

TENDRING DISTRICT COUNCIL

FOOD SAFETY

FRAMEWORK AGREEMENT

2011 – 2012

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FRAMEWORK AGREEMENT

TENDRING DISTRICT COUNCIL - FOOD STANDARDS AGENCY

LOCAL AUTHORITY FOOD LAW ENFORCEMENT

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1.0 Introduction

The Service Plan is an expression of the Council's commitment to the further development of its food safety service. It covers the key areas of food safety enforcement and the relevant management arrangements and targets against which the Council monitors service delivery.

It has been written in accordance with the guidance issued by the Food Standards Agency and includes all the information required by the Framework Agreement on Local Authority Law Enforcement. This service plan should be read in conjunction with the Environmental Services Service Plan.

Council Vision

The Council vision contained in the Corporate Plan is that by 2016 Tendring will be a healthy and attractive place to live work and visit. The provision of an effective food control service directly impacts on to the health of those in the area.

Service Aims and Objectives

2.1 Aims and Objectives

The aims of the Service are stated within the Council's Corporate Plan where the main objectives of the Council include promoting sustainable economic growth and the promotion of healthy lifestyles.

The Council is committed to improving food safety outcomes and to providing the necessary capacity and resources to deliver its priorities and interventions under this Plan.

The Plan examines the work currently undertaken by the Council in relation to its statutory duty in respect of food safety enforcement within the area. This is compared with guidance produced by the Food Standards Agency and

areas that need to be addressed are recognised and these are included in the following years plan.

Core Values

Resources are focussed on achievement of the targets specified by Government bodies including achieving food premises intervention frequencies. Other resources will be directed to achieve the Council's corporate aims.

The Service undertakes, by means of the MDPP assessment, a programme to equip staff with the knowledge, skills and resources to undertake their job so as to deliver quality Environmental Health Services.

The Food Service undertake enforcement based on pro-active risk assessed inspection programmes, having regard where appropriate to the national enforcement priorities.

The Service delivers firm but fair enforcement as detailed in the Enforcement Policy.

Clear targets will be set for the Service and for individuals and the standard of the service monitored and reviewed.

The Plan has previously been subject to an equality impact assessment which highlighted no significant issues. Activities under the Plan are kept under review and if any impacts arise the Service considers how they may be reduced or how the work can be undertaken differently to achieve the same service provision.

How the aims are achieved

- By maintaining a food premises register and by undertaking interventions at all food premises at a minimum frequency determined in accordance with the requirements of the Food Safety Act 1990, and Food Safety Act Code of Practice, and by taking appropriate action to ensure compliance with legal requirements.

- By Approval of food premises, where appropriate.
- By investigating all valid complaints relating to food or food hygiene at food premises within the district. Complaints related to food standards are referred to Essex Trading Standards.
- By sampling shellfish from classified beds, in accordance with the annual sampling programme produced by the Centre for Environment, Fisheries and Aquaculture Science (CEFAS), an agency of the Department of Environment, Food and Rural Affairs (DEFRA).
- By participating in Essex Food Group/Food Standards Agency/Department of Health/Local Government Regulation/Health Protection Agency/ European Community bacteriological food sampling programmes.
- By providing information on locally run Chartered Institute of Environmental Health approved basic food hygiene accredited courses and other courses that will assist businesses comply with food hygiene requirements.
- By investigating cases, or suspected cases, of communicable disease or food poisoning, to identify the source of infection and to prevent its spread.
- By providing information and advice to consumers and food businesses on food safety and infection control.
- By the provision of a computer system capable of storing and retrieving premises data, compatible with the requirements of the Food Standards Agency, receiving Food Alerts from the Food Standards Agency and by taking appropriate action on receipt of Food Alerts to minimise risks to public health and the consumption of unsafe food.

Targets/planned improvements for 2011/12

- We will make an initial response to all complaints/requests for service within 3 working days.
- We will undertake interventions at all food premises that are due for intervention. This may be by "Alternative Interventions" as prescribed by the Code of Practise.
- We will obtain and send for bacteriological analysis, a minimum of 20 food samples (excluding oyster samples).

- We will have in place arrangements to submit samples to a Public Analyst for non microbiological analysis.
- We will provide information and advice to food businesses, to help them comply with food safety requirements by responding to specific requests for information, and provide on the spot advice during inspections.
- We will provide food safety information in other languages (when possible) in order to help non English speaking businesses comply with food safety legislation.
- We will ensure that food premises that are required to be registered are registered and that an accurate register of food premises is maintained by using information obtained from the business rates register, local newspapers and local knowledge.
- As required by the Food Standards Agency Framework agreement, we have adopted a documented food enforcement policy. We have set up and maintained a control system for documentation.
- Where contravention's of food safety legislation are found during visits or inspections, we will aim to confirm in writing, within 10 working days of the visit, what action is necessary and over what time-scale, and make sure that legal requirements are clearly distinguished from best practice guidance.
- The service operating procedures will be updated and will be reviewed annually as part of the action plan.

3.0 Background

3.1 Profile of Tendring District Council

Tendring District Council covers an area of 33,548 hectares and lies to the east of Colchester between the rivers Stour and Colne and is bounded on the east by the North Sea. It has 38 miles of varying coastline, and has a population of 138,539 inhabitants and comprises the towns of Clacton-on-Sea, Frinton and Walton, Dovercourt and Harwich, Manningtree and Lawford as well as Brightlingsea. In addition to these towns there are numerous small villages. The employment in the area is largely dependant upon the tourist trade, although there is some manufacturing in specialist industrial estates.

The area has a high level of elderly residents and this results in large numbers of nursing and residential care homes. There are four ports in the district the most significant being Harwich International Port and there is also Harwich Navyard and two smaller ports of Brightlingsea and Mistley.

There are 32 wards served by 60 members. The Town Hall is in Clacton & Environmental Services is based at Weeley.

3.2 Organisational Structure

An organisational chart is included at Appendix A that shows the structure of the Service that is responsible for food safety work. The Food Safety Section is shown in greater detail within the same chart. The officers together with the specific tasks that are allocated to each are shown below:

Officer	Designation	Responsibility
C J Kitcher	Acting Head of Service	Overall Management of the Service
J Fox	Acting Assistant Head of Service/Lead Food Officer	Development of Policy and Strategic matters. Overall Management of the Section and monitoring and performance of the section. Involvement with specialist matters in relation to food safety.
A Johnson D Thorpe E King	Environmental Health Officers	Inspection of premises, approval of premises where necessary, investigation of complaints. Monitoring of infectious disease. Food sampling. Advice visits. Legal action. Mentoring and training of technical officers.
Vacant post (part time) and currently used to fund		Inspection of premises (Except Category A's)

contractors (This system is under review)		
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The Council uses the services of Eurofin Scientific, Public Analyst, 28-32, Brunel Road, Westway Estate, Acton, W3 7XR. In addition, for bacteriological samples the Council uses the services provided by the Health Protection Agency, Broomfield Hospital, Chelmsford, Essex, although the Health Protection Agency is currently proposing to relocate the laboratory to their site at 61 Colindale Avenue, Colindale, London.

All officers are authorised.

3.3 Scope of the Food Service

The Service is provided by Council employees employed on permanent contracts. Where officers work less than the full working week, (e.g. part time workers) this is still undertaken on a permanent contract. The employed officers shown in the table above are responsible for category A and most category B inspections and all residential and nursing homes.

Contractors have previously been utilised to undertake a variety of inspections excluding category A. Following the austerity measures introduced by the Council a working method is currently being determined to reduce use of contractors. This is detailed in Section 4.

In selected cases officers are used to undertake some health and safety work. This is being extended to ensure more detailed health and safety inspections are undertaken in food premises. In premises such as hotels and care homes a separate health and safety inspection is made by a dedicated Health and Safety Inspector.

There is no delivery of food hygiene training directly but food businesses are issued, upon request, a list of training providers within Essex. Tendring District Council are nominated by the Essex Food Group to review the training providers list annually. Food complaints are dealt with in accordance with the

service operating procedures and where appropriate combined with a food inspection.

3.4 Demands on the Food Service

The premises profile at the latest annual return to the Food Standards Agency is as shown below;

PREMISE TYPE	NUMBER IN DISTRICT
Primary Producers	1
Manufacturers/processors	47
Importers/Exporters	0
Distributors/Transporters	9
Retailers	209
Restaurants and other Caterers	802
TOTAL	1068

Details of all food premises are held on a database with a password protected system, officers regularly update the system and the accuracy of the database is checked by visiting officers and periodic reference to business rates information.

There are an above national average number of residential care homes and nursing homes in the district. This increases the work load of the food team as they attract a score loading to reflect the vulnerability of the age group to food borne infections, which increases the inspection frequency.

The area is a popular holiday location resulting in many of the businesses being seasonal in nature. This places considerable pressure on staffing resources in the summer months, as inspections must be undertaken in the seasonal period and staff may take annual leave at this time.

3.5 Enforcement Policy

A copy of the Councils approved enforcement policy is shown at Appendix B. This document is available upon request and is also published in full on the Council's web site. The policy is designed to reflect the principles referred to in The Food Safety Act Code of Practice as well as the Enforcement Concordat that the Council is a signatory to.

4.0 Service Delivery

4.1 Food Premise Inspections

The Council follows the guidance given in The Food Safety Act 1990 Code of Practice in relation to food premises inspections. This gives consistency in the rating of premises for inspection as well as ensuring that performance against other authorities can be meaningful.

The current composition of premises is shown below and intervention frequencies as defined in The Food Safety Act 1990 Code of Practise are shown for comparison.

Category of Premise	Number in District*	Inspection/ Intervention Frequency
Category A (High risk)	21	Twice a year
Category B (Medium risk)	102	Yearly
Category C (Low risk)	503	Every eighteen months
Category D (Very low risk)	159	Every two years
Category E (Very low risk)	296	Alternative enforcement strategy

The number of premises has remained reasonably constant for several years and the staffing resources have been shown to be able to cope with the required inspection frequency when fully resourced. The staffing resource consists of three full time Environmental Health Officers. These together with

the use of a contractor has in previous years allowed for the inspection of premises at the frequency specified in the Code of Practice to be achieved, as well as allowing for revisits to take place where formal written warnings have needed to be issued.

The austerity measures introduced by the Council has resulted in reconsideration of how the Food Service is provided to determine if there is a more efficient method of operating whilst maintaining a suitable level of protection.

The inspection regime is now proposed to be amended as follows

A and B rated premises: to continue to undertake full inspections at the allocated frequency as determined by the Code of Practice.

C rated premises: to undertake appropriate interventions as an inspection, partial inspection or audit until the premises is determined as broadly compliant and then the intervention may alternate between inspection, partial inspection or audit and other official controls for example monitoring, surveillance, verification or sampling. Undertaking these other official controls extends the efficiency of the section as they are less detailed interventions and therefore require less resource. Those C rated premises which form the highest part of the C banding are likely to receive full inspections at each intervention.

D rated premises: to undertake interventions which alternate between official control interventions and interventions that are not official controls for example by utilising desk top inspections where a questionnaire is sent to businesses and the response is checked by an enforcement officer. A ten percent verification check will be carried out of premises which have received questionnaires to verify the correctness of the response.

E rated premises: to undertake alternative enforcement interventions in the form of desk top inspections of which five percent will receive a verification check.

Consideration is also being given to undertaking some project work to further focus resources on areas where there is the greatest need, for example in relation to care and nursing homes (due to the high numbers of these within Tendring) or seasonal activities (due to the nature of how many small businesses operate in this area).

This method of enforcement is in line with the Code of Practice but is attempting to provide efficiencies in how interventions are undertaken.

A high level of confidence currently exists in relation to food premises inspection in the district due to previous comprehensive inspection activities and good levels of compliance existing (86% of premises currently being broadly compliant). It is therefore appropriate to now consider an alternative method of working.

The Authority has four ports, Harwich International, Harwich Navyard, Mistley and Brightlingsea. Brightlingsea is under the jurisdiction of Colchester Borough Council. Vessels using the other ports may be subject to food hygiene and sanitation inspections and in addition there is a requirement under the International Health Regulations, enacted by the Public Health Act 1984 (as amended), to carry out Ship Sanitation Control / Exemption Certificate inspections on demand.

The Memorandum of Understanding with the Marine Coastguard Authority which the authority is a party to requires a minimum of two joint visits per year.

At present there is increased activity at all ports except Mistley due to the construction of the offshore windfarms, this is likely to continue during 2011.

The planned development of the Harwich International Port will have resource implications for staffing. However it is expected that this will not have an impact until the year 2015/2016. On completion the port will become a Border Inspection Post which will require considerable extra resources, financial provision for this has already been noted within the five year financial forecast. These additional resources have not been included within this framework.

4.2 Food Complaints

Complaints are dealt with by the food safety service and last year there were 53. The staffing compliment detailed in 2.2 above is able to deal with such complaints when there is a full compliment. All complaints are entered onto the complaints database system and dealt with in accordance with the complaints service operating procedure.

Food complaints are very demanding of officer time. Where complaints arise outside of the district these are referred to the home authority where one exists or to the originating authority where no such authority is in existence. Where food complaints originate from premises within the district and where these are demonstrably caused by lack of compliance by the business concerned then legal proceedings are initiated, in accordance with the enforcement policy.

4.3 Home Authority and Primary Authority Agreements

At the present time no formal recognition of a home authority status exists within the district. However there are several manufactures of foodstuffs within the district and there has always existed an informal arrangement where the Council has acted as a home authority in cases where this has been necessary. The Local Government Regulation directory of home authorities is used by officers if needed to relating to inspections.

The Regulatory and Enforcement Sanctions Act 2008 established Primary Authority as a statutory scheme for businesses trading across local authority boundaries. This provides for the business to enter into a formal agreement with the local authority which then acts as the Primary Authority.

The primary authority has responsibility for providing regulatory advice and may also issue statutory advice to other local authorities and produce an inspection plan to which enforcing authorities must have regard. If other enforcing authorities have concerns in respect of the business they should be

discussed with the primary authority at an early stage and enforcement matters referred to them to ensure they are consistent with previous advice.

Reference is made to primary authorities for any businesses in a primary authority agreement prior to action and enforcement and due regard paid to advice provided by the primary authority.

If a business sought to enter into a primary authority relationship with Tendring District Council this would be considered although full cost recovery would be sought.

4.4 Advice to Business

The authority provides advice to business. Advice visits are carried out when appropriate at the request of the business proprietor. Such advice is limited to interpretation of the law in relation to the business in question and does not extend to detailed design advice at any stage.

In addition to the above the Council provides a range of approved literature that is sent free on request to businesses and copies of all such material is available on the Council's web-site. The web-site also includes links to other sites that are of value to the business proprietor.

To assist ethnic groups a range of material is available in languages other than English and facilities for translation of letters and assistance with translation at interview are also available.

There is no formal input into business or partnerships due to the limitations of available staffing resources. The Service has historically provided, on request, assistance to the local educational establishment to assist in the training of catering students locally.

4.5 Food Inspection and Sampling

The policy of the Council is to take at least twenty samples per year. This sampling includes samples taken as part of routine inspections, complaints, co-ordinated programmes in relation to European Union Directives and those

programmes co-ordinated by Local Government Regulation and the Health Protection Agency.

All of the sampling programme for the Council is agreed by and forms part of the Essex Food Group sampling programme. Formal individual samples will be taken when complaints are received concerning particular items and samples will on occasions be taken to provide evidence in cases where legal action is being considered.

The twenty samples excludes the statutory samples taken in relation to shellfish classification and purification. It excludes samples taken on behalf of the Department of Food, Environment and Rural Affairs via their agency the Centre for Environment, Fisheries and Aquaculture Science (CEFAS) in relation to monitoring biological toxins in shellfish production areas. This accounts for approximately 5 samples of shellfish flesh per year in addition to which water samples and samples of purified product are taken.

Water samples, for drinking water standards and water borne pathogens, will be taken on request or where risk is suspected from vessels using the ports.

4.6 Control and investigation of Outbreaks and Food Related Infectious Disease

The Council is notified of infectious diseases and in some instances these are associated with food consumption. A letter is sent to the affected individual seeking information in respect of employment and contacts and where appropriate action is taken to determine the cause even in individual cases. Outbreaks (two or more associated cases) are covered by the Essex Joint Outbreak Plan. These investigations are carried out in consultation with the Consultant in Communicable Disease Control based at the Health Protection Unit, Witham. Such cases average 1 or 2 per year.

During the summer months the Cruise ships regularly report incidence of disease aboard, these are reported via the ships agent and responded to in line with the guidance above.

4.7 Food Safety Incidents / Food Alerts

Food Safety Incidents are dealt with in accordance with the Food Safety Act 1990 Code of Practice. Alerts are generated from the Food Standards Agency who specify what action is required to be taken.

Depending on the severity of the food alert and the advice given by the Food Standards Agency, the action could involve affected premises being, contacted by telephone, in writing or being visited. There is the facility to employ staff from other areas of the service when necessary, this is always undertaken having regard to the competencies of the staff involved and would be under close supervision from food officers.

4.8 Liaison with Other Organisations

Liaison with other organisations is detailed below:

- The authority is a fully participating member of the Essex Chief Environmental Health Officers Food Group. This is a formally constituted group under the auspices of the Essex Chief Environmental Health Officers and meets on a regular basis. One aim of the group is to ensure consistency of enforcement across the whole of Essex in relation to food safety matters. The group is represented by all Essex Local Authorities, Essex Health Authorities, Essex County Council Trading Standards and the Health Protection Agency Laboratory Service.
- Once a year the group holds a Food Liaison Meeting in accordance with The Food Safety Act 1990 Code of Practice.
- There is a close working relationship at officer level with the adjoining authorities, including Suffolk, especially when food borne illness outbreaks occur.
- The geography of the area means that there are common areas of concern with neighbours, notably shellfish and imported foodstuffs.
- The Service attends the Essex Infection Control Committee that is chaired by the Consultant in Communicable Disease Control. In addition officers

- Close liaison is maintained with the Care Quality Commission (CQC), Social Services and Essex County Council to ensure effective communication of information relating to Care/Nursing homes.
- There is a formal process between the section and Planning and Building Services within the Council. This means that all proposed food businesses are notified to the Section when any application is made for Planning Permission. Contact is then made with the applicant. In most case this contact relates to information in respect of the legal requirements. However it is possible for issues that may not be covered by legislation to be covered in planning approvals.
- Links are being developed to ensure a co-ordinated approach to the inspection of ships and the importation of food which amongst other items includes attendance at the following meetings and discussions.
 - Food Study Group – four times per year
 - Eastern Ports Liaison Network – three times per year
 - Suffolk Coastal Port Health Authority – two times per year
 - Marine Coastguard Agency - two times per year

4.9 Food Safety Promotion

A public consultation exercise revealed that members of the public expect to be better informed with respect to the enforcement activities undertaken by the food and safety team.

A scheme is in place whereby a certificate is sent to every premises following an inspection, listing all of the contraventions found during the inspection or if there were none a certificate stating that no contraventions were found. The businesses are invited to display the certificates within their premises.

The Council participates in the National Food Safety Week campaign where appropriate.

4.10 Food Standards Agency Food Hygiene Rating System

The Service is currently investigating implementation of a food hygiene rating system. This provides a rating system available to the public based on hygiene, structure and management of a premises combined as one score.

The system therefore provides greater informed choice for the consumer and is an incentive to business to improve so as to improve the rating score.

It is proposed to implement the scheme by April 2012 and to ensure the system has an element of self financing.

4.11 Port Health

Tendring District Council is a port health authority and covers Harwich International Port, Harwich Navyard and Mistley quay. Brightlingsea Port is administered by Colchester Borough Council in its role in relation to the Colne.

Imported food control for products entering the ports from outside the European Union is contracted out to Suffolk Coastal District Council Port Health Service which is based at the Port of Felixstowe. The staff who undertake this role are appropriately authorised by Tendring District Council and review all manifests of incoming products and take action accordingly if any issue arises. Any follow up work would be undertaken by authorised Suffolk Coastal District Council staff operating on behalf of Tendring District Council's and following Tendring District Council procedures.

There is a very limited amount of imported food from outside the European Union entering through the ports however this is kept under constant review to ensure appropriate compliance.

Tendring District Council undertake six monthly audits of Suffolk Coastal District Council to ensure the requirements of the formal agreement have been fulfilled.

A formal audit of imported food control at the ports was undertaken by the Food Standards Agency on 19-20 October 2010. A limited number of issues were raised and the Service is working to ensure they are all resolved by 31 January 2011.

Other port health work is undertaken within the Service. Vessels are inspected on a regular basis according to risk and guidance issued from time to time by the Association of Port Health Authorities.

Inspection for issuance of Ship Sanitation Control / Ship Sanitation Control Exemption Certificates and routine water sampling is undertaken by request. These services are charged for.

The increase in numbers and frequency of cruise ships using Harwich International Port has resulted in a significant increase in workload to ensure they are inspected where appropriate. This work is resource intensive over the Summer cruise season.

5.0 Resources

5.1 Financial Allocation

Details of the financial allocation for the section is shown at Appendix C.

5.2 Staffing Allocation

The numbers of full time equivalent staff employed on food safety within the Council is as shown in 3.2 above. The Environmental Health Officers are fully qualified and been employed on food safety work for the requisite amount of time to enable them to inspect all categories of premises. Other staff employed within the Service are qualified in accordance with Food Safety Act 1990 Code of Practice. However some have not maintained the level of practical experience required by the Code and therefore are unable to practice in all premises. This issue in relation to update training is addressed in 5.3 below. There is currently a financial allowance made for the employment of contractors to undertake inspections of food premises, although as part of the austerity measures this is currently under review. One

of the Environmental Health Officers monitors performance of imported food control which has been contracted to Suffolk Coastal District Council Port Health Authority.

5.3 Staff Development Plan

It is the intention of the Council to ensure that all staff receive during working periods sufficient training to satisfy the requirements of the Food Safety Act 1990 Code of Practice.

To ensure this all staff as appropriate employed on food safety inspections will receive a minimum of 10 hours core training per year. This will be by way of formal courses and in house seminars.

Such training will be recorded on officer training records.

For staff who are not currently employed on food safety inspections a programme of update training will be produced. This ensures that all relevant officers are capable of inspecting low and very low risk premises. The programme will be further developed to ensure that with a short period of refresher training they are able to undertake full inspections should this be deemed necessary. This will allow for flexible use of staff within the Service for food safety work if necessary.

6.1 Quality Assessment

There is a formal system to assess the quality of food inspections within the Section. A documented system is in place to ensure that officers follow a predetermined format in respect of inspections.

- All officers have to follow the Standard Operating Procedure for inspections, complaints and formal action.
- Monitoring and verification checks are undertaken in respect of interventions by officers which comprise of site visits, checking of files letters and notice registers, and also via use of consistency exercises.
- A percentage of letters sent to businesses following an inspection are checked by the Acting Assistant Head of Environmental Services to

- Tendring District Council has participated in the Essex wide inter-authority audit scheme.

7.0 Resources

7.1 Review against the service Plan

The Service Plan is a statement of the Councils commitment to the role that it has in relation to food safety. It is important that any plan for ensuring food safety also recognises the need for public confidence in local food safety. Following a public consultation undertaken by the service the most important perceived contribution towards public safety was regular inspections of food premises. Efforts will be made to ensure that all premises receive interventions in accordance with the code of practice. Consideration is given to the previous years activities when determining how the work plan is to be drawn up for the following year and during the year performance monitoring is undertaken to ensure suitable progress is achieved. The detailed plan for 2011/2012 is shown in Appendix E.

7.2 Variation from Service Plan

The percentage of properties inspected in the last three years are detailed in the following table. These show that currently inspection and complaint targets are being met in accordance with the Service Plan.

Category of Premises	Percentage of premises inspected 2008/2009 (actual)	Percentage of premises inspected 2009/2010 (actual)	Percentage of premises inspected 2011/2012 (planned)
Category A (High Risk)	100	100	100
Category B			

(Medium Risk)	100	100	100
Category C (Low Risk)	100	100	100
Category D (Very Low Risk)	100	100	100
Complaints responded to within 10 days	100	100	100
Number of Samples Procured	26	29	20

All targeted figures are reviewed on a monthly basis and performance is reported to the Management Board of the Council. It should be noted that when a review of performance indicates that targeted rates will not be achieved then revised targets are based on risk assessment criteria with those premises presenting the highest risk being targeted for action as a priority.

7.3 Areas for Improvement

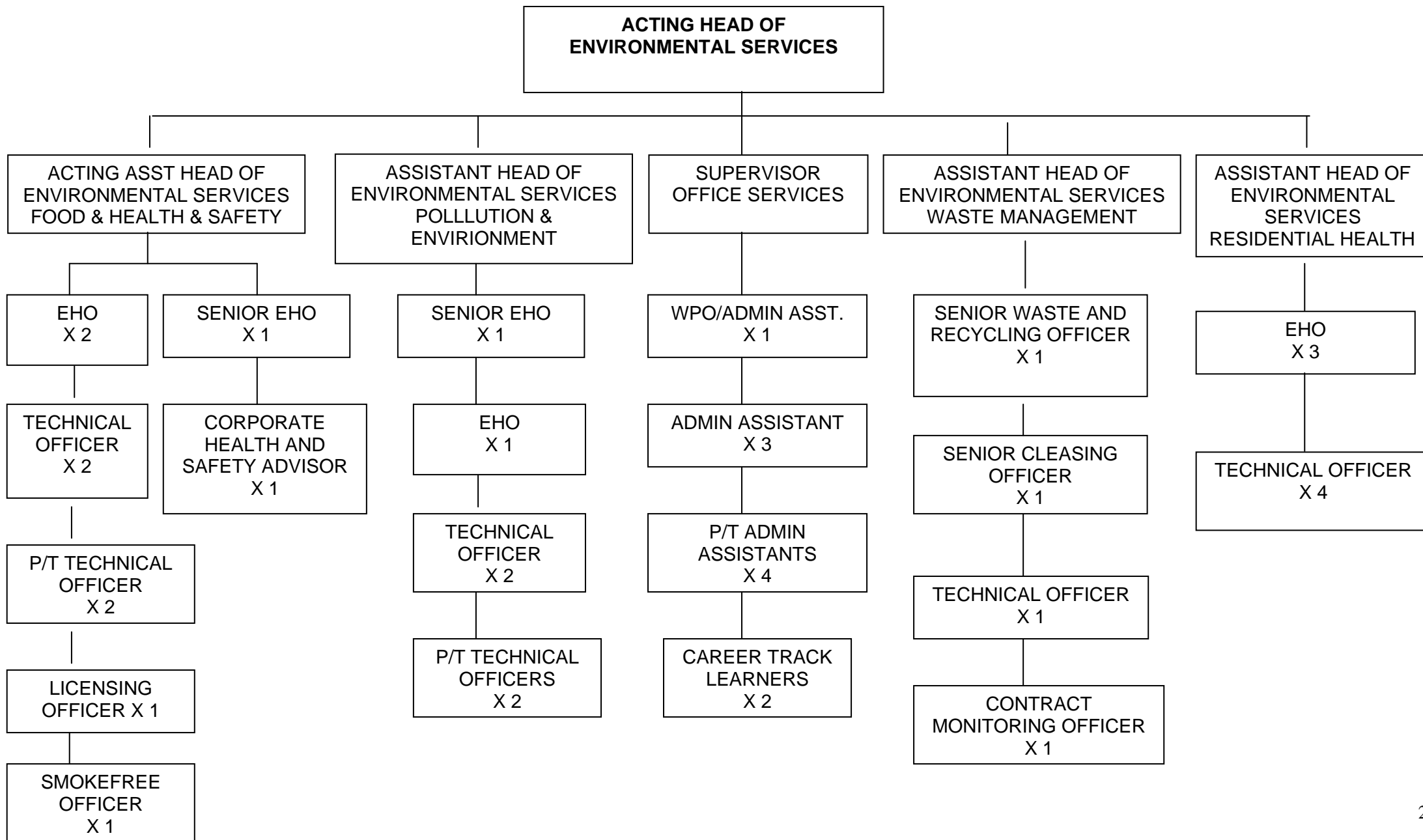
It is important when considering areas for improvement to have regard to current activities to compare them with 'The Standard' that is prescribed by the Food Standards Agency. The following table highlights the areas for improvement. The most pressing of these have been scheduled into the review programme for the year 2011/2012 The other areas noted below will be scheduled into the programme for 2012/2013.

Number	Identified Area for Improvement	Year 2011/2012	Year 2012/2013
1	Review the procedures for the Food Service and to update them in accordance with legislative changes.	•	•
2	Implement any improvements		

	identified by the review of documentation identified above	•	•
3	Maintain a documented training programme as part of the MDPP initiative for each officer employed on food safety work	•	•
4	Ensure that sufficient training is provided to satisfy the training needs identified above.	•	•
5	To investigate provision of a food hygiene rating system and implement appropriately	•	
6	Develop a closer dialogue with and provide advice to businesses within the area without compromising the enforcement role of the Council.	•	•
7	Undertake a check on the accuracy of the food premises database.	•	•
8	Review and amend the published enforcement policy in line with the Regulatory and Enforcement Sanctions Act 2008.	•	•
9	Ensure members of the Food Team undertake Approvals training for approved premises and approve appropriate premises	•	•
10	Review the CAPS computer database to ensure there is accurate information which comprehensively covers the Food Service and to undertake interventions in accordance with the information.	•	•
11	To determine appropriate focussed project work to improve food safety	•	•

	and to implement as appropriate.		
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ENVIRONMENTAL SERVICES



Tendring District Council

Food Safety Enforcement Policy

“The Officers of the Tendring District Council have duties under the Food Safety Act 1990 and other legislation. These duties include enforcement action. The policy stated here was agreed by the Environmental Health Committee on 2 October, 1995. It is based upon the principle that the application of enforcement powers should be fair and consistent, and should be based upon an assessment of the risks to public health.”

1. The primary responsibility for ensuring food safety lies with those who operate food businesses; in particular proprietors need to recognise their responsibility for food safety.
2. Tendring District Council’s approach to enforcement reflects the responsibilities laid upon the Council by the 1990 Food Safety Act and the range of powers that the Act has made available.
3. Depending on particular circumstances, the Council may use a variety of means to ensure that proprietors meet their responsibilities. The Council’s options include education, advice, guidance, warning letters, formal cautions, hygiene improvement and emergency prohibition notices or prosecutions. The Council will generally reserve prosecutions (and therefore criminal proceedings) for the more serious offences which present an imminent risk to public health, or which represented a blatant disregard by employers, employees, or others of their responsibilities under food safety legislation.

Enforcing food safety law

4. The Council enforcement officers’ primary concern is the prevention of food-related illness and the protection of public health. This is achieved by encouraging effective management of food safety to manage the risks in any food premises. Enforcement officers seek to help businesses improve their management of food safety by giving guidance on safe food handling and by enforcing standards.
5. Enforcement officers have to exercise considerable discretion when approaching individual proprietors. Most proprietors are, in the Council’s experience, anxious to comply with the law, and a growing number realise the economic benefits of good food safety management.

In such cases an enforcement officer’s role will often be to guide and support. However, in carrying out their functions, duly authorised enforcement officers have a range of powers and may, for example, sample, detain or seize foods which contravene the legislation.

If enforcement officers find evidence that the law is being (or has been) broken, they can respond in various ways. They may instruct or warn by letter, they may issue

Hygiene Improvement Notices, requiring compliance within a specified time, Emergency Prohibition Notices immediate prohibiting the use of an Premises, a process, a person or equipment or instigate prosecution.

Notices require proprietors rectify contraventions, without the delay and uncertainty of going to court. For these reasons, enforcement officers issue a number of notices every year. However, if the circumstances dictate, they will prosecute without any prior warnings with or without any recourse to alternative sanctions.

6. In keeping with its preventive role, a Local Authority may use prosecution as a way to draw attention to the need for compliance and the maintenance of good standards to this end the press may be encouraged to attend court hearings. Enforcement officers investigating breaches of the law consider the potential of those breaches to pose risk to public health, regardless of any actually caused. Thus the Council may seek prosecution if a breach has significant potential public health implication, regardless of actual injury caused.
7. In all instances, the Council will have regard to the approved Codes of Practice issued by or under the authority of the Secretary of State in determining the most appropriate course of action to take.
8. In deciding whether to prosecute the Council will consider the following factors:
 - (a) the seriousness of the alleged offence;
 - (b) the previous history of the party concerned;
 - (c) the likelihood of the defendant being able to establish a due diligence defence;
 - (d) the ability and willingness of any important witnesses to co-operate;
 - (e) whether the evidence available provides a realistic prospect of conviction (in this respect the Council is guided by the Code for Crown Prosecutions published by the Crown Prosecution Service);
 - (f) the willingness of the alleged offender to prevent a recurrence of the problem;
 - (g) the probable public benefit of a prosecution and the importance of the case — e.g., whether it might establish legal precedent for other companies or for other geographical areas;
 - (h) whether other action, such as issuing a simple caution in accordance with Home Office Circular 59/1990, or a Hygiene Improvement Notice, or Prohibition, would be more appropriate or effective. (It is possible in some circumstances to prosecute as well as issuing a notice; failure to comply with a notice would be an additional offence);
 - (i) any explanation offered by the affected company.
9. The decision to proceed with a court case rests with the Council itself.

The prosecution of individuals

10. The Food Safety Act allows for the prosecution of individuals who have committed a food safety offence. The Council's policy is to identify and prosecute individuals if a conviction is warranted and can be secured, but a food safety offence is often the result of the negligent or ignorant acts of more than one person. This means that it is difficult to prove a link between some incidents and individual directors, managers

and employees. However, a local authority may still have the option of taking a case against a company instead of a named individual, and will seek to do so where the circumstances justify it.

Penalties

11. Penalties have to be commensurate with the offences. The Food Safety Act makes provision for this, providing for an unlimited fine with up to two years imprisonment for the most serious offences.

11(a) Offences dealt with in magistrates' courts	Maximum penalty
Section 33(1): Obstruction etc. of officers.	£5,000 or three months imprisonment or both.
Section 7: Rendering food injurious to health; Section 8: Selling food not complying with food safety requirements; Section 14: selling food not of the nature, substance or quality demanded.	£20,000 or six months imprisonment or both.
All other offences under the Food Safety Act 1990.	£5,000 or six months imprisonment or both.
11(b) Offences dealt with in crown courts	Maximum penalty
For all Offences detailed in 11(a) above.	Unlimited fine or two years imprisonment or both.

Consistence of enforcement standards between local authorities

12. National arrangements exist for co-ordination on enforcement standards between local authorities. The Local Authorities Co-ordinating Body Regulatory Services (LACORS) provides a forum for the development of consistent national advice and training for all local authorities on enforcement issues.

Appendix C

Financial Resources - Food Safety Service

Expenditure Area	Actual 2008/2009 £	Actual 2009/2010 £	Estimated 2010/2011 £	Estimated 2011/2012 £
Employees				
Salaries (inc. Overtime) Career Track Contributions Training	79,122	68,850	73,252	76,772
Travelling				
Car Allowances and Lease Cars	4,456	3,980	3,833	3,909
Supplies and Services				
Office Equipment Telephones Allowances	1,834	2,085	1,779	1,841
Support Services				
Support Service Charges	26,063	26,055	29,886	27,153
Net Expenditure	111,474	120,767	108,750	109,676

Training Plan for Food Service

There are two elements to the training plan;

- Staff who are qualified and are currently employed on food enforcement work
- Staff who are qualified but who are not currently employed on food enforcement work

The object of the Training plan is to ensure that there is always a reservoir of qualified and trained staff available to undertake food enforcement work. A register of all training undertaken by staff will be held by the Service

Qualified Staff working routinely on Food Enforcement

These officers will be instructed to attend training courses that accrue at least 10 hours of update training per year. Such courses will be either provided external to the Council or in house. It is hoped that the Essex Food Group will organise such courses for officers.

Where there is a special need for training to allow the officer to deal effectively with a matter that is specific to the district then specialist training will be arranged.

Qualified Staff not working routinely on Food Enforcement

The initial task will be to ensure that a system of practical training is devised for all staff who are qualified to undertake food enforcement work in accordance with the Food Safety Code of Practice and then to arrange for staff to undertake the training on a scheduled basis that allows for other work in the Service to continue without disruption.

Such training will take the form of ensuring that these officers spend a period of time undertaking interventions of low and very low risk premises (Categories C & D) whilst under the supervision of officers who are undertaking routine food interventions. Once competent in interventions in Category C & D premises the officers will inspect Category B premises again under the supervision of officers who are undertaking routine inspections.

Only in appropriate circumstances will officers then be allowed to undertake inspections of high risk premises. This will however be subject to EHORB (Environmental Health Officers Registration Board) certification and only be after a period of three months supervised practical training in inspection of these premises and assessment in competence in accordance with the service operating procedure.

APPENDIX E

TARGETS FOR REVIEW OF THE SERVICE DELIVERY PLAN 2011/2012

Col 1 Number	Col 2 Objective	Col 3 Measure of Achievement
1	To inspect the premises within the district in accordance with the frequencies specified within COP No.9	To undertake interventions of all premises on the following frequency; Category A 2x per year Category B 1x per year Category C 1x every 18 months Category D 1x every 2 years
2	To respond to all complaints regarding food within 3 working days	No complaints taking longer than 3 days to respond to
3	To procure samples both formal and informal in accordance with programmes.	To procure and submit for appropriate analysis at least 20 samples of food within the period under review.
4	To review all infectious disease notifications and take appropriate action where necessary.	All notification have received the appropriate action.
5	To have in place a scheme for continuing professional development for all food safety inspectors to maintain competency.	Staff have received sufficient professional development training for them to undertake their role.
6	To ensure premises subject to approval are approved	When all relevant premises have been approved.

