

## **Food Safety Service Plan 2019/20**

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## **INTRODUCTION**

1. This Food Safety Service plan has been produced as required by and in accordance with the Food Standards Agency Framework Agreement on Local Authority Food Law enforcement. It is written in the format prescribed by the Agency, its purpose being to demonstrate that Copeland Borough Council has in place adequate and effective arrangements to meet its statutory obligations in respect of Food Safety.
2. Copeland Borough Council is designated as a Food Authority under the European Communities Act 1972, the Food Hygiene (England) Regulations 2013 and the Food Safety Act 1990. This places a statutory duty on the Authority to enforce the Acts. The delegated Authority to do this lies with the Public Protection Manager.
3. This plan covers the following:
  - i) The Food Safety Service Aims and Objectives
  - ii) Background Information
  - iii) Service Delivery
  - iv) Resources
  - v) Quality Assessment
  - vi) Service Review.

## **SERVICE AIMS AND OBJECTIVES**

4. The Council's Corporate Strategy 2016-2020 sets out the Council's vision for 2020: Copeland Borough Council is a commercially focused organisation with a national reputation for high quality services. Copeland's mission will be to make Copeland a better place to live, work and visit. The Food Safety Service is an important contributor in helping to achieve the above.
5. The Service objectives are as follows: -
  - i. Ensure that all businesses involved in the preparation, sale, distribution or handling of food comply with food safety legislation and the requirements of codes of practice issued by the Food Standards Agency.
  - ii. To minimise 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.
6. The food safety service plan links to the corporate strategy objectives and the Environmental Health Service Plan. Plans are approved by the Corporate Leadership Team and Portfolio Holders. Objectives and action plans are reported on quarterly and annually. Food safety and environmental health service plan activity is monitored monthly by the Chief Executive and Portfolio Holder.

7. There is a flexible and adaptive approach to reporting on food safety which includes monthly Chief Executive reports, portfolio holder reports to the Executive or Full council. Reports are supported by regular social media briefings on food safety inspections.

## BACKGROUND PROFILE OF COPELAND

8. Copeland is situated on the west coast of Cumbria, covering over 284 square miles with an overall population of 75,000. Two thirds of the borough is located within the Lake District National Park, meaning the majority of the borough is rural, but the majority of the population reside within the four market towns of Whitehaven, Cleator Moor, Egremont and Millom. The nuclear sector, and its supply chain, is the major employer within the area, employing over 60% of all employees in Copeland.
9. The general prosperity of the borough, is not shared by all of our communities. Poorer standards of health and education, lower household incomes and higher levels of benefit dependency are concentrated in pockets of deprivation, hence improving the quality of life for all local people remains an overarching priority.

## ORGANISATIONAL STRUCTURE

10. Copeland Borough follows an Elected Mayor and Executive cabinet structure.
11. The Executive cabinet structure allocates responsibility for a range of Council activities to portfolio holders. The portfolio which currently incorporates the Food Safety function is Public Protection.
12. The Council has an Overview and Scrutiny Committee (OSC) and review panels, which broadly mirror the portfolio areas of the Executive members. OSC can be involved in the development of policy under its Overview role and will also scrutinise the decisions and activities of the council.
13. The food safety service is part of environmental health and reports directly to the Chief Executive. The Copeland Food Safety team consists of:
  - 1 Principal Environmental Health Officer (0.6 FTE – food safety functions)
  - 1 Environmental Health Officer
  - 1 part time Environmental Health Officer (currently vacant)
  - 1 part time Food Safety Technical Officer

Officers also undertake Health and Safety, Infectious Disease Control, Private Water supplies and some Environmental Protection functions in commercial food premises.

14. The provisions made for specialist services used on an as and when basis are:-

**Food Examiner:** FW & E Microbiology Lab, York

Email - yorkFWELab@phe.gov.uk

Tel: 01904 468 948

**Food Analyst:** County Laboratory, Peddles Way, Preston Riversway  
Docklands, Ashton-on-Ribble, Preston PR2 2TY Tel: 01772 721660

15. Short term contract works to cover staffing shortages, special projects, prosecutions or food poisoning investigations will be used as required.

## SCOPE OF THE FOOD SERVICE

16. The scope of the food safety service consists of:
- a Ensuring that all food premises within the Borough are identified and inspected on a risk-assessed basis;
  - b Implementing and maintaining the National Food Hygiene Rating Scheme;
  - c Reviewing planning and building control applications to ensure that food hygiene requirements are considered at the design and build stages of development;
  - d Providing advice to food businesses and members of the public on issues relating to food safety;
  - e Investigating all complaints relating to food and food safety and taking appropriate enforcement action to prevent potential outbreaks of food poisoning;
  - f Undertaking sampling in order to determine the quality and fitness of food that is available for purchase throughout the Borough;
  - g 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.
17. In order to provide an efficient and cost-effective service, officers who undertake food safety duties also undertake other duties such as Health & Safety at Work, Infectious Disease and Health Act enforcement. Whenever possible visits to premises for different purposes are combined to ensure that officer time is used efficiently and that the time spent with proprietors and managers of businesses is kept to a minimum.

## DEMANDS ON THE FOOD SERVICE

18. There are approximately 660 registered food premises within the Borough, mainly composed of restaurants, takeaways and retailers. A small number of businesses are seasonal, and a number of takeaways are run by proprietors whose first language is not English.
19. As of April 2019, the 660 registered food premises within the Borough were made up of the following food premises types:

Manufacturer/Processor	19
Packer	3
Distributor	1
Supermarket/Hypermarket	18

Small Retailer	129
Retailers others	2
Restaurant/Café/Canteen	125
Hotel/Guest House	83
Pub/Club	128
Takeaway	79
Caring Establishment	68
School/College	49
Mobile Food unit	10
Restaurant /Caterer – Others	78
<b>Total Registered Premises</b>	<b>791</b>

Incorporated in the above are the 8 Approved Premises.

20. Copeland has Procedures in place that ensure that the Food Standards Agency's Code of Practice and Practice Guidance document is followed. In addition, these Procedures also refer to the various Guidance Notes from the Local Government Regulation which gives guidance on Food Safety issues. Officers of the Council must and do have regard to these Codes and Guidance in undertaking the food safety function as they ensure consistent enforcement.
21. Council services are provided 08.45 – 17.15 hours Monday to Thursday and Friday 08.45 – 16.30 hours. This is supported by an out of hour's emergency response service accessed by calling the main switchboard number which diverts to on call officers.
22. Planned out of hours inspection and visits are also made by Officers on the basis of the trading times of food businesses and perceived need.
23. The food safety team provide a licencing and public health role. The service acts as a Responsible Authority for the Licensing Act 2003. Public health roles include The Health Act 2006 and the smoke free provisions.

### **Approvals**

24. The Authority approves premises which are required to be formally Approved under specific EU Legislation due to the increased risk posed by their particular food activities e.g. manufacturers or food premises producing meat products for other food businesses. There are currently 8 approved premises in Copeland.

### **The Food Hygiene Rating Scheme**

25. The Food Hygiene Rating Scheme (FHRS) is a Food Standards Agency/Local Authority partnership initiative. It is a national scheme which provides consumers with information about hygiene standards in food business establishments using, information gathered by officers at the time they are inspected to check compliance with legal requirements on food hygiene. The food hygiene rating given reflects the inspection findings.
26. The FHRS allows consumers to make informed choices about the places where they eat or shop for food and, through these choices, encourage businesses to improve their hygiene standards.

27. There are six different food hygiene ratings ('0' up to '5') - the top rating represents a 'very good' level of compliance with legal requirements and all businesses irrespective of the nature or size of their operation should be able to achieve this.
28. Food hygiene ratings are published online at <http://ratings.food.gov.uk/>. Businesses are encouraged to display a sticker showing their food hygiene ratings at their premises where consumers can easily see them, although there is no legal requirement currently to display them.
29. The FHRS incorporates safeguards to ensure fairness to businesses. This includes an appeal procedure, a 'right to reply' for publication (together with the food hygiene rating) at <http://ratings.food.gov.uk/> and a mechanism for requesting a re-inspection/re-visit for the purposes of re-rating when improvements have been made. Further guidance is available in the "Food Hygiene Rating Scheme: Guidance for Local Authorities on Implementation and Operation: the Brand Standard".
30. Copeland joined the scheme in 2012. The following Table shows the current list of Ratings for Copeland (as at April 2019):

<b>Ratings</b>	<b>2019</b>	<b>% of total</b>
0 – Urgent Improvement Necessary	1	0.14
1 – Major Improvement Necessary	4	0.6
2 – Improvement Necessary	14	2.06
3 – Generally Satisfactory	32	4.7
4 – Good	90	13.3
5 – Very Good	476	70.2
Exempt / excluded / sensitive	61	9
<b>Total</b>	<b>678</b>	<b>100%</b>

31. The Council received 37 requests for a re-inspection after the food business operator had addressed the issues raised during a 2018/2019 inspection.

#### **Enforcement Policy**

32. The Council has adopted the principles of the Regulators Code which provides a clear, flexible and principle based framework for how regulators should engage with those whom they regulate. The principles are incorporated within the Councils enforcement policy.
33. All food safety enforcement decisions are made following consideration of the Enforcement Policy. Any departure from the Policy will be documented.
34. A copy of the Enforcement Policy is available on request.

35. All food law enforcement will be carried out in accordance with the relevant Food Standards Agency Code of Practice and Practice Guidance and other Official Guidance produced by Local Government Regulation or the Food Standards Agency.
36. Where matters are identified or reported to officers and the enforcement responsibility lays with other council services or agencies, officers will refer the matter to the appropriate service or agency.

## **SERVICE DELIVERY**

### **Food Safety Interventions**

37. The enforcement of Food Safety legislation is governed by a Statutory Food Law Code of Practice and Practice Guidance. This specifies procedures and forms to be used by employees when enforcing the legislation. Interventions include the formal inspection regime, auditing, verification visits, sampling and food or food hygiene complaint investigations.
38. In March 2017 the Food Standards Agency issued a revised Food Law Code of Practice.
39. Interventions are risk based and a range of other interventions can be employed to achieve the same result, e.g. surveys, formal training and interventions including sampling, auditing, verification visits, as well as visits to investigate food or food hygiene complaints.

### **Performance Management Monitoring**

The Food Standards Agency has a remit to oversee local authority food law enforcement to ensure appropriate local services are in place.

40. Copeland report to the Local Authority Enforcement Monitoring System (LAEMS) uploading data from the Northgate public protection database.
41. Copeland uploads food inspection ratings to the FSA NFHRS database
42. Data on approved premises is provided as required to the FSA
43. The LAEMS return for 2018/2019 will be an electronic upload.

## **FOOD SAFETY INTERVENTIONS PLAN**

### **Inspections**

44. Inspections are carried out in accordance with the Food Law Code of Practice (March 2017).
45. Following each inspection, the premises are attributed a Risk Rating Score in accordance with Food Law Code of Practice, which determines the minimum inspection period before the next inspection. The risk score is entered on the Northgate software system and each quarter a list of premises due for inspection is produced.



46. At the time of every food premises inspection, a pro-forma is completed which is attached to the electronic premises file. Following each inspection, either a written report is sent to the proprietor of the business or, for minor matters, a carbonated handwritten report is left on site. The report and carbonated handwritten report have a standard format.
47. The inspection record includes an assessment of the risk from E.coli, based on Food Standards Agency guidance & is completed by Food Enforcement Officers in premises where raw and ready to eat foods are handled.
48. The Code requires Category A and B premises to receive an inspection at the appropriate frequency (6 months & 12 months).
49. Category C premises receive an inspection at the appropriate frequency (18 months)
50. Category D premises will receive an inspection at the appropriate frequency (2 years)
51. Category E premises will receive an inspection at the appropriate frequency (3 years)
52. For the year 2019/2020, it is anticipated that all of the high-risk premises that were due for inspection will have been inspected by the deadline of 31 March 2020.
53. Revisits are made in order to check on compliance with Enforcement Notices and to ensure poor standards and serious defects are addressed by the food business operator. This is at the officers' discretion, but in line with Departmental Enforcement Policy.
54. The use of the risk assessment scheme ensures that the highest priority is given to food manufacturers and caterers where conditions are below standard and premises that cater for vulnerable groups.

#### **Food Registration:**

55. A register of all food premises within the Borough is maintained in accordance with regulations. The register extracts data from the Northgate data base – cyber recovery work is ongoing.

#### **Information and Training**

56. The Food Safety team has received appropriate training to ensure knowledge of food specific legislation which relates to premises within the Borough.
57. The Food Safety Team are included in the weekly department team briefing and where necessary undertake team meetings to help ensure that inspection targets are being met and to enable the team to respond quickly to changes in legislation/guidance and develop and improve the methods of operation within the team. These meetings are led by the Principal Environmental Health Officer.

#### **New Businesses**

58. New food premises receive an initial inspection, generally within one month of opening or some other intervention.
59. All new food premises will receive an initial inspection and thereafter treated as above depending on the initial category.

## **Food Complaints**

60. An inspections may be undertaken following receipt of a food or food hygiene complaint if required by the nature and circumstances of the complaint.
61. Food complaints are varied in type and include:
  - a. Food which does not comply 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.
  - b. Food which is not of the nature or substance demanded by the purchaser.
  - c. Food not produced, processed or distributed in accordance with the Hygiene Regulations.
62. Copeland also enforces the provision of the Food Information Regulations 2014, which relate to 'Use-by' date labelling and quality issues, in co-operation with the trading standards authority.
63. All food complaints are investigated in accordance with policies and procedures detailed on RIAMS.
64. 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 Food Standards Agency where food complaints may have wider implications.
65. 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 would be taken at the recommendation of the officer concerned, in consultation with the Public Protection Manager and the Council's legal representative and in accordance with the Environmental Health Enforcement Policy
66. Dealing with food complaints is a relatively small part of the workload from April 2018 to March 2019 the Council received 35 complaints.

## **Food Fraud**

67. Officers are aware of the potential for food fraud and are mindful of this whilst undertaking interventions. Where intel is received, the Principal Environmental Health Officer will cascade the information to the team accordingly to investigate as appropriate.

## **Primary Authority Principle**

68. 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. The Primary Authority is usually where the head office for a company is situated.

69. If a business has a primary authority the officer will contact the primary authority before any enforcement action is taken, unless immediate action is required because of the imminent risk to health.
70. Currently this Council does not act as Primary Authority for any local business.
71. If a business requests a Local Authority to be its Primary Authority for any regulatory function, the Local Authority must agree to the request, although it may charge for the cost of doing so. Copeland isn't currently a Primary Authority.

### **Advice to Business**

72. Whilst the Council will utilise its powers to enforce the food legislation, it is realised that, where food businesses break the law, it is not always deliberate. As a consequence, it is the Council's policy to provide advice to business in a number of different ways.
73. The Food Safety team does not provide formal food hygiene training, as there are many local providers.
74. Advice is given during routine inspections and visits and also to direct queries received by letter or telephone. Provisional advice is given prior to the setting up of a food business upon request. Free advisory leaflets are provided, where appropriate.
75. Building Control and Planning applications are reviewed and advice given to the developers/applicants regarding issues relating to Food Safety and Health and Safety.
76. Details of NFHRS are reported weekly on the council's website and social media.
77. The Copeland website contains limited general information and is currently under review

### **Food Sampling**

Proactive, point of sale, food sampling programme can provide useful information about the microbiological fitness of food for sale within the Borough.

78. The Council participates in the Cumbria Food Liaison Group and provides input to co-ordinated food-sampling programmes based on agreed local priorities.
79. The sampling programme consists of the following:-
  - Target approved and high-risk premises
  - Participation in local initiatives devised by the local sampling group
  - Participation in Public Health Laboratory Service sampling initiatives.

### **Infectious Disease Control**

80. The investigation of food poisoning cases is given a high priority and in an outbreak situation can necessitate utilising officers from the environmental protection/pollution team, in addition to those in the food safety team (for example distributing faecal pots).
81. Outbreak investigations follow the Public Health England's North West Outbreak Plan and associated procedures and guidance. Such investigations will be overseen by the

Principal Environmental Health Officer and Public Protection Manager in partnership with Public Health England.

82. There are good links with Public Health England and all notifications are actioned on the day of receipt, by a telephone call, visit or a letter.

### **Liaison with Other Organisations**

83. To ensure that enforcement action taken in the area of this Council is consistent with national guidance and neighbouring local authorities, liaison arrangements are in place with The Food Standards Agency, FW & E microbiology lab York, Manchester Lab (clinical samples) and Public Health England.
84. The Council fully supports the work of the Cumbria Food Liaison Group. This group, which has representatives from all Cumbria Local Authorities, microbiology labs and Public Health England.

### **Food Safety and Standards Promotion**

85. Education and promotion activities can have a direct impact on food safety standards. The Council is committed to providing advice and information both to business and the public through a number of initiatives:
- Food advisory visits
  - Food Safety information leaflets
  - Food Safety Week/Food Link
  - Link to food safety information on the council website (currently under review)
  - As resources allow, talks to schools and other groups
  - World of work campaigns

### **Food Alerts**

86. All food officers are signed up to receive the automated Food Alerts notified from the Food Standards Agency. The Principal Environmental Health Officer will discuss with officers of appropriate action in each case, which may include mailshots, visits, local press releases, etc. The resource implication is unknown, as it depends upon the nature and type of alerts, but existing resources usually perform this work as and when required.

### **Equality and Diversity**

87. The Equality Act 2010 replaced many separate anti-discrimination laws with a single Act. It also strengthened the law in important ways and extends protection against discrimination on the basis of: race, disability, sex, gender reassignment, marriage and civil partnership, sexual orientation, age, religion or belief, and pregnancy and maternity.
88. There is a general duty under the act and some specific duties which include the need for public bodies to eliminate unlawful discrimination, harassment and victimisation,

advance equality of opportunity and foster good relations. In addition, there is a duty to publish certain information to demonstrate compliance with the Act.

89. Copeland borough council have an Equality & Diversity Scheme (2016-2020) that details the various measures in place to ensure the Service does not discriminate and is equally accessible to all.

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## RESOURCES

### Financial / Staffing Allocation

90. The Copeland Food Safety team consists of 1 Full time Principal Environmental Health Officer, 1 Full time Environmental Health Officer, 1 part time Environmental Health Officer (vacant post) and 1 part time Food Safety Technical Officer. These officers also undertake Health and Safety, Infectious Disease Control, Private Water supplies and some Environmental Protection functions
91. Officers only carry out work which is permitted by the qualification requirements of the code of practice.
92. Officers are delegated authority based on qualification and competency assessment which is reviewed as a minimum annually and will be updated as new regulations are made.

### Staff Development Plan

93. Training is determined during 1:2:1 and section meetings. This plan recognises the need for Professional Officers to meet Continuing Professional Development (CPD) requirements.
94. Training and development is based on the basic principles and ideals of:
  - The Council is committed to continuous development of employees and services to ensure it is properly equipped to deal with future challenges.
  - The Council will develop the potential of all its employees.
  - Officers and the team have a duty to the Council to meet food safety competencies
  - Regular and continual training and updating of skills in order to undertake "the job" are necessary.
  - Succession planning.
  - Training will include customer service training
95. Training may be provided through attendance at externally organised courses and seminars or through in-house training activities.

## QUALITY ASSESSMENT

96. The Food Law Code of Practice (England) Regulations, requires Authorities to have internal monitoring systems.
97. Officers follow food safety procedures aimed at meeting the requirements of the Food Safety Code of Practice and Official Guidance. This is regularly kept under review and is used to ensure consistency and improvements in service delivery.

98. Procedures are in place for achieving and monitoring the consistency and quality to ensure that its food safety service is provided in a way that is consistent with the Food Standards Agency Standard, Statutory Codes of Practice and nationally issued guidance.

## **REVIEW**

### **Performance against Plan**

The service is performing well and implemented business continuity arrangements to respond to the 2017 catastrophic cyber-attack.

99. The Food Safety Service Plan is reviewed annually.
100. Food safety actions are reported to the Chief Executive
101. The performance of the food service is reported annually to the Food Standards Agency, via the Local Authority Monitoring System (LAEMS).
102. The Food Standards Agency reports this performance data to Government and Europe.

### **Areas for improvement**

103. Copeland borough council is still recovering from a serious cyber-attack, which resulted in some electronic information being irretrievable. However, during the cyber-attack food hygiene interventions continued and advice provided for both businesses and members of the public.
104. Cyber recovery work includes:
- Review of food registration details corrupted by the 2017 cyber-attack.
  - Letters, inspection sheets/records to be scanned in the same file as the inspection letter
  - Sampling plan to be scanned/saved onto the N drive
  - Uploading documents to 365 – a cloud-based system.
105. Service improvements include a mobile working review and an increase of portfolio holder reports to the Executive on food safety.