

**BRENTWOOD BOROUGH COUNCIL**  
**ENVIRONMENTAL HEALTH AND**  
**LICENSING SERVICES**

**STATUTORY FOOD SERVICE PLAN FOR**  
**FOOD LAW ENFORCEMENT**  
**2017/18**

Drawn up in accordance with the Food Standards Agency's  
Framework Agreement (July 2004)

Approved by the Policy, Finance and Resources Committee 20th  
June 2017

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## INTRODUCTION

This is Brentwood Borough Council's 2017/18 Food Service Plan dedicated to the food safety enforcement function. It covers all the elements of food safety and hygiene for which the authority has statutory enforcement responsibility. The Service Plan also covers objectives relating to non-enforcement activity including food hygiene education/promotion which the Council is also required to undertake in accordance with Government guidance.

The Food Service Plan is an expression of this authority's' commitment to the development of the Food Service and is a requirement of the Food Standards Agency as the body that monitors and audits local authorities' activities on food enforcement.

The Food Standards Agency's' (FSA's) Framework Agreement issued in September 2000 and subsequently amended (amendment number 5 of 2010) sets out the planning and delivery requirements of feed and food official controls, based on the existing statutory Codes of Practice. It ensures that national priorities and standards are addressed and delivered locally.

Brentwood Borough Council's Food Service Plan has been drawn up in accordance with the guidance in the Framework Agreement and follows the Service Plan template. This is to enable the FSA to assess the Councils' delivery of its service and to allow local authorities to compare service plans written in the common format for any fundamental performance reviews under the local government Best Value agenda. This Service Plan also takes into account the Food Law Code of Practice (England) issued in March 2017.

The FSA in its Framework Agreement requires that the Food Service Plan be submitted to members for approval to ensure local transparency and accountability. This is done annually through Committee.

Brentwood Council is a high-performer both nationally and locally. In 2017 the consumer watch-dog magazine '*Which*' looked at local authority performance in 2015/16 with regard to inspection frequencies; completing due inspections within target times and, the level of legal compliance within food businesses by District/Borough and City Councils. The results showed that when considering these aspects that Brentwood is currently rated third highest within the UK and highest in Essex. Furthermore, it has operated continually at this level for the previous two years. This clearly demonstrates the commitment of this authority to food safety enforcement, its ability to work with businesses in increasing their food hygiene standards and enabling enhanced levels of protection for residents and visitors to the Borough. It is also an example of the excellent levels and performance of Brentwood food businesses and their ability to give their customers confidence whilst strengthening the local economy.

Over 99% percent of all food premises within Brentwood now meet the FSA criteria of '*broadly compliant*' with food hygiene legislation. All premises

identified for inspection in 2016/17 received an appropriate intervention where trading, together with revisits where necessary to improve compliance.

The Authority continues to operate the food hygiene rating system in cooperation with the Food Standards Agency where inspected food premises receive a score of between 0 and 5. The Borough has very few low rated premises (less than 1%), however, additional work is being done with these businesses to encourage and help them improve their scores in accordance with the available options within the Food Law Code of Practice. This approach has noticeably improved standards.

In 2016/17 Brentwood continued to train food handlers working mainly for businesses in the Borough. The Food Hygiene Foundation Level II courses were held bi-monthly. 36 food handlers received training in 2016/17 with over 98% of candidates passing first time. This added further to the high standards now being witnessed within the Borough's food premises. However, these courses are no longer supported by the Chartered Institute of Environmental Health (CIEH) but they are to be replaced with more modern courses shortly.

The majority of food premises selling open food within the Borough are duty bound under legislation to warn their customers should their foods contain allergens, however, this legislation can be difficult to interpret and put in to practice. In 2016/17, the Council provided a number of allergens courses to food handlers but again for the moment, these are no longer supported by the CIEH.

The Borough continues to obtain food samples for bacteriological analysis from both catering and retail establishments for testing against EU legislation. This yields significant intelligence information on where food risks are present. Where any have been found to be borderline or unsatisfactory then appropriate action has been taken to improve standards. Some of this work has brought about hygiene improvements in major food companies. 98 samples were taken of food and food related equipment and 36 surface swab samples were also taken. Around 36% of these samples fail analysis which necessitates further statutory action. This work continues to be invaluable to the community and businesses, saving many from food related illnesses. In comparison with other authorities in Essex, Brentwood takes more food samples as a proportion of its total number of food premises than any other, and entirely meets its county sampling expectations.

In June 2010, the authority was audited by the Food Standards Agency with regard to its assessment of Hazard Analysis Critical Control Points (HACCP) application within food businesses. This was followed up in 2011 and there are no outstanding matters. The Authority continues to apply these standards within its delivery of the food safety function.

The Council now operates the Essex-wide 'TuckIN' scheme. This is the first step taken by local authorities to influence what people eat in Essex when they frequent restaurants, cafes and takeaways. Those businesses already signed

up have reduced the amounts of sugar, salt and fats in their products as well as their calorific content. 25 premises are now signed up (a 40% increase on last financial year) within Brentwood and more are to follow. This intention also forms part of Brentwoods' statutory duties under the Health and Wellbeing Strategy in its task to reduce levels of obesity within the Borough.

In helping businesses further the Food Safety Team has also produced printed and downloadable advice on how to prevent Scrombotoxin, E.coli, and Campylobacter food poisoning. This has further enhanced consumer safety within Brentwood and is unique to this Borough.

The food safety team also deal with food complaints and complaints about food premises in relation to issues such as foreign bodies, food handling and the cleanliness of food areas.

A high level of resilience is built into the Food Safety Service with arrangements to cover officers' and ensure that they are trained to high levels of competency consistent with appropriate guidelines. The contractors used also contribute to this resilience.

The general service objectives are designed to reflect and contribute towards the achievement of corporate objectives as quoted within the Council's 'Yearbook' whilst covering ongoing service activity and addressing potential new areas of service activity.



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**SECTION 1: FOOD CONTROL SERVICE AIMS AND OBJECTIVES****1.1 Aims and Objectives**

1.1.1 The Food Safety Service Mission Statement is: -

***“To ensure that food and drink intended for human consumption originating from or consumed within the Borough is safe, wholesome and healthy”***

1.1.2 It seeks to pursue this through a number of key objectives which include: -

- To secure compliance with food safety law having regard to official codes of practice and Better Regulation Delivery Office (BRDO) guidance, particularly concerning the frequency of food safety interventions;
- To secure the protection of consumers from the potential dangers of suspect or contaminated food, particularly that which may result in food borne infections;
- To ensure; that so far as is reasonably practicable - food is fit for human consumption and free from extraneous matter;
- To increase the knowledge of food handlers, food managers and the general public about the principles and practice of food hygiene and food safety management;
- To increase the knowledge of food business operators in the area of food safety management thereby assisting to raise standards and enable improved food hygiene rating scores under the National Food Hygiene Rating Scheme;
- To increase the knowledge of food business operators in the area of food allergens with the aim of reducing incidences of allergic reaction to prepared food and in relation to any one of the 14 allergens listed within the Food Information Regulations 2014;
- To assist in the control and prevention of the spread of food borne diseases;
- To carry out food safety interventions (*activities that are designed to monitor, support and increase food law compliance within a food establishment*) in accordance with minimum frequencies and to standards determined by the FSA;
- To respond to and investigate Food Standards Agency ‘Food Alerts for Action’ in accordance with published guidance where these impact upon food originating or traded within the Borough;

- To alert the Food Standards Agency to any situation where a contaminated food purchased or sampled within the Borough is likely to be sold elsewhere so that they may effect a food recall.
- To respond to and investigate all notified cases of food-borne disease and take effective action to control the spread of infection.
- To carry out appropriate food sampling programmes and take appropriate action on non-compliant samples;
- To respond on a risk assessed basis and investigate complaints as requests for service in relation to food and food premises and to provide first response with a maximum of five days or sooner as appropriate;
- To ensure, so far as reasonably practicable, that private water supplies are monitored for their adequacy and wholesomeness by carrying out appropriate bacteriological and chemical water sampling programmes;
- To liaise with relevant water supply companies about the adequacy and wholesomeness of public water supplies.
- To take swift and proportionate enforcement action against food businesses where they present a risk to public safety.

## 1.2 Links to Corporate Objectives and Plans

1.2.1 The Brentwood Council Yearbook 2015 -16 (<http://www.brentwood.gov.uk/pdf/10112016134641u.pdf>) sets out the Council's ambitions, priorities and key pledges to residents and businesses. It seeks to reduce the burden on well-managed businesses and this Service Plan demonstrates that food safety resources remain focused on the higher risk premises and activities. The Service will also continue to provide advice on compliance to both new and existing businesses and, to publish information via its website and via taught courses enabling businesses to understand the law and its application within the Borough.

1.2.2 The authority monitors on a monthly basis the percentage of broadly compliant food premises. This is applied as a local indicator only. The results (Figure 1.0) show that since the Food Hygiene Rating Scheme was adopted by Brentwood overall standards have raised within food premises by 11% to a current monthly figure in excess of 99% which is above the overall target of 97% for compliance adopted by this Authority.

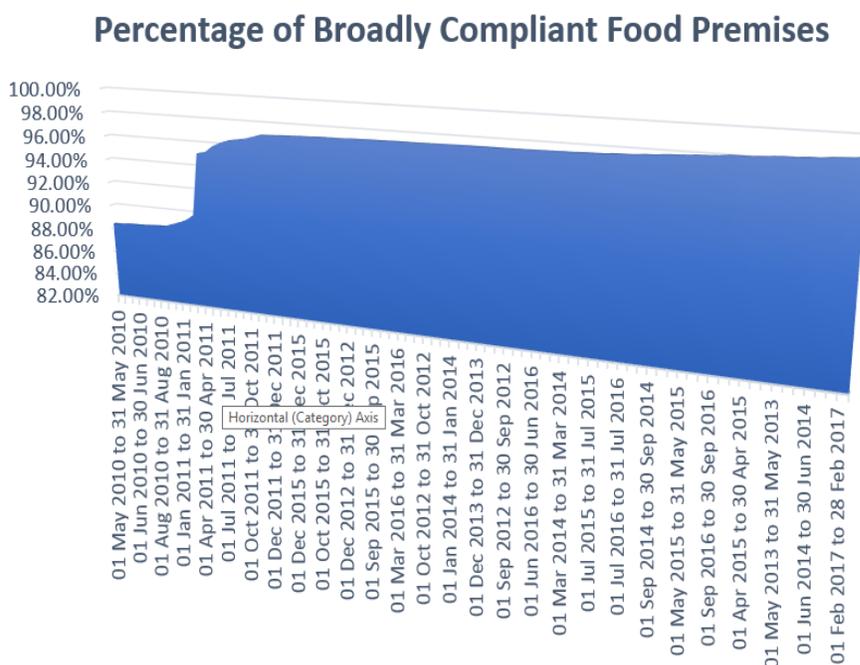


Figure 1.0 Upward trend in 'Broad Compliance' since 2010

## SECTION 2: BACKGROUND

### 2.1 Organisational Structure

2.1.1 The Structure of the Council and for Environmental Health and Licensing Service is attached as Appendices 1 & 2. It differs from previous years' in that Thurrock Borough Council now provide a 'managed service' arrangement where via a memorandum of understanding it supplies an Environmental Health and Licensing Manager to oversee the Environmental Health and Licensing service and whom reports direct to the Chief Executive at Brentwood Council.

2.1.2 The Food and Health and Safety Team are composed of three FTE employed posts, namely; an Environmental Health Manager, a Principal Environmental Health Officer (EHO) and a part-time District EHO. The roles are described as follows: -

2.1.3 *Environmental Health and Licensing Manager* – Responsible for overseeing the work of the teams fulfilling the Licensing, Food Safety, Emergency Planning, Environmental Protection and Private Sector Housing functions at Brentwood and developing these services going forward.

2.1.4 *Environmental Health Manager* - responsible for overseeing all work within the food safety team including setting all targets, monitoring performance, training and development. The role includes operational delivery functions and responding to all relevant stake-holders.

2.1.5 *Principal EHO* - responsible for managing the food hygiene and health and safety contractors and inspection scheme, carrying out inspections and

interventions at high-risk food establishments, audits, food premises/food item complaints and investigations into food-borne illness.

2.1.6 *District EHO* (0.6FTE) - responsible for carrying out inspections and interventions at high-risk food establishments, audits, food premises/food item complaints and investigations into food-borne illness.

2.1.7 *Three contracted EHO's* also work for the authority as qualified officers authorised to carry out approximately 85% of the planned food safety interventions for the Borough. There is also one further officer devoted to food sampling and another to food safety training who is paid as an employee. The EHO's carrying out interventions are remunerated according to the category of food premises they visit and the number of inspections undertaken.

2.1.8 The Principal and District EHOs, and the contracted EHO's carry out intervention re-visits.

## **2.2 Scope of the Food Safety Service**

2.2.1 The Food Safety Team will provide the following services: -

- Carrying out a programme of food hygiene interventions in accordance with the Food Safety Act 1990 Code of Practice;
- Investigating and resolving complaints about food and food hygiene premises/practices;
- Taking informal or statutory action including the service of notices, food seizure, premises closure or prosecution (amongst other available actions) to secure ultimate compliance within food safety legislation;
- Identifying and assessing premises requiring approval in respect of specific food products or processes and to ensure that they are issued with conditional and full approval as necessary;
- Ensuring that all food premises located or trading within the Borough are registered, and to maintain an accurate database of food premises in the Borough. To record inspection information and enable performance data to be provided to the Food Standards Agency;
- Receiving and investigating all relevant Food Standards Agency Food Alerts for Action and their updates as appropriate, and to communicate with business to disseminate relevant information concerning relevant food risks.
- To provide advice and assistance to businesses and consumers on food-related issues through the local authority website and other media;

- Investigate incidences of food borne disease and take action, including liaison with other bodies such as Public Health England (previously the Health Protection Agency), to identify the source and prevent further infection;
- Providing or arranging the provision of food hygiene training courses, food hygiene refresher courses and allergens courses (where economically viable), together with one-off courses produced for specific targeted groups and to inform both the trade and the public in relation to food safety issues. This will include courses providing 'Safer Food Better Business workshops', and further workshops to assist businesses in enhancing their food hygiene rating risk-scores;
- As a partner to the National Food Hygiene Rating Scheme – to provide and operate a scheme locally and in accordance with the national guidance. To process and respond to any appeals against scoring or requests for revisits for the purpose of rescoring. To supply all collected information to the Food Standards Agency as of a frequency laid down by guidance;
- Carrying out an appropriate food sampling programme based upon received sampling program information, or in connection with any inspection or investigation;
- As a partner to the UK Food Surveillance system (UKFSS) – to provide food sampling data direct to the Food Standards Agency and to use the information available nationally to inform the authority's local food sampling programme and assist with food poisoning/food-borne illness investigations;
- Carrying out an appropriate chemical and bacteriological sampling programme for private water supplies;
- Commenting on proposed food legislation codes of practice and other official documents as necessary and as requested.
- Carrying out work under the Essex-Wide 'TuckIN' Project involving additional specific visits to determine current food practices and ingredients, giving advice to food business operators on ways to make food better by changing oil type, reducing sugar, salt and calories through portion size. These visits compliment routine food hygiene inspections where practicable. This work is funded through the 'Leaders Innovation Fund', - a grant to the Essex Food Safety Group from Essex County Council. The TuckIN project operates at no additional cost to Brentwood Borough Council and in addition represents a work stream under the Councils' Health and Wellbeing banner with a view to reducing levels of obesity within the Borough. In 2017, the Borough were finalists for a National Award relating to its development of TuckIN and its associated website at: - [www.tuckin-uk.co.uk](http://www.tuckin-uk.co.uk)

### 2.3 Demands on the Food Service

2.3.1 The authority had (*at 1st April 2017*) 685 rated food premises on its database (an increase of 10 premises registered in 2015/16) that were subject to programmed food hygiene interventions. In addition to the premises recorded on the database there are a number of unregistered premises awaiting inspection. There were also around 92 new food businesses starting within the Borough in 2016/17 which represents a high turnover of around 1/7 of the total number. This necessitates the need to increase interventions to accommodate.

2.3.2 It is the intention of the food safety team to ensure that details relative to all known food premises are kept up to date and that as new premises are identified they also added to the database. The team will also review the details relative to all food premises registrations. The authority is also mindful that this process will involve scrutiny of local newspapers, mail shots and internet searches. Where any planning applications relating to food premises are received by the authority then the food team are also consulted. At this stage, the food team can inform the applicant of applicable legal standards before any building works/alterations take place. This reduces the possibility of legal infringements later once the business has started up, together with costly alterations, and it also reduces the burden on business later when they are inspected. The authority will also respond to any credible information passed to it suggesting any rogue food activities within the Borough. The number of known food premises rated by type can be categorised as follows: -

Food Standards Agency Monitoring Category	Primary producers	Manufacturers and Packers	Importers/ Exporters	Distributors/ Transporters	Retailers	Restaurants and Caterers	Totals
Premise Rating - A	0	1	0	0	1	1	3
Premise Rating - B	0	1	0	0	2	12	15
Premise Rating - C	0	1	0	0	4	108	113
Premise Rating - D	0	1	1	1	31	241	275
Premise Rating - E	2	9	4	7	96	153	271
Premise Rating - Unrated	0	0	0	0	0	8	8
<b>Totals</b>	<b>2</b>	<b>13</b>	<b>5</b>	<b>8</b>	<b>134</b>	<b>523</b>	<b>685</b>

Figure 2.0: Profile of Rated Food Premises as at 1<sup>st</sup> April 2017

2.3.3 All food premises residing or trading within the Borough are risk rated and their frequency for intervention purposes determined. In accordance with the Food Law Code of Practice the risk ratings attained reflect the frequency at which the next hygiene intervention should occur. These are as follows: -

Food Standards Agency Monitoring Category	Minimum frequency of inspection	Number of premises
Premise Rating - A	Every 6 months	1
Premise Rating - B	Every 12 months	13
Premise Rating - C	Every 18 months	114
Premise Rating - D	Every 24 months	271
Premise Rating - E	Every 36 months	266

Premise Rating - Unrated	Unknown until inspected	7
<b>TOTALS</b>		<b>672</b>

Figure 3.0: Intended inspection frequencies of known food premises – 2017/18

2.3.4 There are two languages other than English identified as being significant among food handlers and proprietors within the district. These are Bengali and Cantonese; however, the majority of these proprietors are able to speak English or have someone present at the premises who can translate. Arrangements are in place for a translator to be contacted in emergencies.

2.3.5 The Service ensures that appropriate food hygiene guidance leaflets are provided in foreign languages (where available) and will provide Food Hygiene Courses in other than English where demand is sufficiently high.

2.3.6 In delivering the food safety enforcement function, there are a number of uncontrollable variables acting upon its delivery: -

- The food safety team investigates approximately 20 food poisoning notifications and allegations each year;
- There are a number of outdoor events which require the inspection of mobile food premises;
- Where any food premises are inspected and there is also a programmed health and safety intervention due then these inspections can be carried out together. This reduces inspection costs and reduces the burden on businesses. However, in doing this officers are to take into account LAC 67/2 (rev 6) – ‘*Targeting local authority interventions*’ which dictates that authorities firmly target their interventions around risk and not just because they are in a premises to carry out a food hygiene inspection. This policy is also referenced within the Authority’s Health and Safety Service Plan.
- The authority receives around 90 food premises and hygiene of premises complaints annually.

2.3.7 The authority may need to take legal action in relation to any significant contraventions. Investigations involving evidence gathering, formal interviews under the Police and Criminal Evidence Act and case preparation are likely to be involved.

2.3.8 The food safety team will also inspect food premises for other health-related issues as they arise such as outbreaks of communal disease (e.g. *Norovirus*) which can occasionally occur in care homes.

2.3.9 The Service is based in the Town Hall which is situated in Brentwood Essex, however, in 2017 the offices will be moving to a temporary location in Mountnessing whilst the Town Hall is being redeveloped. All FTE officers now

have access to the Brentwood 'Cloud-based' system which can be accessed from any internet connected PC. Officers are also equipped with 'Chromebooks' to enable same. These can be used 'in-the-field'. These can be mobile enabled to reach the internet from anywhere outside available wifi.

2.3.10 The Authority has now been running the Uniform database for organising food premises inspections and other work since April 2012. The system has provided advances in the amount of information stored and the ability to produce credible data for Local authority enforcement data system (LAEMS) returns to the Food Standards Agency. The system also provides for better tracking of complaints and outcomes. It also holds additional data upon which to make more informed decisions about risk and where to target resources most effectively.

2.3.11 The normal hours of service delivery are 8.30 a.m. to 5.00 p.m. Monday to Thursday, and 8.30 a.m. to 4.30 p.m. on Friday's. Arrangements are made to deliver the service outside of these hours, e.g. in the case of routine inspections to premises which only open in the evenings. 'Out-of-hours' emergency cover for food alerts, outbreaks and premises closures is not guaranteed on a routine basis, however, in accordance with the Food Law Code of Practice the authority does provide the FSA with responsible officer details for 'out-of-hours' response (where this is achievable).

## 2.4 Enforcement Policy

2.4.1 The Environmental Health and Licensing Service endorses and adopts the principles laid down in the Enforcement Concordat which recognises that enforcement must be fair, consistent and equitable. The service also has regard to the 'Code for Crown Prosecutors' guidelines. These documents will form the basis of decision making processes in deciding the most appropriate enforcement action. The Council's Food Safety Enforcement Policy (from 2016) outlines the various enforcement options ranging from advice/education to formal action including the service of notices and prosecution for non-compliance with legislation.

2.4.2 The Service operates to the documented enforcement policy in **Appendix 3**. This has been reviewed and with reference to the enforcement concordat. The Enforcement Policy has also been revised to take account of the Regulators Compliance Code.

## **SECTION 3: SERVICE DELIVERY**

### **3.1 Food Premises Interventions Programme ('Primary' and 'Secondary' inspections)**

3.1.1 It is the intention of the food safety team to inspect all premises due for any food safety intervention. The latest changes to the Food Law Code of Practice (issued in March 2017) [https://www.food.gov.uk/sites/default/files/food\\_law\\_code\\_of\\_practice\\_2017.pdf](https://www.food.gov.uk/sites/default/files/food_law_code_of_practice_2017.pdf) have brought further modifications to Local Authority outputs and

responsibilities. Brentwood Borough now applies the following interventions and frequencies: -

<b>Food Premises Category</b>	<b>Frequency of Intervention</b>	<b>Mode of Intervention</b>
A	every 6 months	Inspection
B	every 12 months	Inspection
C	every 18 months	Inspection
D	every 24 months	Alternating inspection/questionnaire
E	Every 36 months	Alternating inspection/questionnaire

**Figure 4.0: Interventions approach to food businesses – 2017/18**

3.1.2 Officers will determine the intervention frequency using the risk-rating scheme defined in the Food Law Code of Practice (England) issued March 2017. The risk rating profile of premises is shown in Figure 3.0 above. High-risk premises ('A' and 'B' rated) will include larger premises such as manufacturers and those which cater to a high number of vulnerable clients or inherently low-risk premises with a poor record of compliance. Medium-risk premises ('C' and 'D' rated) include the majority of cafes and restaurants. Low-risk premises ('E' rated) include newsagents, home caterers and other small retail shops selling mainly pre-wrapped shelf stable foods. Interventions at D and E rated premises fall within the 'Alternative Enforcement Programme' (AES).

3.1.3 As a consequence of the National Food Hygiene Rating Scheme and the need to focus resources where most improvement is required - categories 'D' and 'E' premises are no longer inspected every time they are 'due', but instead are sent a questionnaire enquiring as to various standards and practices in place. From this the score is verified. However, these premises will be inspected at every other planned intervention. This has the effect of legitimately reducing the burden on lower risk premises and on the service. This is in line with the options available within the Food Law Code of Practice 2017. In operating this scheme, the Authority is mindful that it will be necessary to verify the information received otherwise it may not come to the correct conclusions regarding risk in these premises. The Authority will also inspect any premises not returning their questionnaire. The Authority does not carry out partial inspections or audits, preferring full inspections for greater clarity of risk.

3.1.4 The number of programmed food hygiene interventions programmed carried out as inspections for 2017/18 is shown below: -

<b>Risk Rating</b>	<b>Min. Frequency</b>	<b>No. of Premises</b>	<b>No. of hygiene interventions</b>
Premise Rating - A	Every 6 months	3	6
Premise Rating - B	Every 12 months	13	15
Premise Rating - C	Every 18 months	114	69
Premise Rating - D	Every 24 months	271	113
Premise Rating - E	Every 36 months	266	114
Unrated	Unknown	7	7
	<b>TOTAL</b>	<b>672</b>	<b>321</b>

**Figure 4.0: Numbers of premises (estimated) to receive an intervention in each rating – 2017/18**

3.1.5 Where any programmed health and safety intervention coincides with any food hygiene inspection then they 'may' be conducted together (*subject to the caveat in 2.3.3*) in order to reduce the burden of inspections upon business and to reduce resources. The authority will also at any inspection consider compliance with smoke-free legislation which prevents smoking in public places.

3.1.6 The Food Safety Service will endeavor to improve the ratings of premises outside the realms of enforcement wherever it is practicable to do so and within existing budgets. In previous years, the authority has provided Safer Food Better Business/Food Hygiene Rating System Workshops to low scoring enterprises with good success. However, there are only a very small proportion of premises remaining which require such intervention. For 2017/18 the authority will continue to concentrate on the higher risk premises and assist them towards Category 4 or better – 5.

### **3.2 Carry Over**

3.2.1 Two premises (sports club houses) could not be inspected in 2016/17 as they open seasonally and could not be inspected when due. This is acceptable under the Food Law Code of Practice. They are categorised as low risk and will be reallocated for inspection in 2017/18.

### **3.3 Inspections of imported food**

3.3.1 The Food Standards Agency requires Local Authorities to include inspection of imported food during routine food hygiene interventions. This activity is included in the calculations and will form part of the overall inspection process. There are currently no border inspection posts, enhanced remote transit sheds or importing agents in Brentwood but officers will routinely look for any food imports during routine visits to check traceability and fitness for consumption.

### **3.4 Inspection revisits, and revisits for rescoring**

3.4.1 It is estimated that of those premises due for an intervention in 2017/18 around 3% will require further visits to check compliance and for the purpose of rescoring under the National Food Hygiene Rating Scheme. This will include carrying out revisits to all premises not considered '*broadly compliant*' with food hygiene law i.e. those showing elevated risk in the areas of hygiene, structure or confidence in management. This will include revisits to all category 'A' rated premises. Category 'B' premises are also considered eligible for reinspection but only where they are not broadly compliant and where their score is not influenced by their undertaking (such as with residential care homes). The majority of Category 'C' premises will not be expected to be revisited as they are all likely to be broadly compliant with food law. Revisits for the purpose of rescoring will be carried out on demand where a food business has completed

all the works necessary to meet the legal requirements set at its previous programmed inspection.

### **3.5 Appeals against food hygiene rating scores**

3.5.1 Under the National Food Hygiene Rating Scheme businesses may appeal against the hygiene score given where they consider it unjust. The matter may be resolved by the Corporate Risk and Enforcement Manager but it may involve reappraisal of the premises in order to properly conclude the score. This may involve a site visit but not in all cases. This may occur in less than 1% of premises. One appeal was received in 2016/17 which was resolved. The score stayed the same.

### **3.6 Non-Programmed Inspections**

3.6.1 It is estimated that there will be approximately 90 new businesses requiring inspections during 2017/18.

### **3.7 Food and Food Premises Complaints**

3.7.1 The Service seeks to investigate all food complaints with a first response within the target period of five working days. There were 34 food complaints and 63 complaints about hygiene of premises in 2016/17. This number is expected to be largely repeated in 2017/18. It is also estimated that there will be approximately 20 enquiries concerning the food hygiene rating scheme.

### **3.8 Primary Authority Principle**

3.8.1 Primary Authority gives companies the right to form a statutory partnership with a single local authority, which then provides robust and reliable advice for other councils to take into account when carrying out inspections or dealing with non-compliance. The Council endorses this approach to food safety. The Service has no formal Primary Authority Agreement with any food business in the Borough, however, it will actively explore such arrangements where suitable candidates are identified.

### **3.9 Advice to Businesses**

3.9.1 Although there is no statutory requirement for authorities to offer free advice to businesses the Service encourages food businesses to seek advice as it encourages levels of compliance. It is preferable to resolve problems through co-operation at an early stage before the situation becomes serious, when formalised enforcement action may have to be considered. The 'Hampton Report' entitled '*Reducing administrative burdens: effective inspection and enforcement 2005*' states that; "*We expect local authority enforcers to adopt a balance of techniques and approaches in order to ensure the safety and well-being of the public and of the environment and not to rely on any one method.*"

*We believe that assisting compliance is every bit as important as detecting non-compliance*". This Service then would like to be perceived by food businesses as supportive and helpful and it actively seeks to give this intention.

3.9.2 Advice is mainly delivered on a one-to-one basis whilst officers are carrying out inspections and other visits but may also be given via telephone calls, newsletters, seminars, leaflets or letters. Officers give advice in accordance with recognised guidance and codes of practice. Currently there are no specific food business partnerships or forums in operation.

3.9.3 In 2014 the Food Standards Agency published the; 'E.coli 0157 Control of Cross Contamination' guidance providing critical information for food business operators and enforcement authorities. The guide aims to increase recognition of the threat of *E.coli* and identifies the need to have stringent measures in place to prevent transmission. It sets out controls in circumstances where food may be contaminated and is handled in the same establishment as ready-to-eat food. Given that very serious outbreaks and fatalities have been associated with this organism this service has produced specialist guidance to assist all food businesses in their understanding of this organism and on the most effective ways of preventing infection.

3.9.4 In 2014/15 the Food Standards Agency set a 'Campylobacter Target' to: (a) reduce the number of contaminated chickens produced by industry from 27% down to 10%, and, (b) to reduce Campylobacter food poisoning by up to 30% which equates to around 111,000 cases per year. In recognition of this target the Food Safety Team at Brentwood developed in 2015/16 a 'Safer Food Better Business Manual 'Safe Method' sheet to guide food businesses in the precautions they should take to minimise cross contamination.

### **3.10 Food Sampling**

3.10.1 The Service participates in food sampling programmes, co-coordinated with Public Health England (PHE) and the Essex Food Liaison Group. This co-coordinated programme includes organised sampling initiatives. In 2016/17, the Food Team took a combination of 98 food samples, 4 cloth samples, and 36 surface swab samples. Proportionally, this was more than any other Essex authority. The failure rate for these samples was around 36% which necessitated further action in each case to secure food safety. This would include further sampling, initiating procedural changes in food premises or preventing the production or purchase of food by manufacturers.

3.10.2 The Service intends carrying out approximately 110 routine programmed food samples in 2017/18 and a number of swab samples. In addition, reactive food sampling will also be carried out in respect of food complaints and other suspect food items. Targeted food sampling with Brentwood has on occasion identified poor suppliers located outside the Borough. In these cases, relevant food businesses within Brentwood are advised to seek their food product from other suppliers producing safer food.

3.10.3 The PHE laboratories located at Collindale will continue to process the analysis of all food samples procured by the authority and provide a no cost courier service to this and other Essex authorities.

### **3.11 Outbreak Control and Infectious Disease Control**

3.11.1 The Service is expected to respond promptly as an overriding priority to the notification of communicable diseases especially where the source could be food borne and take action to investigate and attempt to control spread. Officer response should be according to an initial professional assessment of urgency based upon the information available, but in any event no longer than the response period determined in the targets section. Officers are also required to liaise with the Centre for Communicable Disease Control (CCDC) and 'Public Health England'.

### **3.12 Food Safety Incidents**

3.12.1 The procedure followed in respect of food alerts and updates is in accordance with Food Safety Act 1990 Code of Practice. The Service is connected to the Environmental Health Computer Network (EHC Net) to allow the receipt of food hazard warnings, as these are transmitted by the Department of Health (DOH) using this system. The FSA is likewise provided with the contact number of the authority which can be contacted out of hours where necessary. Food safety incidents are responded to on a risk assessed basis. In 2011 the Borough successfully prosecuted a business found to be at the center of a Scombrototoxin food poisoning outbreak.

### **3.13 Food Standards work**

3.13.1 Although Brentwood Borough Council had an arrangement with Essex County Council to share elements of food safety enforcement this has now ended mainly in response to new legislation giving non-unitary authorities new powers in relation to the control of allergens in food. Therefore, from time to time, officers of this authority incorporate related questions concerning allergens in to their routine inspections. Complaints concerning allergens will also be investigated by the relevant authority.

### **3.14 Liaison with other organisations**

3.14.1 Arrangements are in place to ensure that enforcement action taken by the service in the Brentwood Borough is consistent with enforcement action carried out within neighbouring local authorities. This includes: -

- Active support of the Essex Environmental Health Managers Group which includes regular meetings and contact between Essex authorities and also has representatives from Trading Standards, PHE and CCDC representatives;

- Peer review bench marking exercises with all Essex Local Authorities;
- Regular discussions amongst officers in respect of Local Government Regulation guidance;
- Attending Chartered Institute of Environmental Health (CIEH) branch meetings, monitoring and responding to e-mail messages on the Environmental Health Computer Network (EHC Net);
- The Essex Health Protection Team in respect of the investigation of suspect food poisoning outbreaks which involves contact with the consultant in communicable disease control (CCDC). A representative from the Service regularly attends the PHE Liaison Meeting which among other things is the body which devised the Joint Health Authority/Local Authority Outbreak Control Plan.
- Brentwood Borough Council currently operates a 'managed service' with Thurrock Borough Council where in the absence of a 'Head of Service' Thurrock provide a manager to oversee Environmental Health and Licensing (which includes food safety enforcement). This is done through a memorandum of understanding. This arrangement may evolve in to a more shared service where this provides any particular advantage to either authority in terms of cost savings or efficiency gains.

### **3.15 Specialist Food Safety Information**

3.15.1 This is obtained through the Essex Food Liaison Group of which all Essex councils are members.

### **3.16 Food Safety Promotion**

3.16.1 The Food Safety Team at Brentwood Borough provides up to date information on the Council's website which enables residents and food businesses to view the services available and to download formwork including that for business registration and training.

3.16.2 The Service responds to changes in legislation and current concerns about food by educating proprietors during officer visits and by sending out mail shots and other information.

3.16.3 The Service guides all new food premises to 'Safer Food Better Business' which is now available on line as a downloadable document. Where this system is appropriately used and put into practice then the business may rely upon it to comply with the legal requirement to provide a food safety management system based on HACCP (Hazard Analysis, Critical Control Points).

3.16.4 In 2011 the authority produced two supplements for the Safer Food Better Business manual. One was in response to a Scombrototoxin food poisoning outbreak, and the other concerning *E.coli* was in response to a Food Standards Agency request to bring this hazard more firmly to the attention of business. Both supplements have since been circulated within the Essex authorities and copies provided to the Food Standards Agency. The authority will provide further such information where it is necessary to alert businesses or consumers to significant food risks.

### **3.17 Food Hygiene Training**

3.17.1 In 2016/17 the Food Safety Service offered the CIEH Level 2 Food Hygiene course taught at the Town Hall. This qualification provides food handlers with training in food safety which may be deemed compliant with the legislative requirement to receive commensurate training and instruction. The service provided six of these type courses conducted bi-monthly. The courses are chargeable. Many local food businesses use the Council's course as it is local and taught to a high-level. In 2017, the CIEH has however brought these courses to a close, however, they are to be replaced by an alternative once this is available.

### **3.18 Food Allergens Training**

3.18.1 In 2016/17 the Service offered the CIEH Level 2 Award in Food Allergens Awareness. This course was the first to be provided within Essex and it provided food businesses with all the information they required to be compliant with the Food Information Regulations 2014. The course however is no longer available from the CIEH having been discontinued. It may be replaced in the future.

### **3.19 Conflicts of Interest**

3.19.1 For Services provided by Environmental Health and Licensing - the Food Law Code of Practice requires food authorities to ensure that officers are always aware of potential conflicts of interest that can arise in enforcement situations through promotions of its own food authority's services.

3.19.2 Although the authority has provided the Level 2 Food Hygiene Course and the CIEH Level 2 Award in Food Allergens Awareness it may not publicise these over and above others that are available. To this end it will also provide details upon request of other local providers within this market.

3.19.3 For enforcement within Local Authority managed premises - where the Council is the operator of food businesses or employs contractors to run food businesses there is scope for conflict of interest. When the Service is enforcing food hygiene legislation it applies the same national criteria in respect of scoring and inspecting businesses to determine the inspection frequency as it does for all its businesses. The council owns some premises providing parks

and activity functions that fall within this category. This matter is dealt with within Food Safety Procedure 021 'Food Safety Enforcement'.

3.19.4 In relation to contractors - enquiries are made to ensure that any contracted enforcement officers are independent from any of the food businesses they may be involved with in food safety enforcement work.

### 3.20 Health and Safety inspections and interventions within food premises

3.20.1 The Health and Safety Service Plan sets out the Authority's intentions for health and safety enforcement and in-line with Health and Safety Executive (HSE) requirements. Authorities are not now expected to carry out a thorough proactive health and safety inspection whenever carrying out a food hygiene inspection. However, HSE document LAC 67/2 (rev 5) specifically points local authorities to dangers relating to electrical safety and encourages them to take on a variety of interventions to reduce related hazards. This includes specific targeted inspections, increasing awareness and visiting new business start-ups.

### 3.21 Food Safety Webpages

3.21.1 Food safety information is provided on the Council's website which is available for consumers and businesses. This may be found at: - <http://www.brentwood.gov.uk/index.php?cid=1095>. These pages are regularly reviewed and updated. The pages provide downloadable forms (self-service) for matters such as premises registration, 'right of reply' and appeals.

## SECTION 4: RESOURCES

### 4.1 Budget Allocation

4.1.1 The budget allocated to food safety enforcement covers all areas of statutory and non-statutory work. Relative to the intentions expressed within this service plan the budget is adequate for these purposes. Should the budget be reduced in 2017/18 then this is liable to create further risk in food premises. For example, where less food was sampled then this might result in less opportunity to prevent food poisoning within the Borough.

4.1.2 The financial allocation for inspections and complaint work for 2017/18 is as follows: -

COST CENTRE = FOOD /HEALTH AND SAFETY ENFORCEMENT	
AREA OF SPEND	AMOUNT £
General Equipment	750
Software	0
Subscriptions	1,500
Analytical Services (contractors undertaking food hygiene enforcement and sampling)	21,950
Salaries (staff)	108,420

National Insurance Payments (staff)	11,730
Pensions (staff)	15,560
Temporary Employees (Food Hygiene Course)	3,000
<b>TOTAL</b>	<b>162,910</b>

Figure 5.0: Budget allocation 2017/18.

## 4.2 Staffing Allocation

4.2.1 There are three officers employed: -

- Environmental Health Manager (1.0 Full Time Equivalent) (FTE\*)
- Principal Environmental Health Officer (1.0FTE), and
- District Environmental Health Officer (0.6FTE)

4.2.2 Officers in these posts are authorised to enforce food safety legislation consistent with their qualifications in accordance with the relevant Food Safety Act Code of Practice to enforce food safety legislation in food premises rated 'A-E'. These staff not only do food work - they form a team which carries out duties in respect of health and safety, infectious disease control, licensing and animal welfare, etc.

4.2.3 In addition to the field staff officers above there is also an allocation for administration and senior management support. A direct total of 0.90 FTE is allocated to the Food Safety Service.

4.2.4 A budget of £21,950 is allocated for the work of outside analysts and consultants each year to cover for food inspections, sampling and complaint work.

4.2.5 The number of staff and financial allocation available at these levels are deemed adequate to carry out the food safety function as required.

## 4.3 Staff Development Plan

4.3.1 The Service ensures that necessary training is given to officers to enable them to carry out their duties competently. The Environmental Health Manager is a voting member of the Chartered Institute of Environmental Health (CIEH), and has attained Chartered Status of the Institute. Voting members and those with chartered status of the CIEH are required to undergo at least 20 and 30 hours respectively of continuous professional development (CPD) per year. In compliance with the appropriate Food Safety Act Code of Practice, all officers in the food team will receive 10 hours of food training, some of which will be provided in-house.

4.3.2 Staff receive annual appraisals (when set by upper management) and regular meetings with their manager on a routine basis. In addition, regular team meetings take place during which training needs are discussed. A representative from the food team regularly attends the Essex Food Liaison Group Meetings. These meetings provide a useful forum for identifying common

training needs for food enforcement officers throughout the county. Suitable low-cost courses are then organised to meet these needs.

\*FTE = The ratio of the total number of paid hours during a period (part time, full time, contracted) by the number of working hours in that period Mondays through Fridays. The ratio units are FTE units or equivalent employees working full-time. In other words, one FTE is equivalent to one employee working full-time. For example: You have three employees and they work 50 hours, 40 hours, and 10 hours per week – totaling 100 hours. Assuming a full-time employee works 40 hours per week, your full time equivalent calculation is 100 hours divided by 40 hours, or 2.5 FTE.

## **SECTION 5: QUALITY ASSESSMENT**

### **5.1 Quality Systems**

5.1.1 In recognition of the need to provide an effective food safety service to both consumers of food and proprietors of food businesses, various systems are in place or are being considered to ensure that the quality expected by service recipients and the Council is delivered.

5.1.2 The following systems assist in assessing and ensuring the right level of quality is provided: -

- Regular Food Safety Team meetings which are fully minuted and officers appropriately tasked;
- Bench marking exercises with other food enforcement services in Essex and elsewhere;
- Team meetings for sharing good practice and consistency;
- Joint inspections with food enforcement officers by their line manager provides an opportunity to monitor the officers' inspection techniques and to discuss the outcome. Officers are also encouraged to carry out joint inspections with other team members in order to share best practices;
- Counter signing of formal enforcement notices prior to service;
- Monitoring of copy letters which have been sent out by officers;
- Joint visits and auditing of officers during inspections and the paperwork they produce;
- Completion of an aide-memoir form providing permanent record of the findings of each inspection, which can be monitored and discussed;
- Documentation of various procedures;
- Implementation of external third party auditing which will involve scrutiny by food enforcement officers from other local authorities in Essex, co-ordinated by the Essex Food Group;
- Internal audits – the unit received an internal audit in 2011 and attained a 'substantial assurance standard' with no major or critical priorities identified;

- Third party monitoring and auditing of performance targets by the FSA. The service was re-audited by the Food Standards Agency in October 2011. All actions stemming from that audit have now been completed.

## **SECTION 6: REVIEW**

### **6.1 Review against the Service Plan**

6.1.1 During the year the Food Safety Service formally monitors its performance against targets and on a monthly and quarterly basis. This is also reported quarterly within a Performance Indicator Dashboard viewed by the Chief Executive and Corporate Leadership Board.

### **6.2 Identification of any variation from the Service Plan**

6.2.1 The performance levels for the period 2016/17 were in conformance with that period's service plan.

### **6.3 Areas of Improvement**

6.3.1 The Service has documented internal Quality Management Systems and regularly extends and reviews the number of documented procedures. This exercise is being repeated in 2017/18.

6.3.2 The Service has now fully adopted the Uniform data base system which greatly enhances the type, quality and depth of information held on food businesses as well as complaints. The system has brought about improvements in service and in particular enables historic tracking of compliance within premises plus enhances progressive enforcement as the authority tries to improve standards in food businesses.

6.3.3 The Service routinely uses the UKFSS (United Kingdom Food Sampling System) to record data for all the food samples it takes.

### **6.4 Resilience**

6.4.1 The Food Safety Service at Brentwood is highly resilient. Three PAYE Environmental Health Officers and four contracted Environmental Health Officers supply the service and cover arrangements. Besides carrying out proactive work contracted officers have undertaken reactive duties including processing of complaints. This arrangement has served the authority well and means that it has been able to react to all situations so far presented to it including significant investigations into food/food related incidents.

## **SECTION 7: TARGETS/STANDARDS**

### **7.1 Targets and standards applied**

7.1.1 The following targets and standards are utilised: -

- To operate a food hygiene interventions system whereby all food premises (100%) within the Borough and in accordance with the Food Safety Code of Practice receive timely interventions in the form of inspections, audits or a process of alternative enforcement in order to bring about compliance with all applicable food hygiene related statute.
- That all new food businesses will be visited and assigned an inspection rating within 28 days of becoming registered with the authority (receipt of the registration form).
- To take informal or statutory action including prosecution to secure effective and speedy compliance with legislation having regard to official Codes of practice, Local Government Regulation Guidance and the Environmental Health Enforcement Policy.
- Officer responses to food related complaints and FSA's Food Alerts will be according to the initial professional assessment of urgency based upon the information available, but in any event not longer than 5 working days.
- To attend the Essex Food Liaison Group and to liaise with other District Councils, Essex County Council, Public Analysts and the Public Health Laboratory Service as required by the official Code of Practice.
- To record cases of notifiable disease and maintain weekly reports to ensure that statistical returns to authorised external agencies are produced as required.
- To respond promptly as an overriding priority to the notification of communicable diseases especially where the source could be food borne and to take action to control their spread. Officers' response to communicable disease notification should be according to the initial professional assessment of urgency based upon the information available, and in any event not longer than 5 working days.
- To implement a bacteriological food sampling of 110 programmed samples, in addition to any samples required following an inspection.
- To implement chemical and bacteriological water sampling for private water supplies as required.

## **SECTION 8: PERFORMANCE INDICATORS**

**8.1 Performance indicators applied: -**

8.1.1 The following performance indicator is utilised: -

- (i) Over 99% of food premises within the Borough are broadly compliant with food safety legislation (those with a score of no more than 10 within the categories of food hygiene, structure and food safety management) with food safety legislation. This is above 97% (the set target) - which is 11% greater than it was within the Borough five years ago, and 2% greater than a year ago. This is reported on a monthly and quarterly basis and also as a cumulative figure. This shows continual improvement in all measured areas.

**Appendix 1 – ENVIRONMENTAL HEALTH AND LICENSING SERVICES STRUCTURE**

