice because we all get out of touch with these things cos real life gets in the way trying to earn a living I think I would like to brush up on best practice and stuff I would attend if you provided inexpensive training it would be helpful to old people like me to keep us up to date
- When food.gov hygiene ratings are updated, to send out certificates and window stickers for the business to display
- I have contacted the staff on a few occasions and found them very helpful.
- Hi, I have had several van inspections over the past 11years since I have been in the Ice-cream business and, I have always found them to be very important. I have also found that the inspection teams are very helpful and knowledgeable with their advice.
- When we had a visit prior to opening to ask for advice, the lady was very knowledgeable and helpful and made starting out in a food business a lot easier, and provided us with valuable info and a lot more confidence of what was expected of us.
- We don't currently get updates from the EHT so some updates would be beneficial to all the local businesses, both large and small
- I have always has a very positive relationship with the Environmental health team, where ever I have been. I am passionate about doing the best we can do, so any support that betters that is great for me. It is interesting to hear stories from experienced officers... not just the horror stories, but those that have led to better processes and safer practises. It would be great to have important information such as outbreak of disease, or such issues in our area.

Updates on protocol and procedures would also be good Information on Sources of contamination and discoveries - such the curry leaves that caused the Newcastle festival issues and new recommendation that may follow. New changes in law I app

- I was impressed by the attention to detail shown during my last visit.
- Very happy
- How do I go about booking another inspection or how long does my current certificate last for?
- Any information coming from PCC would be a bonus as at present we get NIL. Reading scare stories in the press and personal experience demonstrates that the EHO are only there to tell you when you are in the wrong but don't offer to inform you how to do it the right way in the first place. Council officers have the benefit of ongoing training and information/ legislation update and do nothing to pass this information on.
- No I have always found the, helpful in guiding me. I am, a very small trader in home grown and homemade jams in fact I am winding down to retirement. I think at 73 enough is enough. I have enjoyed meeting the customers at Craft Fairs and never had any intention of widening my sales. Basically I just grew too much fruit.
- The Local Team has been a great support to our business but it would always be good to get updates on initiatives and key areas of focus. Keep up the good work.
- I think it would very useful for the council to provide this service to catering businesses I would prefer to receive newsletters by either emails or post but would welcome an annual event also
- The team has been very knowledgeable and helpful in my dealings with them. I do feel good practice would be to meet up and assist prior to businesses setting up.
- If you had more staff you can work close with all food outlets to make sure no one falls into below a 3 star
- We present sandwich and savoury buffet platters, on each platter an ever changing ingredient list. How would you suggest we present and indicate allergy content on a practical basis? (CAN PROVIDE DETAILS UNDER SEPARATE COVER)