



**LUTON BOROUGH COUNCIL
BUSINESS & CONSUMER SERVICES**

**ENVIRONMENTAL HEALTH
FOOD & FEED LAW ENFORCEMENT SERVICE PLAN**

2016/17

In accordance with the Food Standards Agency Framework Agreement on Official Feed and Food Controls by Local Authorities, as amended 2010.

1. Introduction

Luton Borough Council is required to prepare an annual food and feed service plan in line with the Food Standards Agency's (FSA) Framework Agreement on Food Law Enforcement.

This Service Plan sets out how Luton Borough Council intends to provide an effective food law enforcement service to safeguard public safety in terms of food, drink and feeding stuffs produced, prepared or sold within the Borough.

The Council's food service is delivered by the Food, Safety & Environment Team, which is part of the newly formed Place and Infrastructure Directorate.

2. Service Aims and Objectives

2.1 Aims

The key aim of the food service is to ensure that food and drink intended for human consumption that is produced, stored, distributed, handled or consumed within the district is without risk to health and safety of the consumer.

In delivering the service, the food and safety team aims to

- Protect public health
- Improve and promote food safety standards within the Borough
- Deliver services in a professional, courteous and competent manner
- Provide clear information, guidance and advice to help food business operators meet their legal responsibilities and requirements
- Provide a consistent approach to the interpretation, implementation and enforcement of legislation and guidance

2.2 Objectives

The key objective of the food and safety team is to promote and maintain a good standard of food safety taking appropriate enforcement action for continued non-compliance, where there is a serious risk to human health or flagrant disregard. The food and safety team will

- Carry out programmed food hygiene, food standards and feed hygiene interventions in accordance with the Food Law Code of Practice (England), issued under Section 40 of the Food Safety Act 1990

- Continue to promote the National Food Hygiene Rating Scheme (FHRS), enabling members of the public to make an informed choice as to those businesses they choose to purchase food from, and to encourage food business operators to improve and maintain hygiene standards
- Take appropriate enforcement action in accordance with the Council's Food Safety Enforcement policy and Food Law Code of Practice and Guidance
- Respond to service requests and complaints about food premises, food standards and feeding stuffs
- Respond to cases of food poisoning and food borne illness, advising on appropriate control measures
- Provide advice to businesses and members of the public on food safety matters
- Take food samples and arrange for the testing of foods and feed produced and/or on sale within the Borough, including imported food
- Ensure all staff involved in the delivery of the food, food standards and feed service are properly qualified and competent to enable them to undertake their work, providing the necessary equipment and facilities and contracting out relevant duties where required

The Food and Safety team complies with an enforcement policy which embraces the principles of the Regulators' Code¹ and Crown Prosecution Guidelines. The document is available via the Council's website and is referred to in all formal correspondence with businesses.

Links to Corporate Objectives and Plans

The Council's corporate mission statement is 'The needs of Luton's people will be first in everything we do.'

The Council's vision is that "Luton Borough Council will be a high performing, financially viable authority, delivering high quality services that improve health and opportunity for local people and protect the most vulnerable. Together with our partners, we will help make Luton a place where everyone can learn and thrive and where business can grow and prosper. Celebrating and building on Luton's rich history and its vibrant cultural mix, we will develop safe, strong, sustainable communities. We will be responsive, accountable and innovative – a leader in what we do and a voice for our town."

¹ The Regulators' Code can be viewed at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/300126/14-705-regulators-code.pdf ² <https://www.food.gov.uk/enforcement/prosecutions>

The Council's values are aligned to the achievement of the vision are a set of corporate values that shape corporate behaviour and underpin the work of the Council in delivering services to citizens, customers and communities in challenging times. Values are as follows

- Embrace equality and diversity, cohesion and inclusion
- Respect others
- Act with integrity
- Constantly strive for improvement
- Focus on our customers and citizens
- Promote accountability to local people

Strategic Priorities are as follows

Business and Growth

- Create a vibrant environment where businesses thrive and prosper
- Protect and enhance the quality of the natural and built environment

Education and lifelong learning Improve life and learning opportunities and skills for all

Safe, supported and healthy

- Empower, support and protect the vulnerable
- Improve health and promote health equality
- Reduce crime, antisocial behaviour and the fear it causes
- Strengthen community cohesion

Ensure a financially sound and efficient Council

3.0 Background

3.1 Profile of the Authority

Luton Borough Council is a Unitary Authority, with a population of 211,000 (2014 estimate), covering an area of 16.74 square miles. The Borough has a high population density, is predominantly urban, with approximately 1656 food premises and 15 feed premises. The food business profile is typically made up of small retail and catering food businesses. 6.1% of the local population is employed in the accommodation and food service sector. The main concentration of food premises is located in the town centre, which has a large covered shopping mall, enclosed market and surrounding high streets. Centrally located within the town is the University of Bedfordshire with a large population of students. Just outside of the town centre of Luton is the densely populated Bury Park area, with a high number of food premises, mainly of ethnic origin. Luton is a diverse, multi cultural population that has excellent rail and road networks with London and the Midlands. London Luton Airport is also situated within the Borough, with over 14 million passengers passing through the airport per year, and is growing, increasing passenger numbers to 18 million by 2020. Luton hosts regular annual events attracting large numbers of the public including Luton Carnival (estimates of up to 10,000 attendees) and the annual Mela, Eid and St Patricks Day festivals.

3.2 Organisational Structure

The food safety, food standards and feeding stuffs service is delivered by the Food, Safety & Environment Team located within the newly created Place and Infrastructure Directorate. The Team Manager (Food, Safety & Environment) is responsible for the day to day supervision of the team and also has specialist lead responsibility for the food hygiene function.

The Council operates a Cabinet Committee system with a dedicated portfolio. Decisions may be referred to the Overview and Scrutiny Board, Executive and Council.

3.3 Scope of the Food Service

As Luton Borough Council is a Unitary Authority, the Food and Safety service is also responsible for food standards and feeding stuffs enforcement.

The Food, Safety & Environment Team are responsible for undertaking the following areas of food, standards and feed related activity:

- The registration of food, standards and feeding stuffs premises
- Food hygiene, feeding stuffs and food standards interventions at registered food premises, which includes fixed and mobile premises and public events
- The maintenance, updating and promotion of the National Food Hygiene Rating Scheme (FHRS)
- The investigation of food, food standards and feeding stuffs complaints
- The investigation of food poisoning allegations and outbreaks
- Responding to food alerts
- Consultation on planning, building control and licensing applications
- Implementation of annual sampling plan for food hygiene and food standards
- The provision of guidance and advice to businesses and members of the public
- The approval of food premises manufacturing certain products covered by Regulation (EC) 853/2004 e.g. meat product manufacturers and approved cold stores

The team is also responsible for the following areas outside the scope of this Plan,

- Health and safety inspection and enforcement
- Accident investigations
- Petroleum Licensing
- Inspection and registration of Skin piercing licensed premises
- Enforcement of smoke free legislation
- Attendance at the Council's Safety Advisory Group Meetings
- Private Water Supplies
- Fly tipping on Commercial Land
- Air Quality statutory function and LAPPC Inspections (Transferred to team in October 2015)

The team take necessary enforcement action where public risk is at risk or there are serious breaches or continued non-compliance for food safety. During 2015/16 there were 2 successful prosecutions, 2 simple cautions and 7 voluntary closures for food safety offences, in addition to 17 premises being subject to Hygiene Improvement Notices. A further potential 3 prosecutions and 2 simple cautions are currently under consideration and in some cases are progressing through the legal system. The Council now upload prosecution data onto the Food Standards Agency's Food Law Prosecutions open data map²

Service delivery points and times available

The Food, Safety & Environment Team are located on the 2nd Floor of Clemitson House 44-48 Gordon Street, Luton and can be contacted in the following ways

Telephone (01582) 510330 Monday, Tuesday, Thursday and Friday 8am-6pm.
Wednesday: 10am-6pm.

Email environmentalhealth@luton.gov.uk

3.4 Premises Database- Number and Type of Premises

Food Hygiene Premises

² <https://www.food.gov.uk/enforcement/prosecutions>

There are 1678 food premises on the Council's Food Premises Register

The food premises are split between the following categories as defined by the Food Standards Agency

Primary Producers	1
Manufacturers and Packers	15
Importers/Exporters	8
Distributors and Transporters	45
Retailers	458
Restaurants and Caterers	1151
Total	1678

There are currently 3 EU Approved premises within the Borough which are approved under product specific food legislation under Regulation (EC) 853/2004, an additional premises is currently being approved.

- 1 Approved Cold Store
- 2 Approved Meat Products Premises

With the proposed development within the Borough associated with the Investment Framework, associated growth in terms of the number of food and drink operations is likely to add significantly to the number and type of premises to be inspected. The Airport expansion may result in an increase in the number of in flight catering companies; which are commonly subject to EU Approval. Any proposed development to the town centre are likely to result in additional food businesses; typically restaurants.

4.0 Service Delivery

In April 2016, the food law enforcement function was subject to a Core Audit by the Food Standards Agency. It is usual for Local Authorities to be audited approximately every 5 years. Luton has not been Audited for a significant number of years. The Audit focussed on database management, standard operating procedures, officer training, authorisation and competency, inspection and enforcement and internal monitoring. The Audit report is currently being drafted. Initial feedback from the Auditors at the closing meeting was positive, recognising the similarities that the Borough has to that of a London Authority in terms of the level of inspection and enforcement required.

4.1 Interventions at food establishments

The Food Law Code of Practice states that food businesses should receive an intervention in accordance with the minimum frequency as set out below.

Category	Intervention Frequency	Total Number of Premises in Luton Borough Council (1 st April 2016)
A	At least every 6 months	13
B	At least every 12 months	80
C	At least every 18 months	378
D	At least every 2 years	372
E	At least every 3 years (can be alternative enforcement strategy- for example low risk questionnaires)	698
UNRATED	Newly registered premises not yet operating or require first inspection.	76
Outside of the intervention programme	Premises not included in the inspection programme (e.g mobile premises in the district but registered with other Authority)	61

Elected members have previously confirmed that activity must be focused on those premises that present the highest risk to food hygiene with high risk inspections being undertaken in accordance with the Food Law Code of Practice and guidance.

All officers who are authorised to undertake inspections, take samples, investigate complaints and give advice meet the qualification and experience requirements appropriate for their role as detailed in the Food Law Code of Practice. Where required qualifications are not in place, as is the case with Feed related work, arrangements are in place for this work to be undertaken on behalf of the Council.

The Borough continues to have a high turnover of new businesses and changes in ownership. This can significantly increase the inspection workload of the team during the year but is difficult to predict and quantify. Approximately 10 new food registrations are received per month as a result of a new business opening or changes in ownership.

The service becomes aware of new businesses by:

- Receipt of food premises registration forms (legal requirement to register food businesses with the local authority)
- General surveillance by officers
- Advertisements seen in local press / flyers in the post
- Information from existing businesses / public
- During a routine or reactive intervention

New businesses receive an initial assessment to determine whether they are likely to be high or low risk. Those deemed potentially high risk are prioritised for an inspection within 28 days of registration or start-up wherever possible, and are then risk rated in accordance the Food Law Code of Practice.

During 2016/17 the following food hygiene inspections as highlighted in the table on page 9 are due for an intervention. The team will strive to achieve 100% of all due inspection interventions. Due to resources, priority will be given to carrying out inspections or audits in Category A, B & C rated premises, those Category D rated premises that prepare open high risk foods and Category E inspections where an inspection is assessed to be beneficial. Those Category D premises which do not handle open high risk foods can be subjected to interventions that alternate between an inspection (official control) and a 'non official control' in line with the Code of Practice.

Table to show the number of food hygiene inspections due 2016/17 Figures in brackets are for 2015/16 including details of inspection performance as of 31/3/16

Risk category and inspection frequency	Number of hygiene inspections due	% to be completed	Estimated number of revisit inspections (minimum)
A (highest risk) (6 monthly)	12(24) (14 - 100% completed)	100%	36
B (high risk) (12 monthly)	73 (84 – 100% completed)	100%	73
C (medium to high risk) (every 18 months)	232 (271 – 1outstanding due to seasonal/ no access)	100%	200
D (low risk) (every 2 years)	135 (200 – 1 outstanding due to no access/ premises due to relocate)	100% of those with 30 for type of food (focus on those handling open food or where intelligence suggests a visit required)	20
E (lowest risk) Alternative intervention strategy at least every 3 years	49 (Low Risk Questionnaires sent to all Cat E premises in April 2015- 388 non responders – to review)	100% to be reviewed / sent questionnaire (intelligence / complaints that indicate public health risk	20 (due to changes in operation noted)

Risk category and inspection frequency	Number of hygiene inspections due	% to be completed	Estimated number of revisit inspections (minimum)
		may trigger inspection or change in nature of business)	
New businesses which are unrated	Approximately 60 (includes those that have not yet commenced trading)	100% of those new businesses deemed as high risk and open for trade will be inspected.	5

4.2 Interventions for Food Standards

The Food Law Code of Practice requires food businesses to be subject to official interventions under Food Standards legislation. Food standards is concerned with the composition and labelling of foodstuffs. Businesses that are classed as high or medium risk for food standards are often not high or medium risk for food safety.

Wherever possible food standards interventions are carried out as part of planned hygiene interventions to minimise burdens on businesses. Whilst there remain 397 currently unrated food businesses under food standards legislation, none of these fall into the high risk food standards category. Low risk standards interventions will only be carried out if intelligence received indicates a public health risk.

During 2016/17, 30 Category B food premises are due a food standards intervention in addition to 226 overdue Category B inspections from previous years. 25 Category C inspections are due, with 503 overdue from previous years. Category C rated premises are subject to an alternative intervention, or may be subjected to an inspection where intelligence suggests. Due to resources, Category A rated premises will always receive an inspection and a target of 50% of Category B and unrated premises where possible will have their standards inspection combined with a food hygiene intervention. It is hoped that by filling the vacant post during 2016/17 and having increased resource within the team by another member of staff having completed the Certificate in Food Control, that the number of food standards inspections achieved during 2016/17 can be increased. Historically, where food inspections have been carried out by the contractor, there has not been an opportunity to also carry out a food standards inspection at the same time, due to lack of qualification. This has impacted on inspections achieved, due to the number of inspections that the contractor has historically carried out.

Table to show Food Standards inspections / interventions due 2016/17 (2015/16 figures in brackets).

This table refers only to food standards (composition and labelling matters) not to food hygiene matters.

Risk Band (inspection interval)	No. of standards inspections due	% to be done	Estimated no. of secondary visits
A (high risk) (12 months)	0 (1)	100%	0
B (medium risk) (2 years)	30 + 226 Overdue (50 +211 overdue)	50% (undertaken where possible as part of a food hygiene visit)	30
C (low risk) (5 years)	25 + 503 overdue (25 +498 overdue)	Alternative Intervention Strategy; only where intelligence / complaints indicate a need for a sector based project	targeted projects only, if resources allow
New businesses which are unrated which may need to be inspected	428 (397) This is due to a lack of qualified resource to undertake Standards inspections during the last 3 years, however none of these fall into the high risk category for standards.	Any new businesses which are deemed high risk and open for trade will be inspected as part of the initial hygiene intervention	10

4.3 Animal feeding stuffs interventions

There are currently 15 businesses in the Borough registered for feed inspection that either import /export, manufacture, or distribute food on for feed purposes through retail activities. Feed premises are required to be inspected in line with those frequencies set out in the Food Standards Agency Feed Law Code of Practice.

Due to qualification restrictions, the inspection and enforcement of feed premises has been contracted out to a neighbouring authority. A review exercise was carried out during 2015/16 by the contractor to ensure that all feed premises were assigned the appropriate risk rating category and classification.

4.4 Feed and Food Complaints

The Food and Safety Team dealt with 476 Service requests in 2015/16 in comparison with 450 service requests in 2014/15 and 625 in 2013/14. In November 2013 a service request selection criteria was introduced in order to filter and reduce the types of complaint being investigated by front line officers. Low risk complaints are dealt with by the Customer Services Centre or Technical Support staff wherever possible thereby freeing up time for front line food officers to deal with the highest risk complaints only.

4.5 Imported Food Control at London Luton Airport and inland enforcement of imported foods (wholesale/retail premises)

Imported food activity at London Luton Airport from countries outside the EU remains limited and subject to seasonal variations. Imported food trade through the airport has the potential to increase due to the proposed expansion of the airport runway. Provision for this important role must be maintained.

Food imports into the airport are monitored through an electronic notification system whereby the cargo centre informs the council of food consignments entering the port.

Officers then determine whether to inspect the consignment based on the risk associated with that product, knowledge of the importer and intelligence received from the Food Standards Agency.

Communication between the airport cargo office, the enhanced remote transit sheds (ERTS) and the food and safety team will continue in line with local authority port health controls.

Imported food control remains a key priority for the Food Standards Agency and activity in inland premises, such as wholesale and retail businesses, will continue in 2016/17 to identify and take relevant enforcement action in terms of illegally imported food.

4.6 Home Authority Principle and Primary Authority Scheme

The Council acts as originating authority for all registered food, feed and standards businesses with Home Authority principles being followed. The Council provides advice and assistance to colleagues in other Local Authority Environmental Health Departments who may have enquiries or be taking enforcement action.

During 2015/16 the team have worked towards the establishment of Primary Authority³ partnerships with sign up with Just Eat and AB InBev. During 2016/17, the team will

³ <https://www.gov.uk/government/organisations/better-regulation-delivery-office>

approach other potential businesses with a view to working in partnership where requested.

During routine programmed inspections and reactive investigations, the Primary Authority Database is checked to determine whether a business is part of a Primary Authority Partnership. Regard will be afforded towards inspection, inspection plans and liaison protocols with the Primary Authority.

4.7 National Food Hygiene Rating Scheme

The Council uses the national Food Hygiene Rating Scheme to rate food businesses, giving food operators and consumers clear information on food hygiene and standards noted at the time of inspection. Some businesses such as manufacturers or those premises that are not traditionally thought of as food businesses, such as chemists or newsagents are exempt from the scheme.

At the end of an inspection a food premises is given one of six ratings between zero and 5.. The top rating of '5 'means that the business was found to have 'very good' standards of hygiene. Any business should be able to reach the top rating.

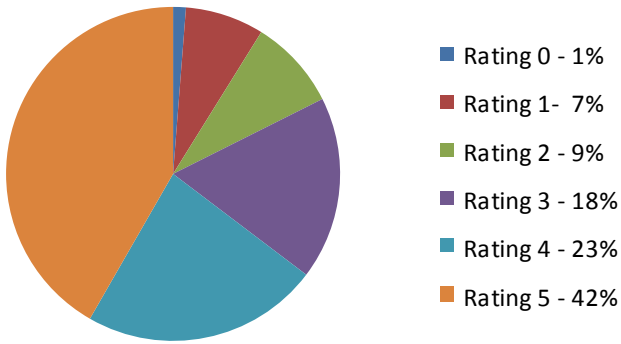
The rating is calculated using three elements of the risk rating assigned at the end of a programmed inspection. The elements are as follows

- Hygiene- How hygienically the food is handled and what measures are taken to prevent food from becoming contaminated with bacteria
- Structure- the structure of the establishment- cleanliness, layout, lighting, ventilation and equipment
- Confidence in Management- management controls in place including attitude and the presence of a documented management system.

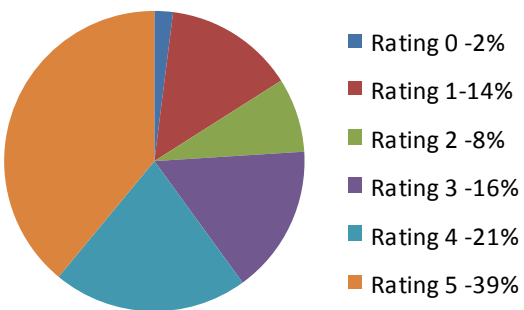
Food business operators have a right of appeal and can request a revisit subject to certain conditions. Further information is published on the Council's website.

Figure 2 below compares the food hygiene rating position in April 2014, 2015 and 2016 as a percentage of those total number of premises within the scheme.

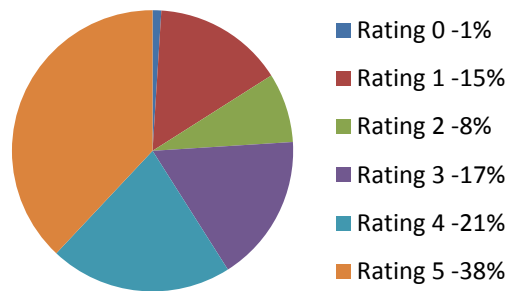
**% Food Hygiene
Ratings April 2016
(892 Premises)**



**%Food Hygiene
Ratings April 2014
(779 Premises)**



**% Food Hygiene
Ratings April 2015
(874 Premises)**



4.8 Advice to businesses

The food and safety service is committed to working with and supporting businesses, particularly small and medium enterprises, to help comply with the law and encourage best practice.

This is achieved through a range of activities including:

- Advice given during the course of inspections or other programmed interventions.
- Provision of advice leaflets, guidance notes and information mail-shots.
- Signposting to other sources of information (e.g. the Council's Economic Development service).
- Responding to enquiries from businesses for advice and assistance.
- Information posted on the Council's website.
- Provision of hygiene training, at competitive rates, for food handlers.
- Free training for 0,1 & 2 rated premises
- Provision of seminars and workshops tailored to specific subject areas

Better Business for All⁴

In 2016/17 the team will continue to work with the Economic Development service. Various activities will be undertaken to promote the support available to higher risk businesses in order to facilitate business growth and achieve compliance, including promotion of the South East Midland Local Enterprise Partnership (SEMLEP) Velocity Growth Hub⁵, a one-stop business advice service. The service is also committed to meeting the principles of The Better Regulation Agenda and the Better Business for All agenda and is represented on the Steering Group. The team have also introduced Level 3 (Intermediate) Food Hygiene Training, and is considering the introduction of e learning for food hygiene and allergen courses offered by the Chartered Institute of Environmental Health (CIEH), in addition to bespoke courses around subjects including implementation of Safer Food Better Business and Pest Control. During 2015/16, the team provided free seminars through the Luton BID, a town centre initiative. Joint partnership working has also taken place with the Mall Management.

4.9 Feed and Food Sampling

Food and Feeding stuffs sampling

The service will target its food and feed, microbiological and analysis sampling programme according to risk to public health and issues of national concern. Sampling activity will be undertaken in accordance with a sampling programme, which sets out planned sampling activities for the year. All sampling undertaken by officers will be in accordance with the relevant legislation and the Food Law Code of Practice.

⁴ <https://www.gov.uk/government/publications/business-regulation-better-business-for-all>

⁵ Further information about Velocity is available from <http://www.velocitygrowthhub.com/>

In preparing the annual sampling programme consideration will be given to participating in relevant sampling initiatives devised and coordinated by our local and national partners including the FSA, East of England Trading Standards Authorities (EETSA) the Hertfordshire and Bedfordshire Environmental Health (HEBEG) Food Study Group, and Public Health England (PHE).

Planned sampling activity for 2016-17 and sampling results for 2015/16 (See Appendix 1)

- Reactive sampling following intelligence or complaints indicating a particular problem.
- Hygiene swabbing samples from catering premises
- Participation in national and regional sampling programmes and surveys

The team have historically undertaken microbiological sampling of water from bowzers supplying aircraft at London Luton Airport. The responsibility of having safety management systems and where necessary; verification and validation arrangements through sampling rests with the companies. The team will continue to undertake microbiological water sampling if intelligence suggests there is a problem and will use its enforcement powers where necessary.

4.10 Control and Investigation of Outbreaks and Food Related Infectious Disease

Food related infectious disease will be investigated in accordance with procedures agreed with the Public Health England (PHE) Consultant in Communicable Disease Control (CCDC). All notifications of illness will be responded to within three days and any infection activity indicating an outbreak will be communicated to the CCDC without delay and responded to within 24 hours. Investigation of outbreaks will be in accordance with the Outbreak Control Plan agreed by the Bedfordshire Control of Infection Committee and Luton's Director of Public Health.

The Service will continue to work with the South Midlands and Hertfordshire Public Health England Centre in the development of working arrangements for the investigation of infectious diseases and protocols for outbreak management. This will include regular liaison with Bedfordshire Health Protection Advisory Group to review infectious disease issues in the area and identify actions to deal them.

The service will also continue to work closely with the Council's Public Health team to identify and remove gaps and overlaps in the respective roles.

70 infectious diseases notifications were received and investigated in 2015/16 by the team. Salmonella poisoning continues to be the most common type of food poisoning, accounting for nearly 16% of all cases, with also Dysentary accounting for 11% and Cryptosporidium accounting for 11% of cases received. Salmonella is usually contracted

from poor hygiene practices involving poultry products, for example undercooking or poor handling of raw and ready to eat foods. During 2015/16 the team investigated a suspected outbreak of food poisoning associated with a food premises within the Borough. Whilst the outbreak was not confirmed, a significant amount of resource was diverted in terms of taking samples, visiting the premises and working in partnership with Public Protection colleagues

4.11 Feed/Food Safety Incidents

The Council will respond to Food Alerts in accordance with the Food Law Code of Practice. These are notifications received from the Food Standards Agency relating to potentially harmful foodstuffs that are on sale for human consumption. The alerts set out the urgent actions councils are expected to undertake.

Food Alerts are transmitted electronically via a designated secure e-mail link. On receipt of the Alert the responsible officer will ensure it is distributed electronically as appropriate to other Council services, the Council's Communications Team, Home Authority businesses who have requested food alert details and the Trading Standards Service. All actions taken will be in line with the advice given in the Alert.

During 2015/16 the Food and Safety team received approximately 53 Food Alerts from the Food Standards Agency. Due to the unpredictable nature of the alerts it is not possible to predict the impact and workload on the team. As many food alerts received commonly relate to product recalls from manufacturers these require minimal input from the team.

4.12 Liaison with other Organisations

The service is committed to ensuring the enforcement approach it takes is consistent with other local authorities. Regular dialogue on food enforcement matters occurs through local, regional and national forums.

The team will continue to attend and contribute to:

- the Hertfordshire and Bedfordshire Food Study Group
- the EETSA Food Task Group
- the Bedfordshire Health Protection Advisory Group
- the Luton Health Protection Committee
- Regulatory Delivery (RD) (formerly BRDO)

4.13 Feed and Food Safety and Standards promotional work, and other non official control interventions

The Council will actively promote national campaigns such as the Food Standards Agency National Food Safety Week which is held in June of each year, making use of promotional toolkits provided.

5.0 Resources

5.1 Financial allocation

The 2016/17 budget for this service is £271,289 (2015/16 budget was £302.1k)

5.2 Staffing allocation

The current staffing profile for officers having a direct food law enforcement role is set out below:

Staff	FTE
Team Manager	0.5
EHO	1.8
Technical Officers	2.6
Administrative Support	0.5
Vacant Post (currently under recruitment)	0.8
Total	6.4 FTE

Within the team, one member of staff is currently working towards completion of the Chartered Institute of Environmental Health Professional Portfolio to become registered Environmental Health Officers, affording the team additional food resource in the near future.

Freelance, qualified contracted staff are used to help meet inspection programme targets. The contracted staff are currently funded from budget underspends resulting from holding a post vacant within the food safety team, in addition to Public Health funding which is essential to enable additional resource. The trend in terms of increasing numbers of food premises is likely to impact where the Investment Framework and proposed development for the Borough results in additional food premises and food and drink related operations, subject to inspection and enforcement.

5.3 Staff development plan

The recently revised Food Law Code of Practice has increased the number of annual CPD hours for food officers to attain from 10 hours to 20 hours. The Council will continue to utilise free and low cost training provided to Local Authorities through the Food Standards Agency, and ensure that food enforcement staff receive structured on

going training throughout the course of employment. New and existing staff through annual Personal Performance Appraisals will have training and development needs identified. In house peer review exercises and records of training attended will be maintained. Shadowing, peer review and joint inspections are common place to encourage sharing of best practice and consistency in approach.

5.4 Quality Assessment and internal monitoring

The following monitoring arrangements are used to assist in the quality assessment of work carried out:

- Review of a selection of post inspection paperwork by the Team Manager
- Peer Review assessment of inspections (at least 1 per year per officer)
- Team Meetings
- One to One Meetings
- Annual Performance Appraisals
- Development of consistency and peer review exercises for the Herts and Beds Food Liaison Group

5.5 Food Standards Agency Core Audit 2015/16

During 2015/16, Luton Borough Council were selected for a core audit by the Food Standards Agency. This audit is a significant audit in terms of width and breadth of service delivery. Two Auditors visited the Council with a proposed 3 day audit in April. The Audit report is currently being drafted for submission to the Council. The initial audit findings were very positive, recognising the similarities that the Borough has to a London Authority, and the nature and type of establishment that require inspection and enforcement.

5.6 Inter Authority Peer Review Audit

During 2015/16 the Authority took part in a Herts and Beds wide Inter Authority Audit focussing on the National Food Hygiene Rating Scheme and it's implementation in terms of consistency across the region by the 13 Authorities represented. Audit documentation provided by the Food Standards Agency was used, and the Team Manager and a member of the team formed part of the Lead Auditor Group. The Audit Report produced for Luton identified areas of good practice, compliance and a recommendation to review the scope of those businesses included within the scheme, which the team have committed to during 2016/17.

6.0 Review

6.1 Review against the service plan

Service plan commitments and associated performance indicators are monitored on a monthly and quarterly basis by the Team and Service Manager.

The current key performance indicators (KPIs) for the food and safety team are:

- % of high risk inspections (A-C) that are due which are completed within 28 days of the inspection date. (100% to be achieved)
- % of 0, 1 and 2 rated premises that have improved to a rating of 3 at their next FHRS scoring visit/inspection.

The second of the KPIs is to reflect the team's focus and inspection resources on the highest risk premises. It is envisaged that through a combination of inspection / enforcement strategies and provision of free accredited practical training and support businesses in this area will improve hygiene standards.

Without the additional resource of the external contractor that has been provided to assist the team in completion of its food hygiene inspection programme in previous years, those targets set by the Food Standards Agency would not have been achieved. Any future cuts to this resource that has been made available will put the Council at risk of not achieving its food inspection programme, thus increasing public safety risk.

Budgeted resources mean that whilst activity has focussed on high risk activities and areas of work which have been shown to be of a significant food safety or standards matter for consumers, lower risk premises have not always received interventions unless intelligence received suggests an intervention has been required. The approach where such situations arise is to ensure that resources are prioritised in terms of the highest risk to protect public safety.

6.2 Identification of any variation from the service plan

Performance indicators are reviewed on a quarterly basis by the service manager and significant variations reported to the Head of Service, identifying remedial action when required.

The team manager is also responsible for the delivery of the service plan and team plan objectives and is required to provide a quarterly update to departmental management.

6.3 Areas for improvement

The Food Standards Agency require local authorities to carry out 100% of programmed interventions due in any given year with priority given to those that have the highest risk category.

The Food Standards Agency sets a target for local authorities to achieve 100% food hygiene inspections within 28 days of the due date. This is a target that the team strive to and forms one of the KPI's for the team. There have been instances where this has not been possible to achieve fully where for example, a business is seasonal, little/ no food activities have been noted at the time of inspection, meaning that an alternative inspection date is required, or where other demands on the service have taken priority; particularly in terms of reactive and ongoing enforcement action requiring intensive evidence gathering and production for legal proceedings. The inspection programme is monitored on a monthly and quarterly basis, and where the 28 day target is not achieved, the reasons why are reviewed. Whilst it may not always be possible to achieve the 28 day target, 100% of inspections are completed.

In 2015 the Food and Safety team sent out low risk questionnaires to all Category E risk premises. The returned questionnaires have been assessed, enabling the food database to be amended and to be checked for accuracy, where for example premises have closed and are no longer trading. Any businesses which have noted to have changed the nature of their food operations have been reassessed. Those businesses whose activities have remained the same have been re rated on the database, meaning that they will have received an intervention in line with the Food Law Code of Practice. During 2016/17, work will continue to follow up those premises that did not respond to the initial mail shot of questionnaires, and in some cases, visits may be made to carry out inspections, where it is considered that the nature of the premises may have changed, or an inspection would be beneficial due to the trading/ business type.

The Food and Safety Team are committed to improving food businesses Food Hygiene Ratings; particularly with regard to those 0, 1 & 2 rated premises. The Team will be evaluating the Food Hygiene Ratings to identify common patterns and engage with those poorer performing businesses during 2016/17 to educate and advise as to how the rating system works and encouraging businesses to apply for revisit requests where business operators have implemented works required in their inspection report, but have not requested a revisit.

Food Standards inspections need to be reviewed during 2016/17 to increase inspection activity and reduce the numbers of overview inspections, where resources permit.

Planned activity for 2016-17

The team will be focussing on the following during this financial year:

- Continue to target inspection resources to the highest risk premises and to use the flexibility in the code of practice to undertake partial inspections and non inspection interventions for broadly compliant / lower risk businesses
- Continue to support poor performing businesses (0-2 rated) by providing accredited and in house hygiene training and partnership working where beneficial

- A zero tolerance approach taking appropriate enforcement action when necessary; particularly in terms of continued non compliance or flagrant disregard
- To evaluate 0,1 & 2 rated premises, identify and implement a strategy to increase awareness of the food hygiene scheme with a view to improve compliance in key areas
- Promote Primary Authority Partnership opportunities with potential businesses inside and outside of the Borough with a view to engage
- Continuation of the Food Information Regulations 2014 2014/15 project, checking compliance, evaluation and information signposting for other sectors not previously covered
- Provision of Food Labelling and Nutrition information to manufacturers within the Borough regarding change in legislative requirements and compliance with labelling and nutritional requirements
- By end of March 2017 to have delivered minimum of 3 accredited food hygiene training courses including Intermediate (Level 3) training and to review options for online e learning provision
- Review and update food service policies and procedures to reflect new regulations, changes to the Code of Practice and Guidance and to meet the requirements of the Food Standards Agency Framework Agreement
- To review the Food Hygiene Rating scoping / status of premises on the Council Database to ensure that premises within the scope of the National Hygiene Rating Scheme are included on the website
- To participate in the Herts and Beds Liaison Group work programmes and meetings
- To participate in local, regional and national food sampling surveys for both microbiological and food standards
- To utilise the contracted resources in respect of Feed Law enforcement to carry out a review of those registered Feed Premises to ensure correctly risk rated and assigned the appropriate use category
- Ensure that staff receive suitable and sufficient up to date training to meet the 20 hour CPD requirement as defined in the Food Law Code of Practice. To carry out peer review to promote consistencies in approach towards inspection, risk rating and enforcement of food law and food standards.

- Track and consider impact of proposed changes to food law delivery currently under review by the Food Standards Agency Board, including the potential implementation of mandatory display of Food Hygiene ratings and charging for revisit requests under the scheme
- To measure and quantify the likely impact that the Investment Framework and development proposed within the Borough will have in terms of resourcing needs for the team

Appendix 1 Food Sampling Plan 2016/17

FOOD SAMPLING PROJECTS 2016-17

(P = planned project; R = routine project)

Proj	Off	Description	May-16	Jun-16	Jul-16	Aug-16	Sep-16	Oct-16	Nov-16	Dec-16	Jan-17	Feb-17	Mar-17	
P1		FSA/EETSA National Risk Based Study*	SEE NOTES BELOW											
P2		PHE Study 58	Swabbing in Catering Premises - National Study											
P3		PHE study Reactive response topic**												
R1		Reactive sampling as part of inspection of high risk premises where appropriate												

* The FSA National Co-Ordinated Risk Based food sampling programme covers a range of sampling areas. LBC is included in a joint bid for funding via EETSA. We are still waiting to hear what topics have been assigned to Luton for sampling but it is anticipated sampling may include: Allergens & Gluten in meals served at catering premises, meat speciation in retail and catering premises, undeclared offal in pre-packed meats, levels of Arsenic in fresh foods.

***Reactive response studies are aimed at providing a rapid sampling response to an issue of public health concern which arises during the year. Time slots have been identified in the programme above so that LA's and laboratories can plan and allocate resource for reactive studies. PHE to release details nearer the time.

NB. Sampling of Imported Food at LLA Cargo shed to be carried out as deemed necessary based on nature and origin of incoming products, information received from Cargo shed staff, and the potential risk to public health.

Appendix 1 Sampling Activity 2015/16

Chemical

23 samples taken as part of EETSA/FSA priority topics project. This included 3 chilli samples, tested for aflatoxins, 5 french fries/chips samples tested for Acrylamide residues, 2 meat samples tested for speciation, 5 pre-packed foods tested to check claims of being 'free from' allergenic ingredients, 4 foods served in catering operations, tested to validate claims of being 'free from' allergenic ingredients, 2 food served in catering operations for presence of undeclared allergens, 3 pre-packed almond powders to test for presence of peanut. As a result of this sampling activity one food that was labelled as 'gluten free' was found to contain a prohibited ingredient, this was reported to FSA as an incident and the product was formally sampled to confirm the initial informal sample result. The product was voluntarily withdrawn and destroyed by the company.

10 formal samples of cumin/paprika taken by request of FSA as part of an emerging incident, samples examined for composition (potential adulteration with almond powder) all satisfactory

1 food colour tested from Luton importer, examined to check composition matched labelling, satisfactory

Micro

16 samples taken for PHE Study 57 sandwich/jacket potato fillings from caterers. 3 were Borderline – these were followed up with written advice to the business. One was unsatisfactory – this was followed up with a visit to the business and a re-sample taken.

6 samples taken from LBC approved premises, validation of cleaning procedures.

8 Samples taken from LBC takeaway, validation of cleaning procedures

3 samples taken from LBC takeaway, validation of cleaning procedures

19 samples from a premises in co-ordination with PHE local Health Protection team following an outbreak of food poisoning with links to this business

