

Public Document Pack

Executive Member Decisions

Friday, 14th July, 2023
10.00 am

AGENDA

1. **Food Law Service Plan 2023/24**
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Appendix 1 for Food Law Service Plan 2023/24

Date Published: Date Not Specified
Denise Park, Chief Executive

EXECUTIVE MEMBER DECISION



REPORT OF:	Executive Member for Environment & Operations
LEAD OFFICERS:	Strategic Director of Environment & Operations
DATE:	14 July 2023

PORTFOLIO/S AFFECTED:	Departments
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WARD/S AFFECTED:	(All Wards);
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SUBJECT:	Food Law Service Plan 2023/24
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1. EXECUTIVE SUMMARY

1.1 This report seeks approval for the Food Law Service Plan for the year 2023/24. It details Public Protection and Environmental Health Service's performance in 2022/23 on delivering the Council's obligations to make sure food is safe to eat and is what it claims to be, explains what work is required in 2023/24 and what resource is available to deliver the work.

1.2 The current staffing resource is sufficient to deliver the work required.

2. RECOMMENDATIONS

That the Executive Member:

Approves the Food Law Service Plan 2023/24.

3. BACKGROUND

3.1 The Food Standards Agency's (FSA) "Framework agreement on official feed and food controls by local authorities" (Framework agreement) sets out what the FSA expects from local authorities in their delivery of official controls on feed and food law.

3.2 One of the requirements of the framework agreement is that local authorities agree a service plan for the delivery of the official feed and food controls. The Food Law Service Plan for 2023/24 for Blackburn with Darwen Borough Council is at appendix 1 to this report.

4. KEY ISSUES & RISKS

4.1 The Food Law Service plan has been drawn up in accordance with the common format suggested within the FSA's framework agreement. It therefore provides all of the details required by the FSA.

4.2 It makes reference to the requirements in the FSA's Food Law Code of Practice. This in particular details the frequency at which food businesses should be inspected or have some other intervention

to ensure compliance with legislation designed to make sure food is safe and is what it claims to be. The frequency of inspection depends on the risk of the business causing food poisoning or selling food which is unsatisfactory in some other way. The risk is calculated using a formula in the Food Law code of practice which takes account, amongst other things, of the type of foods sold, suitability of food handling practices, state of repair and cleanliness of the premises and confidence in management in maintaining safe standards. The higher the risk the more often an inspection needs to be carried out.

4.3 Due to the Covid-19 pandemic, for almost 2 years the food safety inspection programme was severely curtailed. This is because the staff normally employed to carry out food safety work were diverted to deal with Covid-19 control work. Additional temporary staff resources were recruited using the Covid Outbreak Management Fund (COMF) support for local authorities. This has allowed significant numbers of food safety inspections to be carried out to catch up with the programme. In total 599 food safety inspections were carried out in the year. Only 1 inspection that was due was not carried out due to problems with accessing the business.

4.4 In 2022/23 94.2% of food businesses in Blackburn with Darwen were broadly compliant with food hygiene regulations (this is a score of 3 or above on the Food Standards Agency's Food hygiene Rating Scheme).

4.5 The current staffing resource is sufficient to deliver the work required.

5. POLICY IMPLICATIONS

5.1 The work detailed in this Food Law Service Plan supports the corporate plan objective of building healthier, happier and safer communities.

5.2 The Environment portfolio corporate scorecard has a measure of the number of food businesses achieving a rating of 3 and above on the FSA Food Hygiene Rating Scheme. Completing the inspection element of the food law delivery plan allows this measure to be reported on.

6. FINANCIAL IMPLICATIONS

None.

7. LEGAL IMPLICATIONS

7.1 The carrying out of inspections follows the Food Standards Agency's Framework Agreement on Local Authority Food Law Enforcement, and the Food Law Code of Practice.

Each Competent Authority must have an up-to-date, documented Food Service Plan that covers all areas of food law that the Competent Authority has a duty to enforce and set out how the authority intends to deliver Official Controls within its area.

8. RESOURCE IMPLICATIONS

None

9. EQUALITY AND HEALTH IMPLICATIONS

Please select one of the options below. Where appropriate please include the hyperlink to the EIA.

Option 1 Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2 In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision. *(insert EIA link here)*

Option 3 In determining this matter the Executive Board Members need to consider the EIA associated with this item in advance of making the decision. *(insert EIA attachment)*

10. CONSULTATIONS

10.1 The food law service plan will be made available on the council's website for comment.

11. STATEMENT OF COMPLIANCE

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

12. DECLARATION OF INTEREST

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded and published if applicable.

VERSION:	1
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CONTACT OFFICER:	Denise Andrews
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DATE:	3 May 2023
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BACKGROUND PAPER:	None.
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**BLACKBURN WITH DARWEN
BOROUGH COUNCIL
PUBLIC PROTECTION SERVICE**

FOOD LAW SERVICE PLAN

2023-24

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INTRODUCTION

This plan explains how Blackburn with Darwen Borough Council will deliver its responsibilities for food law enforcement through its Public Protection Service (PPS) for 2023/24. In addition it reviews the work carried out in the previous year to meet the Council's plans and obligations.

Due to the Covid-19 pandemic the food safety inspection program was severely curtailed for almost 2 years. The Food Standards Agency issued periodic instructions on how available staffing resources should be used to prioritise food safety work. We have been able to meet these requirements.

Blackburn with Darwen Borough Council is a unitary authority which has responsibility for regulating businesses with regards to food hygiene, safety, standards and food and feed hygiene at primary production.

The plan has been produced in accordance with the Food Standards Agency Framework Agreement on Local Authority Food Law Enforcement.

The plan seeks to provide clarity on what we do and why we do it.

The plan is reviewed and updated annually. It is presented before the Executive Elected Member for Environment and Operations for consideration and approval.

1. SERVICE AIMS AND OBJECTIVES

1.1 Aims and Objectives

Aims

To ensure a fair and safe trading environment and to improve standards of health and reduce inequalities in the Borough through the development and implementation of effective inspection programmes.

The aims and objectives have been set with reference to the Council's corporate strategic objectives, The Food Standards Agency Framework Agreement and Food Standards Agency Codes of Practice and Practice Guidance.

Objectives

The prime objectives of the service in relation to food are:

- Deliver the Food Safety Inspection Regime
- Deliver the Food Standards Inspection Regime
- Promote and administer the Recipe 4 Health Scheme

1.2 Links to Corporate Objectives and Plans

Corporate Plan 2023-2027

The Council's corporate plan has 4 core missions:

- A more prosperous borough where no one is left behind
- Every child and young person to have opportunities to fulfil their potential
- Deliver our climate emergency action plan
- Build happier, healthier and safer communities

The work detailed in this Food Law Service Plan supports the objective of building happier, healthier and safer communities.

The Public Protection Service in turn draws up an annual Service plan which details work priorities to contribute to the Council's overall priorities. This food service delivery plan is aligned to it. Each individual member of staff, through the annual appraisal process, is set work objectives to ensure the overall achievement of these plans.

2. BACKGROUND

2.1 Profile

Blackburn with Darwen lies on the boundary between the Lancashire countryside and the Greater Manchester conurbation.

The central urban areas of the Borough have many problems more often associated with inner cities – high population density, and many people from disadvantaged or vulnerable groups.

2.1.1 Population

The latest population figures for 2021 show a population of 154,800.

The people of Blackburn with Darwen face exceptional challenges to their health and wellbeing. These challenges are associated with a number of factors including relatively low educational attainment, low income, high unemployment, and poor and often overcrowded housing. In the English Indices of Deprivation 2019 report, Blackburn with Darwen was cited as the 9th most deprived local authority area in England.

Life expectancy data from the early 1990s onwards has shown that in Blackburn with Darwen resident's average life expectancy has been below that of the England and Wales and North West averages. The health of people in the borough lags behind the England average on a range of indicators.

2.2 Organisational arrangements

The delivery of the Food Service Plan sits with the Council's Public Protection and Environmental Health Service. This is part of the Environment and Operations Department.

The authority has made provisions with the following bodies in order to deliver certain specialist areas:

Public Analyst Services provided by Lancashire County Analyst

The Consultant in Communicable Disease Control is drawn from a pool of staff at UK Health Security Agency (UKHSA).

2.3 Scope of the Food and feed service

Food hygiene, safety and standards matters are dealt with by Environmental Health Officers (EHOs) within the business compliance team. Higher risk food standards inspections are carried out by Trading Standards Officers.

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Animal feed inspections are undertaken by Oldham Council acting on our behalf.

The range of work undertaken is:

- Taking appropriate action on all food alerts
- Investigating food poisoning outbreaks
- Investigating food complaints
- Completing risk-based inspections (including revisits) for food hygiene and standards.
- Responding to service requests and complaints
- Responding appropriately to all non-outbreak infectious disease notifications
- Completing all new registrations, including risk rating within 28 days where resources allow
- Completing the sampling programme
- Providing advice to food business operators
- Maintaining the APP/FLARE database
- Maintaining the food safety website
- Improving partnership working
- Working with EHL and TSNW to provide coordinated and consistent food safety/trading standards activities throughout the North West and Lancashire
- Providing publicity campaigns and promotional activities
- Maintaining Primary Authority relationships
- Supplying accurate and timely information to stakeholders, internal management and customers
- Providing advice on planning and building control applications where there are significant developments
- Deliver Recipe 4 Health Award scheme on behalf of the Council's Public Health Service

2.4 Demands on the feed and food service

There are 1375 food premises currently registered in Blackburn with Darwen.

Profile of establishments

Primary Producers – 5
Manufacturer/Packer – 50
Food Importer/Exporter – 4
Distributor/Transporter – 17
Supermarket/Hypermarket – 31
Small Retailer – 250
Retailer/Other – 58
Restaurant/Cafe/Canteen – 204
Hotel/Guest House – 16

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Pub/Club – 108
Take Away – 237
Caring Premises (care homes and child minders) – 197
School/College – 74
Mobile Food Unit – 24
Restaurant/Caterer Other – 104

Approved premises

Meat Preparation Establishments – 3
Meat Product Establishments – 10
Dairy Establishments – 1
Egg Processors - 1

Demand for out of hours inspections can come from any of these premises ranging from clubs and pubs to take away premises.

There is also a large resource demand from premises which change hands, swapping from experienced owners to new investors who need guiding through food hygiene and trading standards legislation.

The Public Protection Service is delivered from Davyfield Depot, White Dove Building, Roman Road Industrial Estate, Blackburn, BB1 2LX.

The service is available from 9am to 5pm Monday-Friday. Telephone callers are routed through the Council contact centre which is open 9am-5pm Monday-Friday.

First point of contact for trading standards matters is provided by Citizens Advice Consumer Service.

The emergency out of hours contact number is 01254 51098.

2.5 Enforcement policy

The Council's enforcement policy embraces the policies and procedures detailed in the Regulators Code. The policy is published on the Council's website.

<https://www.blackburn.gov.uk/legal-notices/enforcement-and-prosecution-policy>

3 SERVICE DELIVERY

3.1 Interventions in food and feeding stuffs establishments

Inspections for all food premises are risk-based and pre-programmed. For food hygiene purposes the Food Standards Agency Food Law Code of

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Practice risk rating scheme is used. These scores are fed into the national Food Hygiene Rating Scheme which publishes business ratings for food hygiene on the website: <http://ratings.food.gov.uk/>

Food standards inspections are also scored using the Food Standards Agency Food Law Code of Practice risk rating scheme.

Food hygiene rating & non-compliant premises

The rating profile of food businesses within the Food Hygiene Rating Scheme (FHRS) is as follows:

Rating	Number of premises
0	2
1	32
2	24
3	79
4	196
5	666
Awaiting Inspection	125
Exempt	124

The total number of broadly compliant premises operating within the Borough in 2022/23 was 94.2% of the premises within FHRS eligibility.

The FHRS scores can be viewed on the Food Standards Agency website at <http://ratings.food.gov.uk/>

Due to the response to the covid-19 pandemic required by Environmental Health Officers the food safety inspection programme was severely curtailed during 2020/21 and 2021/22. The Food Standards Agency recognised this impact and have issued a recovery plan.

At the end of 2022/23 all inspections due under the recovery plan were completed. This was only possible to achieve because of the additional, temporary staffing resources provided through the Covid Outbreak Management Funds. Just 1 risk category C inspection was not completed due to problems with accessing the business.

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The following table identifies the inspection requirements for 2023/24:

	Number of inspections required	Comment
Cat A hygiene	6	Min 6 monthly inspection
Cat B hygiene	34	Min 12 monthly inspection
Cat C hygiene	116	Min 18 monthly inspection
Cat D hygiene	263	Min 24 monthly inspection – intervention inspection
Cat E hygiene	257	Min 36 monthly inspection
Outside the programme	161 (no inspection required)	Child minders, some church halls supplying very low risk foods
Primary producers	5	Farms
Unrated hygiene premises	125	Premises that have sent in a food registration form but which have not yet been inspected. These premises will be inspected during this calendar year
Cat A food standards premises	11	Inspection every 12 months
Cat B food standards premises	129	Inspection every 2 years
Cat C food standards premises	38	Alternative enforcement/Intervention every 5 years – alternative enforcement questionnaire
Outside the programme	161	Child minders, some church halls supplying very low risk foods
Unrated standards premises	125	Premises that have sent in a food registration form but which have not yet been inspected. These premises will be reviewed during this calendar year

Many of the programmed inspections carried out require revisiting to ensure work required to bring the premises back into compliance with the standards set out in the regulations has been completed. Averaged over the last 9 years there have been 158 revisits per year. It is anticipated a similar number of revisits will be required in 2023/24. Food businesses will be brought into compliance through the use of advice, both verbally during the inspection and in writing. Where this proves to be insufficient we will use more formal methods such as improvement notices, remedial action notices and prosecutions.

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In 2023/24 we will be relying on an alternative enforcement strategy of gathering information by questionnaire from very low risk (risk category E) food businesses. In order to update our database we will gather information on the following.

Type of food business
Number of vehicles used
Water supplier
Name of manager
Number of people engaged in the business
Opening times
Training of the owners and staff
Off site facilities

The current staffing levels are considered sufficient to deliver the food hygiene and standards inspection program for 2023/24.

3.2 Feed and Food complaints

We deal with complaints as detailed in the Code of Practice from the FSA and we adopt a business compliance approach to all regulatory activity.

3.3 Home authority principle and primary authority scheme

Under the Regulatory Enforcement and Sanctions Act 2008 local authorities may agree to become a primary authority for a food business – this principle is supported by the Public protection service.

The service currently has a number of informal home authority arrangements with food businesses and as primary authority for 2 businesses. In 2023/24 we will continue to work to maintain our current primary authority partnerships.

3.4 Advice to businesses

In 2023/24 we will continue to provide a basic level of advice either during inspections or by signposting businesses to information freely available on the internet etc. In 2022/23 advice was given to premises during a programmed inspection on 31 occasions. In addition, on a further 63 occasions advice was requested by businesses.

Where more in-depth advice is requested by a business, which may include a visit to a business premises, costs will be recovered for the time spent providing the advice. The current fee is published on the Council's website <http://www.blackburn.gov.uk/Pages/Fees-and-charges-booklet.aspx>

3.5 Feed and food sampling

The Service will continue to participate in sampling surveys organised through the Lancashire Food Officer group and TSNW where the study is relevant to Blackburn with Darwen and our staff resources allow.

Samples from manufacturing premises will remain a priority for the service. Should a specific local problem be identified, then a themed sampling survey may be undertaken. In addition, food samples may be taken during investigations of food safety problems originating in Blackburn with Darwen notified by other authorities.

Feeding stuff and feed hygiene enforcement is undertaken by Oldham Council as part of the animal health enforcement contract.

During 2022/23 we took 29 food samples.

3.6 Control and investigation of outbreaks and food related infectious diseases

Infectious and communicable disease control is an important factor of food safety. The responsibility for the delivery of investigations into outbreaks is a co-operative venture between the Public Health England, Local Authorities and other agencies.

Notifications are followed up by visit, phone call or questionnaire depending on the nature of the disease and numbers of people affected. As far as possible we follow the Public Health Operational Guidelines for Enteric Fever together with the "Procedure for the management of an outbreak of food poisoning and gastro intestinal illness". In 2023/24 we will prioritise our response with samples only being taken for high risk cases with high risk infections such as Typhoid, E. coli 0157 and Salmonella. We will not respond to residential home outbreaks where symptoms and onset patterns suggest the most likely cause to be a non-food borne virus.

The following shows the number of confirmed cases of food borne illness over recent years:

18/19 - 193 cases
19/20 – 212 cases
20/21 – 125 cases
21/22 – 167 cases
22/23 – 187cases

This requires resources from officers up to the equivalent of 0.15 FTE.

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3.7 Feed/food safety incidents

The public protection service will respond promptly to all food alerts issued by the FSA and notify the Agency of any serious localised issue or wider food safety incident identified, in accordance with the code of practice.

We currently receive all food alerts to individual officers via email and through the FSA Inbox.

Any food alerts needing notification out of normal office hours can be done by contacting the Council's emergency contact number - 01254 51098.

Estimate of resource needed 0.05 FTE.

3.8 Liaison with other organisations

The Service is a member of Environmental Health Lancashire and Trading Standards North West (TSNW). Each has several subgroups where specialist areas of work are considered. It is estimated that the staff resource to attend meetings of these groups amounts to 6 days per year.

3.9 Feed and food safety and standards promotional work and other non-official controls interventions

The Public Protection Service is committed to promoting initiatives which impact on the health, safety and wellbeing of residents and visitors to the borough. In 2023/24 the service will contribute to the following projects:

- Recipe 4 Health
- Maintenance of the Food Hygiene Rating Scheme

Information and guidance on food matters is included on the services website pages.

4. RESOURCES

4.1 Financial allocation

The annual budget for food safety and health and safety includes:

	£
Staffing	230,000
Travel and subsistence	0
Equipment (including IT)	4,200

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Total	234,200
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4.2 Staffing allocation

The staff engaged in delivering the food/feed service are as follows:

	FTE
Public protection service lead	0.01
Business compliance and licensing manager	0.25
Principal officer	0.8
Senior Environmental Health Officer	2.6
Senior Trading Standards officer	0.1
Administrative support is provided through a Business Support hub	

All technical members of staff hold a certificate of registration with the Environmental Health Registration Board (EHRB) or the Diploma in Environmental Health or Diploma in Trading Standards.

4.3 Staff development plan

Training needs are identified for each individual member of staff through the annual appraisal process. As a minimum 20 hours CPD training will be provided with additional hours for those staff undertaking official controls at approved dairy establishments.

5. QUALITY ASSESSMENT

The public protection service subscribes to an externally controlled quality system called RIAMS

6. REVIEW

6.1 Review against service plan

The food law enforcement delivery plan forms part of the Public protection services annual service plan. Progress against the objectives set within it is reviewed on a six monthly basis. Any deviations from meeting objectives are reported to the Strategic Director of Environment and Operations.

FOOD LAW SERVICE PLAN 2023/24

6.2 Review of 2021/22 including variances from service plan

Task	What was achieved
Carry out food hygiene and food standards inspections (as required by Codes of Practice and the Framework Agreement) and take all necessary follow-up action to bring businesses into compliance.	<p>All the category A, B, C and D food hygiene risk inspections identified for priority using the FSA's recovery plan were carried out. Those premises found to be out of compliance were addressed through both formal and informal enforcement action and brought back into legal compliance</p> <p>The team carried out 599 inspections for food safety.</p> <p>The % of food businesses within the borough that were classified as broadly compliant with the legislation</p> <p>2016 -17 % broadly compliant 92.2%</p> <p>2017 – 18 % broadly compliant 91.96%</p> <p>2018 – 2019 % broadly compliant 91.7%</p> <p>2021 2022 % broadly compliant 93.9%</p> <p>2022 – 2023 % broadly compliant 94.2%</p> <p>This increase of 2% represents an additional 20 premises found to be compliant.</p>
Monitor all infectious disease notifications (and investigate those falling within the criteria set out in the infectious disease policy)	187 cases of foodborne infectious disease were reported. Those requiring further action, such as salmonellosis, were fully investigated. No cases were formally associated with food businesses within the Borough.
Respond to all food alerts and take all necessary follow-up action	The food alerts published by the FSA were monitored electronically. Those requiring action were prioritised and implemented
Respond to service requests and enquiries	246 service requests were responded to within the appropriate timescale
Make arrangements to license, register and give approval to all those premises that require such actions	131 new business registrations were received. .
Raise food safety awareness and standards in the business sector.	In all our contacts with businesses our officers provide professional advice and information to raise standards within that business sector
Raise food safety awareness of customers and the general public.	Where resources allow we promote locally FSA public information campaigns
Develop the food safety website further, publishing details about our performance and why we do things but only when resources are available	This year the food website was subject to maintenance only resourcing. The site however continues to offer important compliance information and signposts enquiries to the externally supported web pages of the FSA
Carry out a food sampling programme subject to resources available	The food sampling programme was completed with 29 samples.
Explore opportunities for external funding	Funding for the Recipe 4 Health award scheme was provided by BwD Public Health
We will maintain close contact channels with Citizens Advice Consumer Service.	Channels were maintained with work regularly being passed from Citizens Advice Consumer Service to Public Protection Service for both food standards and food hygiene issues.

6.3 Areas for Improvement

In 2023/24 we will build on our food sampling programme which was re-started in 22/23 following 2 years on hold due to the covid pandemic. The aim is to determine if businesses are providing food which is what it says it is, especially in relation to allergens.