

SCARBOROUGH BOROUGH COUNCIL
PROPERTY, HOUSING AND PUBLIC HEALTH
PORTFOLIO

INDIVIDUAL CABINET MEMBER DECISION

Date: Thursday, 11 September 2008


DECISION

1. **FOOD SAFETY SERVICE PLAN 2008/09** (Pages 1 - 18)
To consider a report by the Head of Environmental Services (Reference HES/08/62) attached.

These details are published for information only. The decision will be taken by the Cabinet Member who will receive Officer advice in private. A statement of the decision taken, with any appropriate supporting information, will be published as soon as reasonably practicable afterwards.

(N.B. If you have any questions or need further information, please contact Anne Smith, Committee Administrator, Town Hall, St. Nicholas Street, Scarborough – 01723 232307 Fax 0870 238 4159 or e-mail Anne.Smith@scarborough.gov.uk.)

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	REPORT TO PROPERTY, HOUSING AND PUBLIC HEALTH PORTFOLIO ON 11 SEPTEMBER 2008	
	Key Decision	NO
Corporate Priority Developing Safer and Stronger Communities Creating Healthy and Vibrant Communities	Date of Decision/ Referral to O&S Deadline for call-in 5.00pm Implementation Date (if no call-in)	Cabinet Portfolio Holder Cabinet Member for Property, Housing and Public Health Councillor Mrs Jane Mortimer 11 September 2008 16 September 2008 17 September 2008

REPORT OF: **Head of Environmental Services – HES/08/62**

WARDS AFFECTED: **All**

SUBJECT: FOOD SAFETY SERVICE PLAN 2008/09

RECOMMENDATION (S):

That the Food Safety Service Plan for 2008/09 be approved.

REASON FOR RECOMMENDATION (S):

To ensure the Council is in compliance with statutory requirements and Food Standards Agency guidelines.

1. INTRODUCTION

- 1.1 The Food Safety Act 1990, European Communities Act 1972 and supporting Regulations made under these Acts contain the powers necessary to ensure food safety and hygiene standards. Enforcement of these Acts is a statutory function of the Borough Council. The Food Safety Service is responsible for the ensuring safe standards of food manufacture and supply throughout the Borough. The service operates to standards laid down in the North Yorkshire Food Liaison Group: Food Quality Management System, which is registered to ISO 9001:2000 standard.

- 1.2 The Food Standards Agency (FSA) has published a Code of Practice in relation to food law enforcement that set out matters such as inspection frequency, risk rating and guidance on enforcement options. It is a requirement of the FSA that the Council develops an annual Food Safety Service Plan to outline by what means it intends to carry out its statutory functions under food legislation.

2. CORPORATE AIMS/PRIORITIES AND THE COMMUNITY PLAN

- 2.1 The work of the Food Safety Service supports a number of aims in the Corporate Plan, particularly Aim 1 - Developing Safer and Stronger Communities and Aim 3 – Creating Health and Vibrant Communities.

3. BACKGROUND AND ISSUES

- 3.1 The Food Safety Service Plan 2008/9 (attached) has been developed in accordance and having full regard to statutory codes of practice and FSA guidance. It lays out in detail the objectives of the service, an interventions programme, quality and performance information and the resources available.
- 3.2 The draft plan was considered as part of the FSA audit of the Council's Food Safety Service in May this year. Recommendations made by the inspectors following the visit in relation to the plan have been taken into account and the plan amended accordingly.

4. CONSULTATION

- 4.1 Not relevant to this report.

5. ASSESSMENT

- 5.1 The plan highlights that one of the main issues to be addressed is difficulty in keeping pace with planned inspections. Funding was secured in 2007/08 which enabled the use of specialist environmental health contactors to inspect medium and low risk premises. This approach will continue into 2008/09 and beyond and the plan highlights this.

6. IMPLICATIONS

- 6.1 There are no legal, financial or policy implications arising out of this report.
- 6.2 There are no implications regarding staffing, planning, crime and disorder, health and safety or environmental issues arising from this report.



A J Skelton
Head of Environmental Services

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Background Papers:
None

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS, PLEASE CONTACT STEVE POGSON ON THE ABOVE DETAILS.

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**Scarborough Borough Council
Environmental Services**



A great place to live, work & play

**FOOD SAFETY SERVICE PLAN
2008 - 2009
Revised July 2008**

**Scarborough Borough Council
Environmental Services**

FOOD SAFETY SERVICE PLAN

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Foreword

The Food Safety Service is responsible for the ensuring safe standards of food manufacture and supply throughout the Borough. Establishing policy in respect of the Service is the responsibility of the Head of Environmental Services, subject to Member approval. A specialist Food and Occupational Safety team operating within Environmental Services carries out food safety enforcement. The service operates to standards laid down in the North Yorkshire Food Liaison Group: Food Quality Management System, which is registered to ISO 9001:2000 standard.

FOOD SAFETY SERVICE PLAN

1 SERVICE AIMS AND OBJECTIVES

The main objectives of the Food Safety Service are, as set out in the context of Corporate Aims:

Aim 1 - Developing Safer and Stronger Communities

- To ensure that all food premises available to residents and visitors in the Borough meet the high standards of food hygiene and safety required.

Aim 2 – Building Prosperous Communities

- To provide assistance and advice to existing and new food businesses as appropriate.

Aim 3 – Creating Healthy and Vibrant Communities

- To ensure efficient administration of all aspects of the service.
- To ensure that food premises are maintained to a high standard of hygiene and safety.
- To ensure that comprehensive advice and assistance is available to food businesses to enable them to achieve high standards of hygiene and food safety.
- To implement continuous service improvements as soon as practicable.
- To investigate as appropriate all complaints relative to food safety and hygiene received from the public.
- To investigate as appropriate all reports of food poisoning and food related infectious diseases.

The service aims also include the following performance standards:

National Indicators

NI 182: Satisfaction of business with local authority regulation services

The Council aims to achieve a 75% satisfaction rate although the NI encompasses all enforcement activities, not just food safety. However, the Food Safety Service undoubtedly has the most interactions with businesses in the authority's area.

NI 184: Food establishments in the area which are broadly compliant with food hygiene law

The service aims to achieve a 75% target of “broadly compliant” food establishments in 2008/09 rising by 1% in each of the two following years

Local Indicators

(i) In respect of internal performance there is one indicator:

- % change in level of reported food poisoning measured over a 3 year period

The service is targeting a -20% decline in reported food poisoning over each 3 year period. This target was established in line with the Food Standards Agency target. However, it is influenced by a number of factors including food poisoning (or suspected food poisoning) contracted abroad. In that regard it remains a crude indicator.

Performance is regularly monitored and local indicators reported to the Councils Performance Management Service on a quarterly basis. The Councils Performance Management Service has a system of data quality checks which are, in effect, an independent check on reported performance. In addition, performance in relation to inspections and other performance indicators is reported to the QMS Quality Manager on a quarterly basis.

In addition to the above, the service operates, as previously stated, under the North Yorkshire Food Liaison Group: Food Quality Management System that has ISO 9001 Registration. This quality system is based around the Code of Practice requirements. The system is audited and accredited through ISOQAR. The Environmental Services Enforcement Policy includes the enforcement of food safety legislation.

2 BACKGROUND

The Food Safety Act 1990, European Communities Act 1972 and supporting Regulations made under these Acts contain the powers necessary to ensure food safety and hygiene standards. Enforcement of these Acts is a statutory function of the Borough Council. The Food Standards Agency (FSA) has published a Code of Practice in relation to food law enforcement that set out matters such as inspection frequency, risk rating and guidance on enforcement options. In addition, bodies and agencies such as the Food Standards Agency and Local Authorities Coordinators for Regulatory Services (LACORS) periodically publish guidance to Food Safety Enforcement Authorities and Officers.

Local authorities are under a duty to carry out inspections and deal with other matters relative to food safety. Statutory statistical returns are made to the Food Standards Agency in relation to this work on an annual basis. The Food Standards Agency has powers to take over the food safety function of local authorities if there is a failure to meet the statutory requirements.

Scarborough Borough Council has a large number of food premises in its area relative to the population. The area is predominantly rural with population centres at Scarborough, Whitby and Filey. Tourism is a primary source of employment in the area. The seasonal nature of many businesses impacts upon the ability to maintain targets and levels of service in the busy summer months. Another factor is the size of the area which can result in lengthy travelling times when carrying out work in the rural hinterlands. Some basic statistical information in respect of the Borough follows:

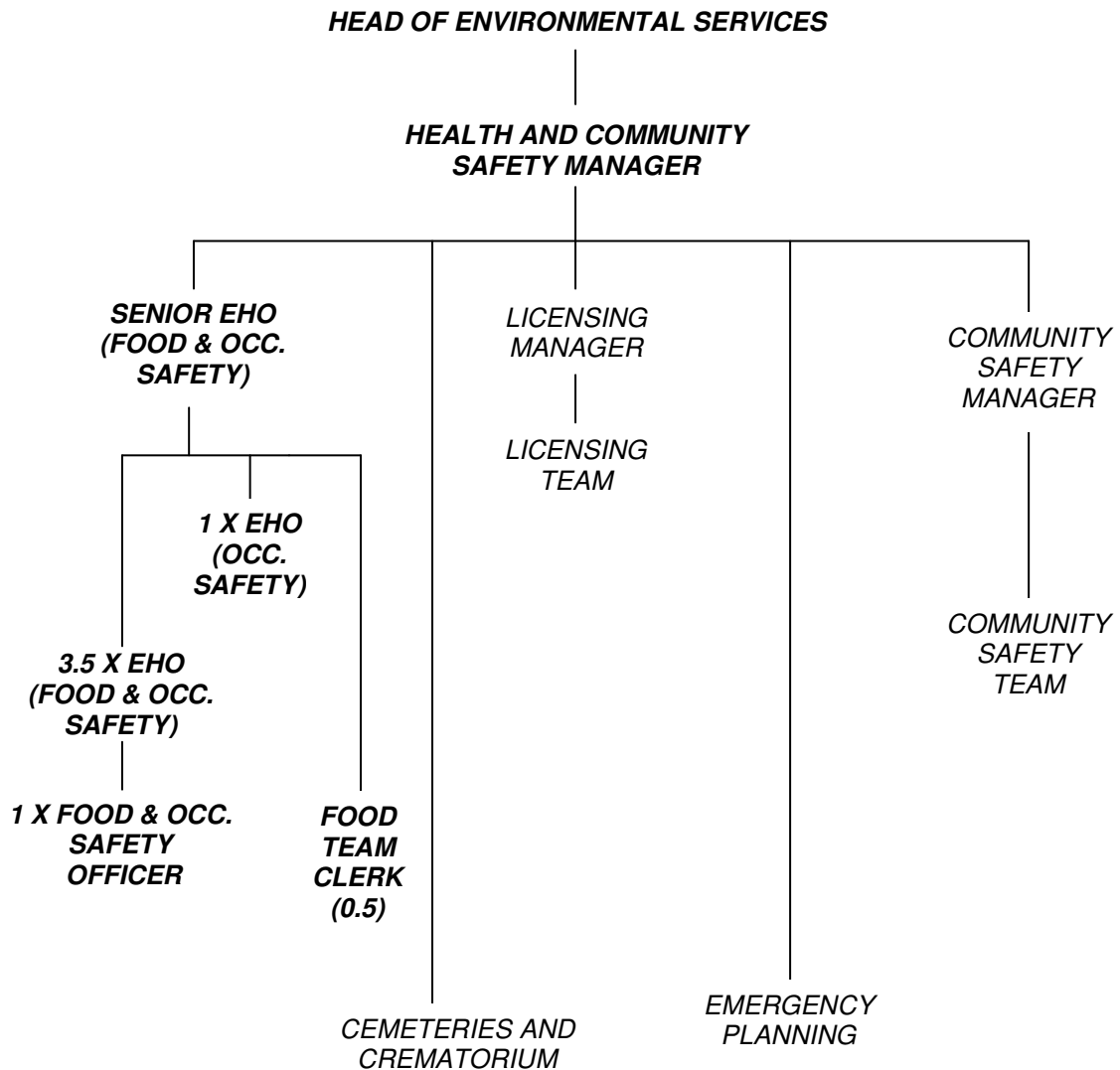
Total population:	107,800
Total area:	200 square miles
Population density:	535 persons per square mile
Number of food premises:	2038

In 1999 the Borough Council adopted the North Yorkshire Food Liaison Group: Food Quality Management System for which ISO registration was achieved in November 2002.

The Food Safety Enforcement Service mission statement is:

"To protect and promote the health and safety of people who live in, work in or visit the Borough of Scarborough by ensuring high standards of food safety and hygiene in accordance with the principles of Best Value."

The organisational structure of the Health and Community Safety Service is detailed in the diagram below:



Food safety falls within the remit of the Public Health Portfolio holder who is a Member of Cabinet. Matters which affect Council Policy, or which may have a significant impact on the authority are reported to Cabinet. All other matters are reported to the Portfolio holder at regular meetings with the Head of Service.

The Enforcement Policy, which covers all enforcement activities within Environmental Services, is regularly updated as legislation or codes of practice change.

3 SERVICE DELIVERY

(a) Management and Staffing Arrangements

The Health and Community Safety Manager Steve Pogson manages this service. He is the Section Head for the Food and Occupational Safety team. The team is managed on a day-to-day basis by the Senior Environmental Health Officer Julie Hill who works in close liaison with the Health and Community Safety Manager in respect of policy and other issues relative to the service operations.

(b) Services Provided

The core functions of the service are as follows:

Interventions

An interventions programme is central to an effective enforcement regime, and food authorities must ensure that such a programme is appropriately resourced. Interventions are activities which are designed to monitor, support and increase Food Law compliance within a food establishment. They include, but are not restricted to, Official Controls which are defined under Article 2 of Regulation (EC) No. 882/2004 as controls for the verification of compliance with food law. Methods and techniques for carrying out tasks related to Official Controls are specified in Article 10 of Regulation (EC) No.882/2004. These include monitoring, surveillance, verification, audit, inspection, sampling and analysis.

Interventions which are not Official Controls, should assist in supporting food businesses to achieve compliance with Food Law and may include the provision of targeted educational and advisory visits to food establishments. For example, Safer Food Better Business coaching visits. Other non-official interventions may include information and intelligence gathering.

Proactive Inspections

The Food Law Code of Practice requires interventions to be carried out in accordance with a specified risk-rating scheme. The scheme rates premises between A and E, that is to say high risk (A) and low risk (E).

Planned inspections will remain the mainstay of the Food Safety Services operations for medium to high risk premises but this will be supported by other interventions, such as verification and sampling visits where justified in relation to premises in category E. In relation to the lowest risk food premises (category E), these will be monitored primarily through information gathering as part of an alternate enforcement strategy.

The current breakdown of premises in the Borough is as follows:

Category	No Premises	Minimum Frequency of Inspection
A	16	at least every 6 months
B	164	at least every year
C	958	at least every 18 months
D	335	at least every 2 years
E	559	Alternative enforcement strategy
U	6	Unclassified (est)
Total	2038	

EC Approved Premises are currently inspected in accordance with the frequency specified in the Code of Practice as follows (number of premises locally in brackets):

Fishery Premises (high risk)	(6)	at least every 6 months
Other Fishery Premises	(10)	at least every 12 months
Dairy	(1)	at least every 6 months
Meat Products (This includes 2 premises approved for Meat Preparations)	(3)	at least every 4 months
Egg Packers	(1)	at least every 12 months

These inspection frequencies are subject to change in accordance with the new Code of Practice expected in 2008.

In addition follow-up visits to verify compliance are likely to be required at approximately 30% of premises. The total number of programmed interventions during 2008/2009 is 534. Phasing in the current backlog (mainly D and E rated premises), approximately 1451 interventions are required in 2008/09. The majority of these will require inspection. Resources have been secured, through contractors, to achieve approximately 550 inspections in 2008/09. The target is to clear any backlog of inspections by the end of 2008/09.

The following table shows the inspections due in 2008/09 by risk rating.

Risk category	Inspections Due in 2008/09	Inspection Backlog
A	14	5
B	151	15
C	297	277
D	38	204
E	34	416
Totals	534	917

Food and Food Premises Complaints

Food and food premises complaints are all investigated in accordance with local procedures allied to the quality system. Based on previous records it is estimated that the service will receive in the order of 20 food complaints and 150 complaints relative to premises in 2008/9. The service is also likely to receive in the order of 450 other food

related enquiries. This includes new business enquiries, legislative queries, export certificates etc.

Infectious Disease Control

All infectious disease notifications are dealt with under local procedures. Those related to food poisoning or food borne illnesses are allied to the quality system. Based on previous records it is estimated that the service will receive 180 notifications of which 150 will be in respect of suspected food poisoning, during 2008/09. Viral outbreaks also have a significant impact on the service, particularly when associated with one of the larger hotels and approximately 25 such outbreaks are expected in 2008/09.

Food Sampling

A Food Sampling Policy has been prepared. Samples taken from EC Approved premises, other high-risk producers as well as regional and national sampling surveys organized through the Health Protection Agency (HPA) or LACORS will be incorporated together with imported food samples.

Food Alerts

The service fully supports the Food Standards Agency Food Alert System. The operation of this system is covered in the quality system. The Food Alert (FA) System receives 24-hour cover. FA's are sent by SMS messaging to the mobile phones of officers. Notifications are immediately notified to the service during office hours and to the stand-by duty officer at any other time. The stand-by officer can, depending on the FA, access the EHC net for further details. It is estimated that some 50 FA's will be received and actioned where necessary during 2008/09.

Advice to Food Businesses

Service staff are available to give advice and assistance wherever possible to food businesses and individuals. Staff will also, on request attend and give talks to local business and other food related groups. Following on from the successful implementation of the FSA Safer Food Better Business (SFBB) workshops and coaching and further locally delivered workshops in 2007/08 it is intended to deliver a small number of SFBB seminars in 2008/09.

Home Authority Responsibilities

The service has Home Authority agreements with Woodheads and Cooplands which fully support the LACORS Home Authority principle. The service also acts as originating authority for a range of food manufacturers and producers, such as McCains. These agreements are likely to become Primary Authority agreements in line with the changes introduced by the Regulatory Enforcement and Sanctions Act.

North Yorkshire Food Safety Quality Management System

The Senior EHO is responsible for local day-to-day management of the Food Safety Quality Management System.

(c) Stakeholders, Clients, Partners etc, and their Requirements

Current stakeholders for the service are as follows:

Local residents and visitors to the area
Local businesses allied to the food industry
Other agencies and bodies such as North Yorkshire County Council Trading Standards, Commission for Social Care Inspection, Trading Standards, etc.)

It should be noted that the Department is a member of the North Yorkshire Food Liaison Group along with all other local authorities in North Yorkshire, 8 in total. The Senior EHO or the Health and Community Safety Manager attend meetings of this group. A principal aim of the Group is to promote consistency in the standards of food safety and hygiene enforcement and strive for continual improvement across the County.

(d) SWOT Analysis

This is a useful tool for analyzing information to enable planning for the future, by stating the strengths, weaknesses, opportunities and threats that lie before the service.

(a) Strengths

There can be little doubt that there will always be a need to enforce the law in respect of food safety and hygiene. Failure to ensure adherence to legislative demands can, and indeed does periodically, lead to illness from food poisoning and in some cases death.

(b) Weaknesses

At present there is no system for levying an inspection charge on premises although Butchers Shops were licensed (for a short period) until November 2005. Any requirement to increase the scope of the service will therefore lead to increased costs. The large number of premises, the topography of the area and the seasonal nature of some businesses also present difficulties for the Service in the face of increasing work demands.

(c) Opportunities

There are few opportunities available to the Service; all work is required by statute. The licensing of food premises could increase the income to the Service but this can only be introduced through legislative change.

(d) Threats

The work of the Service is dictated by statutory requirements that are closely monitored. Failure to meet these demands may be met by intervention by the Food Standards Agency and lead to this function being taken away from the Borough Council with the Council being charged the full cost of such an intervention.

4 RESOURCES

Human Resources

There is no doubt that the workload on this service has increased markedly over the last few years. Legislative changes have increased the complexity and the depth of knowledge required to undertake work in this service. The UK has also been the subject of a number of recent FVO Missions focusing resources towards the inspection of approved premises. In real terms, the resources allocated to food safety remained static until an Organisation and Management (O&M) Report in March 2003 identified a need for additional resources.

The Food and Occupational Safety Team was brought up to a total of 7 Officers (6 deal with Food Safety issues with one officer specialising in Occupational Safety) with new appointments being made in 2003. However, despite the increase in resources, over the last two years there have been problems with the loss of experienced Officers and long-term illness within the team. In the last financial year 2007/08 the service lost at least 3 months of 1 fte officer with long-term illness.

In 2008/09 this issue will be partly addressed through the use of contractors to undertake a number of medium to low risk premises, partly addressing the current "backlog" of inspections.

Financial

The total budget for this service is £241069 (2008/09). Full details are as set out in the following table:

2008/09 FOOD SAFETY TEAM BUDGET	
Salaries	Time Allocation (%)
KC	100
TD	100
RG	80
DB	80
BS	80
TA	80
JH	50
SP	25
Total	201491

OTHER COSTS

Professional Subs	750
Equipment	1000
Protective Clothing	200
Hospitality	200
MVM annual charge	8000
Car allowances	12050
Printing & Stationery	500
Books	1000
Training & Seminars	1000
Travel & subsistence	500
Postage	1000
Phones	2000
Support Services:	
Accountancy	967
Audit	73
Computer	1455
EHS Director	5438
Legal	3445
	11378
TOTAL	241069

5 QUALITY ASSESSMENT

As stated earlier the Borough Council has adopted the North Yorkshire Food Liaison Group: Food Quality Management System (QMS), periodically audited through a system of inter-authority auditing as well as by the ISO standard accreditation body.

The service endeavours to ensure that quality standards are set up and maintained in accordance with the ISO 9001 Registration and the Food Quality Management System working in partnership with other North Yorkshire local authorities.

The Quality System includes a number of checks, such as file checks, accompanied visits etc. which are designed to ensure that all inspections and enforcement work meets the criteria based on statutory requirements. All these verifications and checks are recorded in the QMS Central records file.

6 REVIEW

Service Context

Specific demands on the service arise because of the seasonal nature of the area; many premises only operate during the summer months. In addition there are a number of EC Approved producers to which an enhanced inspection regime applies; summarised as follows:

Fishery Products etc.	16
Dairy Products	1
Meat Products	3 (of which 2 also approved for meat preparations)
Egg Packing	1

Several large food manufacturers of both national and regional importance are represented in the Borough Council's area, including McCains Foods, Woodheads Bakers, Cooplands Bakers and Whitby Seafoods.

There are also two fish markets at Scarborough and Whitby where fish inspection is required periodically. Fishing vessels at these ports are largely "day boats" and these are considered lower risk than the deep sea and factory vessels. Nonetheless periodic inspection of these vessels will need to be undertaken in liaison with the Harbour Master.

Resource Issues

To help address resources issues encountered in 2007/08, contractors were engaged to carry out a number of medium to low risk premises inspections. In 2008/09 one officer post will become part-time and this has enabled a decision to be made to engage contractors to carry out a number of medium to low risk inspections/interventions each year, using the savings arising.

Review of 2007/08

In relation to historic performance, in 2007/08 it was planned to achieve 647 inspections in total (primary inspections). The actual number of inspections achieved was 878 primary inspections and 356 secondary inspections (or other food visits). In relation to the exceeded target this was mainly attributable to the engagement of contractors to undertake inspections of medium and low risk premises. The contractors undertook 374 primary inspections during the 2007/08 period. See table below for further details.

Service Activity	Planned/Estimated	Actual
Primary inspections	647	878
Secondary inspections	130	356
Food complaints	30	17
Hygiene complaints	150	146
Requests for advice	250	366
Seizure/voluntary surrender	0	0
Food samples	141	129
Suspected food poisoning	60	147
Viral outbreaks	30	23
SFBB workshops	5	8
Food alerts	60	49
Other food requests (eg export certificates)	92	111
Prosecutions		1
Simple Cautions		2
Hygiene Improvement Notices		30

A number of the SFBB Workshops were aimed at the take-away sector as these were perceived as presenting a particular risk based on past compliance issues. Workshops were delivered in both Chinese and English as appropriate.

Areas of Improvement

Environmental Services has identified a number of areas for improvement in respect of the Service. These improvements in the Service are set out below:-

1 Staff Training

The level of staff training to meet the requirements of Food Law Code of Practice requires that staff involved in food safety receive a minimum of 10 hours per year specific food safety training, quite apart from other professional training.

The authority is a member of the North Yorkshire Chief Environmental Health Officers Training Group. The group provides training for Environmental Health Officers in a wide range of fields. This group has organized the Quality Assurance and Assessor training required to meet the requirements of the food quality system. As part of an overall staff development plan it is intended to seek specific food training either through this group or from outside sources to meet this additional training need.

The shortage of appropriate training specifically in food however presents a problem, particularly given the geographic location of Scarborough.

2 Sampling Programme

The current Sampling Policy and associated programme includes sampling of foods produced by EC Approved premises and food manufacturers. The change in HPA sampling allocations may result in some costs associated with sampling as the program may involve more sampling than our current allocation.

3 Partnerships

To improve partnerships with other bodies in relation to food hygiene training (Yorkshire Coast College) and other agencies relative to food safety (North Yorkshire County Council Trading Standards and the Commission for Social Care Inspections).

4 Dedicated Officer Scheme

To continue to promote the Dedicated Officer Scheme available to local businesses for advice on all food and other safety issues. This scheme provided local businesses with contact details of a specific named officer who will deal with all food and health and safety matters relative to the activities of that business. The advantage of this scheme is that consistent advice is available through an officer, with a detailed understanding of the operations of that business.

5 Addressing the Inspection Backlog

The use of contractors in 2007/08 has been referred to elsewhere. Further use of contractors in 2008/09 and future years should enable the current backlog to be addressed in 2008/09 and enable the service to deal with all inspections/interventions in accordance with intervention frequency requirements in future. Funding has been secured in the medium term for this approach.