

**Scarborough Borough Council  
Commercial Regulation Service**



*A great place to live, work & play*

**FOOD SAFETY SERVICE PLAN  
2019/20**

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Commercial Regulation Service**

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## Foreword

The Food Safety Service is responsible for ensuring safe standards of food manufacture and supply throughout the Borough. Establishing policy in respect of the Service is the responsibility of the Director of Service, subject to Member approval.

The food safety service operates to standards laid down in the North Yorkshire Food and Safety Liaison Group: Food Safety Service Protocol (formerly the Food Quality Management System (QMS)). The QMS was reviewed in 2015/16 to ensure that the food safety management system remains fit for purpose and takes account of changing expectations and requirements. The Food Safety Service Protocol is based around the Code of Practice requirements and helps to deliver a consistent service across the region.

Until January 2017, food safety enforcement was carried out by the Food and Occupational Safety (FOS) Team. However, an Environmental Health service review was undertaken during 2016-17 and the FOS team was amalgamated into a newly formed Commercial Regulation Team. The remit of the latter not only encompasses food and occupational safety enforcement but also includes investigation, monitoring and enforcement activities relating to other environmental health concerns, including noise nuisance, air quality, contaminated land, permitted processes and private water supplies. Licensing Services have also been incorporated into the Commercial Regulation Team.

## FOOD SAFETY SERVICE PLAN

### 1 SERVICE AIMS AND OBJECTIVES

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

**Aim 1 – People** – to have a safe, happy, healthy population with people who feel valued and included.

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

**Aim 2 – Prosperity** – to develop a prosperous and innovative Borough, with a highly skilled and aspirational workforce.

- To provide assistance and advice to existing and new food businesses as appropriate to comply with food hygiene legislation and promote good practices.

**Aim 3 – Council** – to be an efficient and effective Council which is financially sustainable for the future.

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

The service aims also include the following performance standards:

#### Local Indicators

- Satisfaction of business with local authority regulation services

Outturn 2018/19 – 86.7%

The service uses a web-based survey to measure customer satisfaction and promote digital inclusion. Customers are encouraged to provide feedback following inspections etc through use of e-mail reminders incorporating a link to the relevant survey.

- Food establishments in the area which are broadly compliant with food hygiene law

Outturn 2018/19 – 96.9%

This figure is a slight improvement on the previous year (96.3%). Performance is regularly monitored and the following local indicators are reported to the Council's Performance Management Service on a quarterly basis:

EH1 Food establishments in the area which are broadly compliant with food hygiene law

CSF EH011 Achieve the target number of interventions for food safety in accordance with the Council's Food Safety Service Plan

The Council's Performance Management Service has a system of data quality checks which are, in effect, an independent check on reported performance. Performance in relation to inspections and other performance indicators will be measured against targets set out in this service plan.

The Commercial Regulation Services Enforcement Policy includes the enforcement of food safety legislation.

## 2 BACKGROUND

The Food Safety Act 1990, European Communities Act 1972 and supporting Regulations made under these Acts contain the powers necessary to ensure food safety and hygiene standards. Enforcement of these Acts is a statutory function of the Borough Council. All local authorities are required to prepare an annual service plan by the Food Standards Agency (FSA) as part of its national Food Safety Framework Agreement setting down details of food safety service delivery for the forthcoming year and reviewing the previous year's implementation.

The FSA has published a Code of Practice in relation to food law enforcement that set out matters such as inspection frequency, risk rating and guidance on enforcement options. In addition, the FSA and other bodies and agencies periodically publish guidance for food safety enforcement authorities and officers.

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

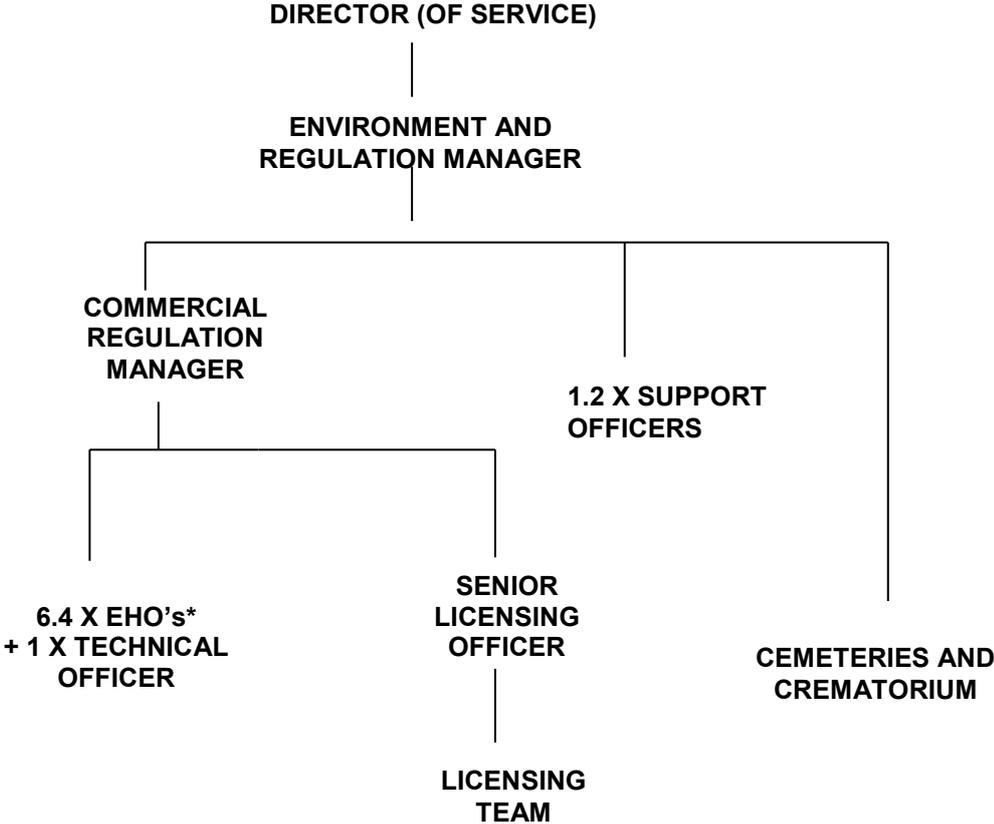
Scarborough Borough Council has a large number of food premises in its area relative to the population. The area is predominantly rural with population centres at Scarborough, Whitby and Filey. Tourism is a primary source of employment in the area. The seasonal nature of many businesses impacts upon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

Total population:	108,400
Total area:	81,654 hectares
Population density:	1.33 persons per hectare
Number of food premises:	2097

The Food Safety Enforcement Service mission statement is:

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

The organisational structure of the Service is detailed in the diagram below:



\*4.6 EHO posts engaged in food safety work.

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

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

**3 SERVICE DELIVERY**

**(a) Management and Staffing Arrangements**

The Environment and Regulation Manager manages this service and is the Section Head for the Commercial Regulation Team. The team is managed on a day-to-day basis by the Commercial Regulation Manager who works in close liaison with the Environment and Regulation Manager in respect of policy and other issues relative to the service operations.

The service is contactable via the Customer First Centre at the Town Hall in Scarborough , Scarborough, North Yorkshire, YO11 2HG, Tel: 01723 232323

8.30am to 5pm - Monday to Friday and a duty EHO can be contacted in an emergency out of hours via Tel: 01723 351558. Customers are also able to use self-service on-line contact methods 24hours a day.

## **(b) Services Provided**

The core functions of the service are as follows:

### Interventions

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

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

### Proactive Inspections

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

Planned inspections will remain the mainstay of the food safety service's operations for medium to high risk premises but this will be supported by other interventions, such as verification and sampling visits where justified. In relation to the lowest risk food premises (category E), these will be monitored through information gathering as part of an alternative enforcement strategy or contracted inspections.

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

<b>Category</b>	<b>No Premises</b>	<b>Minimum Frequency of Inspection</b>
A	0	at least every 6 months
B	37	at least every year
C	280	at least every 18 months
D	858	at least every 2 years
E	557	At least every 3 years
Unrated	119	Unclassified (est)
Outside programme	246	Alternative enforcement strategy
<b>Total</b>	<b>2097</b>	

In terms of the profile by type of establishment, the breakdown is as follows:

Type of Premises	No Premises
Primary Producer	8
Manufacturers/ Packers	52
Importers/ Exporters	0
Distributors/ Transporters	19
Retailers	459
Restaurants and Caterers (including cafes, hotels, pubs, takeaways, schools and caring establishments etc)	1559
<b>Total</b>	<b>2097</b>

Specific demands on the service arise because of the seasonal nature of the area; many premises only operate during the summer months. In addition there are a number of EC approved producers which although inspected according to risk rating, interventions at a number tend to be more demanding due to the nature of their activities. The number of EC approved premises is summarised as follows:

- Fishery Products etc. 19 (*includes 2 fish markets and 5 crab processors*)
- Dairy Products 2
- Meat Products 1 (*also approved for meat preparations*)
- Egg Packing 2

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

There are two fish markets at Scarborough and Whitby. Fishing vessels at these ports are largely "day boats" and are considered lower risk than the deep sea and factory vessels.

The table below shows the interventions due in 2019/20 by risk rating.

Risk category	Interventions Due in 2019/20	Intervention Backlog
A	0	0
B	31	1
C	145	36
D	368	51
E	215*	125
Unrated	90	0
<b>Totals</b>	<b>849</b>	<b>213</b>

\*Only around 111 of these will require inspection. Figure includes some premises previously on Alternative Enforcement which will now be due for inspection and similarly a number of Category E's falling due in this year will be monitored by Alternative Enforcement.

The total number of programmed interventions during 2019/20 is 849. Phasing in the current backlog (mainly C to E rated premises), approximately 1062 interventions are required in 2019/20. The majority of these will require inspection. Added to this there will be approximately 200 new business registrations received during 2019/20 of which around an estimated 125 new registrations will require inspection that would not otherwise have been in the inspection programme (a percentage of the new registrations will result from changes identified during programmed inspections and some new registrations will not require an inspection). Conversely, a number of in-year business closures of those due inspection may also be anticipated.

High and medium risk premises (A-C rated premises) and those premises which are deemed not broadly compliant will be prioritised for inspection over lower rated premises. However, resources have been secured, through contractors, to achieve approximately 300 inspections on lower risk premises in 2019/20 (D and E rated premises).

The adoption of the national Food Hygiene Rating Scheme (FHRS) means that premises can only gain an FHRS rating when an inspection/audit is undertaken. Although alternative enforcement strategies (AES) are used on low risk premises, where premises are included within the FHRS scheme and are eligible for a rating, such premises will automatically be included in the inspection programme following an AES assessment to ensure ratings remain relevant.

Historically service plans have aimed to clear any backlog of interventions. With increasing pressure on resources it has become apparent that this may not be an achievable target with the seasonal nature of the food trade within the Borough and prescribed inspection frequencies. A number of food premises fall within Risk Category C which has an 18 month inspection frequency. This means that every year a number of due inspections of seasonally opening premises fall in the winter months when access cannot be gained.

The target for 2019/20 is to achieve the targeted number of due interventions and reduce any backlog to a minimum having regard to the seasonal nature of a number of premises.

#### Enforcement and surveillance Visits

It is anticipated around 200 follow-up visits to verify compliance and investigate complaints are likely to be required. A graduated approach to enforcement will be undertaken as per the service Enforcement Policy and it may be necessary to use statutory notices to secure compliance in poor performing food businesses and apply for greater legal sanctions such as prosecution for serious breaches of food hygiene legislation.

#### National Food Hygiene Rating Scheme

The council has adopted the FSA's National Food Hygiene Rating Scheme (FHRS). The scheme was launched locally at the end of March 2011. The Council has, as required by the scheme, set up procedures to deal with appeals and requests for re-rating visits.

Currently 1589 premises have a food hygiene rating. The scheme continues to show signs of success in raising hygiene standards. At launch approximately 75% of businesses were rated as either good or very good (4 or 5). The figures at the end of March 2019 show that this has risen to around 93%, consistent with the previous year.

### Food and Food Premises Complaints

Food and food premises complaints are all investigated in accordance with local procedures allied to the food safety management system. Based on previous records it is estimated that the service will receive in the order of 10 food complaints and 200 complaints relative to premises in 2019/20. The service is also likely to receive in the order of 500 other food related enquiries. This includes new business enquiries, legislative queries, export certificates etc.

### Infectious Disease Control

All infectious disease notifications are dealt with under local procedures. Those related to food poisoning or food borne illnesses are allied to the food management system. Based on previous records, it is estimated that the service will receive around 30 notifications in respect of suspected food poisoning during 2019/20. Viral outbreaks also have a significant impact on the service, particularly when associated with one of the larger hotels. It is usual to have at least 1 such outbreak notified each year.

### Food Sampling

A sampling programme has been devised for 2019/20. It is proposed that samples will be taken from EC Approved premises and other high-risk producers as well as where feasible, participation in at least one regional/ national sampling survey organised through the Public Health England. Samples of imported food will also be included.

NB: The service did experience some staffing issues in 2018/19 which meant that only minimal food sampling was undertaken. It is possible the food sampling programme in 2019/20 will be similarly affected. However the focus for any sampling which is undertaken will be as aforementioned.

### Food Alerts

The service fully supports the Food Standards Agency Food Alert System. The operation of this system is covered in the food management system. The Food Alert (FA) System receives 24-hour cover. Notifications are immediately notified to the service via e-mail during office hours and to the stand-by duty officer at any other time. The stand-by officer can, depending on the FA, access the FSA communications platform for further details. In 2010 the system of categorisation of Food Alerts was changed. Between January and December 2018 a total of 1FA was issued classified as Food Alert's for Action (FAFA). It is estimated that around 2 of these types of alert will be received during 2019.

### Advice to Food Businesses and Community Groups

Service staff are available to give advice and assistance wherever possible to food businesses and individuals. Officers review planning applications for new food businesses and carry out advice visits where required. Staff will also, on request attend and give talks to local business and other food related groups. Following on from the successful implementation of the FSA Safer Food Better Business (SFBB) workshops and coaching and further locally delivered workshops over the past 10 years it is anticipated the service may deliver a small number of hygiene talks in 2019/20 as required.

### Primary/Home Authority Responsibilities

Home Authority agreements were previously held with 2 local food companies and the service also acts as originating authority for a range of food manufacturers and producers, such as McCains. The service successfully established a Primary Authority partnership with Cooplands, a regional baker, in 2012/13 and extended the Health and Safety Primary Authority relationship it has with Bourne Leisure Ltd to cover their food safety activities in 2015/16. They operate a number of holiday parks within the Borough under the Haven brand and a significant number of other holiday parks under this same brand together with Butlins and the Warner brand of country hotels nationwide. A further partnership was also established with W Boyes & Co, a regional retailer during 2016/17. Further work will be undertaken in 2019/20 to maintain these partnerships. A fee is charged for this service.

### Food Export Certificates

The service is being asked for an increasing number of certificates which are required by food manufacturers/exporters who wish to export food to countries outside of the European Union (EU). For export to certain countries, there is a prescribed format for the certificates approved by the Animal and Plant Health Agency (APHA), an executive agency sponsored by DEFRA. The process for issuing these certificates involves considerably more officer time than others and charges are made on a cost recovery basis according to complexity. Fees and charges are published on the Council's website. A total of 1060 export certificates were processed in 2018/19, around triple the number requested in 2017/18.

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

Current stakeholders for the service are as follows:

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

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

#### **(d) SWOT Analysis**

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

##### **(i) Strengths**

There will always be a need to enforce the law in respect of food safety and hygiene. Failure to ensure adherence to legislative demands can, and indeed does periodically, lead to illness from food poisoning and in some cases death. Since the Council joined the FSA's FHRS there has been a noticeable improvement in food hygiene standards within our food businesses (see page 10 – "National Food Hygiene Rating Scheme")

##### **(ii) Weaknesses**

At present there is no system for levying an inspection charge on premises. Any requirement to increase the scope of the service will therefore lead to increased costs. The large number of premises, the topography of the area and the seasonal nature of some businesses also present difficulties for the Service in the face of increasing work demands.

##### **(iii) Opportunities**

There are few opportunities available to the Service; the vast majority of work is required by statute. The licensing of food premises could increase the income to the Service but this can only be introduced through legislative change. Opportunities to work more closely with local businesses and generate income streams are available through the Primary Authority Partnership scheme though and charges are levied in respect of discretionary services such as export certificate requests. A fee has also now been introduced for the re-rating of food premises and for advice requests where significant expertise is required. Over the short to medium term, we need to exploit the opportunities from modern technological advances (e.g. remote/agile working), which should lead to efficiency savings and potentially a more responsive service.

##### **(iv) Threats**

The work of the Service is dictated by statutory requirements that are closely monitored. Failure to meet these demands may be met by intervention by the Food Standards Agency and lead to this function being taken away from the Borough Council with the Council being charged the full cost of such an intervention. The continuing financial challenges facing the Council will affect all its services and we need to remain fit for purpose and remain open and flexible to change.

## 4. RESOURCES

### Human Resources

Legislative changes have increased the complexity and the depth of knowledge required to undertake work in this service. The Food Standards Agency undertake periodic audits of the food safety service and the UK has also been the subject of a number of FVO Missions focussing resources towards the inspection of approved premises. In recent years, the Food and Occupational Safety Team (now part of the Commercial Regulation Team) along with other Environmental Health teams has seen a net reduction in full-time officers and contractors have been used to undertake a number of medium to low risk premises for the past ten years.

#### Resources required for 2019/20

The estimated total time required for delivering the food safety service is 6543 hours (this includes discretionary activities such as the production of export certificates). This equates to 4.7 FTE staff based on 1400 productive hours per FTE (deducting leave, bank holidays, team meetings, training, sickness etc).

The service currently has 4.6 posts covering frontline food safety work but officers also carry out occupational safety duties. The posts have traditionally been costed at 70% food safety bias equating to 4508 hours. A further 300 hours can be added to this for management elements totalling 4808. This does mean there is an imbalance between demands and FTE posts hence the use of contractors to assist in fulfilling statutory obligations. They will account for a further approximate 1020 hours. This leaves a deficit of around 715 hours.

However, not all the estimated hours may be needed to fulfil the reactive side of the service and in recent years, some additional capacity has been available due to decreased activity in the area of occupational safety work due to the implementation of the National Local Authority Enforcement Code which sets down the approach for targeting health and safety interventions (reducing health and safety activity bias from 30% to around 20%). This has enabled the service to undertake discretionary services such as export certificates for example though the focus will primarily be on fulfilling statutory requirements and food safety/health and safety bias can vary depending on service needs.

A detailed approximation of resources needed to fulfil food safety service demands follows overleaf:

<b>INTERVENTIONS (Inspections)</b>				
Premises Profile (Risk Categories A-E)	Overdue interventions 2018/19 – to be carried forward into 2019/20	Time requirement (hours) – from overdue interventions	Programmed interventions 2019/20	Time requirement (hours) for programmed interventions
Category A	0	0	0	
Category B	1	5.5 x 1 = 5.5	31	5.5 x 31 = 170.5
Category C	36	4 x 36 = 144	145	4 x 145 = 580
Category D	51	3.5 x 51 = 178.5	368	3.5 x 368 = 1288
Category E	125  (20% (25) may not need inspection because they are, for example, below an inspectable risk)	3 x 100 = 300	215 (118 Cat E due plus 97 on AES due)  (10% Cat E due will need inspection = 12  70/97 previously on AES* will need inspection in 2019/20)  90% of the 118 will be tackled by AES = 106)  (20% of those targeted by Q (i.e. 106) may need inspection-not returned i.e. 21)  Further 10% of those returning Q-FBO change i.e. 10% x 85 = 8	3 x 12 = 36  3 x 70 = 210  3 x 21 = 63  3 x 8 = 24
Unrated	90  (36 C category @ 4 hrs plus 54 E category @ 3 hrs)	4 x 36 = 144  3 x 54 = 162		
New Registrations in year			200  Assumed 125 need inspection rated as category Ds  (Not all new registrations require inspection and some changes picked up during programmed visits)	3.5 x 125 = 437.5
Totals		934		2,809
<b>TOTAL HOURS FOR OVERDUE AND PROGRAMMED INTERVENTIONS</b>				<b>3,743 hours</b>

\*AES = low risk premises on Alternative Enforcement and sent Questionnaires. Figures have been based on an average time of 15 hrs for a Cat A, 5.5hrs Cat B, 4hrs Cat C, 3.5hrs Cat D, 3 Hrs cat E and 3.5hrs for a new/unrated premises.

<b>ALTERNATIVE ENFORCEMENT STRATEGY INTERVENTIONS</b>	
Programmed interventions 2019/20	
Low risk questionnaire (LRQs) admin 6/hour (84 LRQs/6) (Assumed 80% return rate and rounded down for ease of division)	14 hours
<b>TOTAL</b>	<b>14 hours</b>

<b>SURVEILLANCE/VERIFICATION VISITS and food/premises complaints</b>	
Estimated number of Surveillance/verification visits – 200 (15 x 4 hours and 185 x 3) (200 is Average number of these visits per year over the last 3 years and includes around 15 FHRS re-rate visits @ 4hrs (the average inspection time for a Cat C premises) plus 185 other visits @ 3 hrs. Also includes complaint investigation visits to premises)	615 hours
<b>Food and Premises Complaints not included in the surveillance/verification visits</b>	
Estimated number of food complaints: 2 x 5 hours (Estimate about 2 complaints require investigation not included in revisits fig above-these will usually be food complaints not manufactured locally and is a conservative estimate) Time requirement per complaint: 5 hours	10 hours
Estimated number of food premises complaints: 200 150 @ 0.8 hours per complaint (200 is the average number of food & premises complaints for last 2 years but complaints where investigation visits were conducted have already been included in surveillance visits figure-the time here relates to complaints where no visit was recorded) (2018/19 151 complaints recorded with no visit)	120 hours
<b>TOTAL</b>	<b>745 hours</b>

<b>OTHER VISITS</b>	
Estimated number of advice visits: 81 @3 hours (This is the average number of these type of visits each year for the past 3 years)	243 hours
Intelligence/Info gathering visits 30 x 3 hours per visit where there is some contact and 30 x 2 hours per visit where there is no contact (based on 2018/19 figs and includes visits to closed premises)	150 hours
<b>TOTAL</b>	<b>393 hours</b>

<b>SERVICE REQUESTS</b>	
<u>Export Certificates</u> Daily requests for EHC's 2hrs per day (2018/19 1060 EHC's processed)	520 hours
Additional EHC related Visits 8 @3 hours	24 hours
250 other food related service requests where no visits required (discounting food complaints which are included above, EHC and Primary Authority requests which are included in figs below) Av time of 0.8 hours per request	200 hours
<b>TOTAL</b>	<b>744 hours</b>

<b>FOOD SAMPLING</b>	
Estimated number of routine food samples as part of the sampling programme: 75 requiring 50 visits Time requirement per sampling visit: 3.5 hours per sampling visit	175 hours
Estimated number of samples taken as part of survey: 20 over 5 sampling visits- 4 hours per visit (additional admin)	20 hours
Unsatisfactory result – follow up 10%	17.5 hours
Estimated number of food complaint samples which will be submitted for examination/analysis: 2 Time requirement per sample: 3.5 hours	7 hours
<b>TOTAL</b>	<b>219.5 hours</b>

<b>FOOD POISONING/ FOOD RELATED INFECTIOUS DISEASE INVESTIGATIONS</b>	
Estimated number of notifications of food related infectious disease: 30 x 1.5 hours	45 hours
Estimated number of outbreaks: 1 x 100hours	100 hours
<b>TOTAL</b>	<b>145 hours</b>

<b>PRIMARY AUTHORITY</b>	
Estimated hours on PAP 120 X 0.5  (In 2018/19 this equated to 120 hours of recorded time so divide this by 2 to reflect split with H & S =60)	60 Hours

<b>OTHER FOOD SAFETY RELATED WORK</b>	
Estimated number of food alerts/incidents: 2 Time requirement per alert/incident: 2 hour	4 hours
Health Educational visits 1 x 5hours (including preparation)	5 hours
Attendance at external liaison group meetings (mandated) 4 x 7 hours	28 hours
Quality Management Checks and other Food Lead Officer activities (includes file monitoring and accompanied visits etc)	300 hours
Estimated number of Planning and Licensing Consultations: 150 by Food & Occupational Safety officers (In 2018/19 this equated to 135 hours of recorded time -divide this by 2 to reflect split with H & S =67.5)	67.5 hours
<b>TOTAL</b>	<b>404.5</b>

<b>ENFORCEMENT</b>	
Estimated hours on Legal cases 1 x 75 hours (prosecutions, simple cautions, legal notices) (Over the last 4 financial years at least one FH prosecution annually has been taken)	75 Hours

SERVICE	HOURS PER ANNUM
Interventions (Inspections)	3743
AES interventions	14
Surveillance Visits & food/premises complaints	745
Advice and Intel/Info Visits	393
Service Requests	744
Sampling	219.5
Food Related I D's/Outbreaks	145
Primary Authority	60
Other Food Safety related work	404.5
Legal cases	75
<b>TOTAL HOURS</b>	<b>6543</b>

Intervention figures are actual and retrieved from the Database. All other figures are estimated and based on the numbers carried out in the previous year or averages of the last 2-3 years where information was available.

## Financial

The Council continues to face significant budget pressures and tighter spending controls and in the last 7 years the authority has seen its annual grant funding settlement reduced significantly (settlement for 2019/20 is approximately 42% of the level in 2012/13). In January 2016, in light of budgetary restrictions, a service review process was initiated for Environmental Health functions to improve efficiency and become more cost effective through the modernisation and redesign of the service. A new structure is now in place but it is not intended that this should adversely impact on the front-line service. In order to help mitigate any potential effects of internal changes and to address backlog issues, the use of contractors will continue in 2019/20.

The total budget for this service for 2019/20 is **£239,032**. Full details are as set out in the following tables:

### 2019/20 FOOD SAFETY TEAM BUDGET

Salaries	Time Allocation (%)
ES002– Environment and Regulation Manager	20
PN115 – Commercial Regulation Manager	30
ES103 – EHO	70
ES104 – EHO	70
ES106 – EHO (p/t)	70
ES107 – EHO	70
ES109 – EHO	70
ES108 – Team Clerk (p/t)	70
<b>Total salaries cost</b>	<b>£172,259</b>

<b>OTHER COSTS</b>	£
Food safety contractors	12,000
Insurance	3,600
Professional Subs	1,103
Equipment	2122
Protective clothing	105
Car allowances	6600
Printing & Stationery	53
Subscriptions	263
Training & Seminars	*
Phones/Telephony	490
Office Space	7457
	<b>33,793</b>

<b>Support services:</b>	£
Procurement Unit	343
Accountancy	460
Accounts Receivable and Payable	490
Human resources	6,665
IT Services	7,888
ICT Systems	2,425
Administration Unit	6,480
Other	8229
	<b>32,980</b>

\*Training and legal costs now under central corporate budget

## **5 QUALITY ASSESSMENT**

As stated earlier the Borough Council has adopted the North Yorkshire Food and Safety Liaison Group: Food Safety Service Protocol periodically audited through a system of inter-authority auditing. The service endeavours to ensure that quality standards are set up and maintained in accordance with the protocol working in partnership with other North Yorkshire local authorities.

The system includes a number of checks, such as file checks, accompanied visits etc which are designed to ensure that all inspections and enforcement work meet the criteria based on statutory requirements. All these verifications and checks are recorded.

The Commercial Regulation Manager is responsible for local day-to-day management of the Food Safety Management System.

## 6 REVIEW

### Service Context

### Resource Issues

Contractors were initially engaged in 2007/8 to help address resource issues and carry out a number of medium to low risk premises inspections. In 2008/09 one officer post became part-time and this has enabled contractors to be used to carry out a number of medium to low risk inspections/interventions each year, using the savings arising.

### Review of 2018/19

In relation to historic performance, in 2018/19 it was planned to achieve 1088 interventions in total (interventions due plus backlog). The actual number of inspections achieved was 861 inspections/audits and 247 other interventions. Of these, contractors undertook 316 inspections during the 2018/19 period. See table below for further details.

Service Activity	Actual
Interventions - Inspections/audits	861
Interventions - Verification/surveillance visits	163
Interventions - Sampling visits	6
Other Interventions (Non-official controls)	78
Alternative Enforcement Strategies	69
Food complaints	5
Hygiene complaints	196
Requests for advice	233
Seizure/voluntary surrender	0
Food samples collected	17
Other samples collected at food premises	2
Suspected food poisoning cases	35
Viral outbreaks	0
Business workshops/training seminars	1
Food alerts (For Action)	1 (2018)
Other food requests (eg export certificates )	409
Prosecutions	1
Voluntary closures	0
Simple Cautions	0
Hygiene Improvement Notices (premises served on)	5
Other formal notices	0
Written warnings	516

Food safety service requests dealt with by the team remained at a similar level to previous years though demand locally for export certificates has increased significantly. As aforementioned, the number of certificates requested in this year was triple that of 2017/18, largely attributable to the flourishing market in the Far East.

The majority of businesses now favour the service on-line food registration facility and a member of the team worked with the FSA Digital Team to enable our local system to integrate with the national unique reference generating system in this year.

In February 2019 the FSA carried out an audit focused on the delivery of food hygiene complaints and food borne infectious disease service areas. The FSA found that these service areas were being satisfactorily delivered according to their framework agreement. However, they did highlight two recommended areas for improvement. One was to show that an assessment of resources required and available had been made. This has been addressed in this Service Plan – see pages 14 to 18 above. The second recommendation was to make improvements to the internal monitoring procedures by devising and implementing a programme of accompanied visits with EHOs in 2019/20 to monitor consistency and quality of work.

The authority participated in a training event at one of the local Schools and again took part in all FSA FHRS seasonal promotions using social media. Primary authority partnerships also continue to be maintained with 3 businesses.

In respect of low risk food businesses, a number of these were inspected by contractors and the authority engaged with a further 69 premises using Alternative Enforcement Strategy.

Staffing issues have continued to affect the food sampling programme. As per the previous year, focus was primarily directed towards inspections and other types of intervention and support was provided from a temporary member of staff and contractors. A moderate number of medium risk inspections were not achieved partly due to seasonal limitations and access issues. Resourcing is to be reviewed in 2019/20.

## **7 KEY ISSUES FOR THE SERVICE**

The Council has identified a number of key issues in respect of the Service. These are set out below:

### **1. Backlog of interventions**

The authority began employing contractors on a regular basis to help maintain the inspection programme following an audit of the service by the FSA in May 2008. At the time of audit, the authority had a significant inspection backlog to address. The use of contractors in 2019/20 and future years should enable backlogs to be kept to a minimum though as indicated earlier, it may not be possible to complete the full programme of interventions each year due to the seasonal nature of some businesses locally. Funding has been secured in the medium term for this approach.

### **2. Staff Training**

The level of staff training to meet the requirements of Food Law Code of Practice requires that staff carrying out official food controls receive a minimum of 20 hours

per year Continuing Professional Development (CPD). Furthermore at least 10 hours of this training must be specific food safety CPD, quite apart from other professional training.

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

The availability of appropriate training in food safety matters however presents a problem, particularly given the geographic location of Scarborough. In addition the cuts in public expenditure has meant less free training being offered by other agencies, specifically the FSA.

### 3. Agile working

An agile working scheme is in place and there has been a gradual shift for officers to now work from home on a more regular basis. A business case is currently being explored to introduce a technological solution which will enable full connectivity to back-office networks and e-mail "on-the-go" and facilitate more truly agile working.

### 4. Food Hygiene Rating Scheme

Following the launch of the scheme locally in March 2011 and having signed up to the FSA's brand standard for the rating of food businesses, the service will need to continue the ongoing implementation. This will be achieved primarily through programmed interventions. Whilst lower risk premises (E rated) will have to receive inspections to achieve a FHRS rating, there is an expectation by the FSA that this is not where resources should be targeted i.e. the focus should be on the higher risk premises with poor food safety performance. Hence there needs to be a careful balance between keeping the rating of premises meaningful through periodic inspections and the use of Alternative Enforcement Strategies (questionnaires etc) for these low risk premises. It should be noted however that the rating scheme has resulted in a general improvement of hygiene standards which ultimately will reduce the frequency of interventions.

### 5. Budgets

The Council is tasked with making significant savings over the next few years. Whilst the budgets for 2019/20 are sufficient to allow the service maintain an adequate service, clearly any future reductions could mean that service delivery may be affected. Certain activities already incur a charge eg. the provision of Export certificates, and continuing reductions are likely to lead to the Council having to charge for all food safety services which are discretionary.

## 6. Service Review Changes/Implement recommendations from FSA Audit

One of the aims of the service restructure in 2016 was to build a more sustainable regulatory delivery model for the future ending reliance on individual 'specialisms' and promoting more generic working across the whole Service. It is envisaged that there will be a gradual diversification of skills across officers of the Commercial Regulation Team over coming years to facilitate a more robust and flexible service. As mentioned in page 21 above, the service has two recommendations to implement following the FSA audit in February 2019.

## 7. FSA Regulating Our Future (ROF) Programme

ROF's programme is essentially a programme of transformational regulatory reform. The FSA is currently reviewing the way businesses are regulated and are looking at introducing a new model with a regulatory framework that can be adapted according to different types of food businesses. This programme, takes account of the existing auditing and sampling regimes operated by some businesses. The Target Operating Model (TOM) blueprint for the Regulating Our Future programme focuses on 3 core elements; enhanced registration, segmentation (tailoring regulation according to risk) and assurance to help deliver future regulation. The programme is still being developed but will impact on the way interventions are delivered in the future. The FSA have indicated that recommendations from this programme could be in place by 2020.

## 8. Brexit

Virtually all UK food law currently comes from the EU. At the point of Brexit, directly applicable EU Regulations will cease to be applicable in UK courts. The UK government will therefore be working hard over the next year to ensure legislation is re-enacted in one form or another. There are implications for food exporters. Under any free trade agreement with the EU, the EU will no doubt insist on product standards being equivalent to the EU's but the full implications on food safety regulation are not known at this time. In the event of a "no-deal" scenario, the service could see significantly more demand for export certificates for food destined for the European market.