

Barrow Borough Council
Public Protection Services – Food Safety Service Plan
2022/2023

(Incorporating the Food Standards Agencies Recovery Plan 2021 – 2023)

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1. INTRODUCTION

This Food Safety Service plan has been produced as required by and in accordance with the Food Standards Agency Framework Agreement on Local Authority Food Law enforcement. It is written in the format prescribed by the Agency, its purpose being to demonstrate that Barrow Borough Council has in place adequate and effective arrangements to meet its statutory obligations in respect of Food Safety.

Barrow Borough Council is designated as a Food Authority under the European Communities Act 1972, the Food Hygiene (England) Regulations 2013 and the Food Safety Act 1990. This places a statutory duty on the Authority to enforce the Acts.

This plan covers the following:

- The Food Safety Service Aims and Objectives
- Background Information
- Service Delivery
- Resources
- Quality Assessment
- Service Review.

2. SERVICE AIMS AND OBJECTIVES

<u>Barrow Borough Council's Council Plan 2020-2024</u> sets out the actions it will take to ensure the Borough is a great place to live, work and visit. It will be underpinned by detailed delivery plans, one of which is the Food Safety Service Plan.

We will need to be bold and ambitious to deliver this vision, and we will need to find different ways to work to make the most of the resources we have available.

The Service objectives are as follows:

- Ensure that all businesses involved in the preparation, sale, distribution or handling of food comply with food safety legislation and the requirements of codes of practice issued by the Food Standards Agency.
- To minimise the spread of incidents of infectious diseases including incidents of food poisoning by investigating relevant cases and taking action to control the spread of disease.

The Food Safety Service Plan links to the Councils Priorities of Developing the local economy to secure a long-term economic future for all our community; A strong and

vibrant town centre community; Closing the gap on health inequalities; and Providing efficient and effective services. During the year we report our progress to the Management Team, through a performance indicator based on the number of food hygiene inspections undertaken each quarter.

This plan will be reviewed annually, and we welcome views, comments and suggestions on how it could be improved.

3. BACKGROUND PROFILE OF BARROW

Barrow Borough Council is one of 6 District Council's within the County of Cumbria. It is mainly urban in nature with a population of around 67,100 covering an area of 7699 hectares and a major industrial area of Cumbria. By far the largest town within the Borough is Barrow and this is the business centre of the Furness area. Dalton, the ancient capital of Furness, is smaller and lies inland. Askam, Newton, Lindal and Marton are small villages lying near the borough boundary while a few smaller communities make up the more rural areas. To the west of Barrow lies Walney Island which is approximately 9 miles long, the central area of the island being mainly residential.

The Borough has a mixed economy although historically employment has been biased towards heavy industry, including shipbuilding, until recently this type of employment has seen large scale redundancies and closures resulting in a relatively high unemployment level.

This has led to lower household incomes and higher levels of benefit dependency are concentrated in pockets of deprivation, hence improving the quality of life for all local people remains an overarching priority.

However, recent investment in offshore energy and at the UKs submarine construction facility has resulted in an increase of both the blue and white collar workforce, traveling to and residing in Barrow and the surrounding area.

The restrictions placed on businesses and individuals over the past 2 years, because of the Coronavirus Pandemic, has increased the pressures on the local economy.

4. ORGANISATIONAL STRUCTURE

4.1. Organisational Structure

Barrow Borough follows an Alternative Arrangements structure with a committee structure for decision making.

The Council has an Overview and Scrutiny Committee (OSC) and review panels, which broadly mirror the Service areas. OSC can be involved in the development of policy under its Overview role and will also scrutinize the decisions and activities of the council.

4.2. Local Government Reorganisation

Following the decision of the Secretary of State in July 2021 each local authority within Cumbria was notified that, subject to Parliamentary approval, two new unitary authorities would replace the current local government structure in Cumbria, with the Barrow, Eden and South Lakeland areas being the footprint for a new unitary authority covering the east of the County (Westmorland and Furness), and Allerdale, Carlisle and Copeland (Cumberland), being a footprint for a new unitary authority covering the west of the County, effective from 1st April 2023. All six districts and Cumbria County Council will cease to exist in their current format on 31 March 2023.

Transitional arrangements, including the creation of a 'Shadow Authority' will be put in place from May 2022 to enable the transition to Westmorland and Furness Unitary Authority. This Service Plan will need to be reviewed, alongside those produced by Eden and South Lakeland, and agreed by the Shadow Authority during the year.

4.3. Food Safety Service

The food safety service is part of the Commercial Team and the Lead Food Officer reports to the Head of Public Protection.

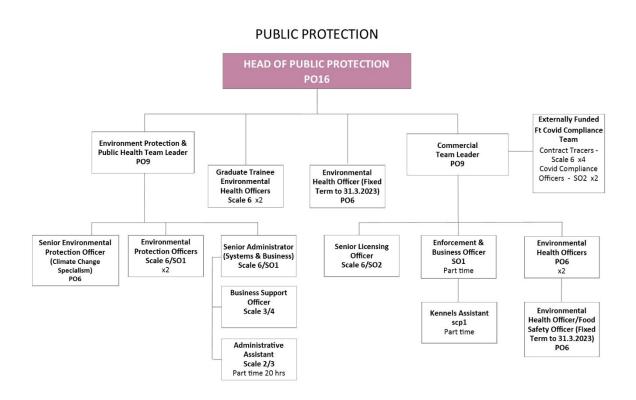
The Barrow Food Safety team at present consists of:

- 1 x Commercial Team Leader / Lead Food Officer (0.6 FTE Food)
- 2 x Environmental Health Officers (1.60 FTE Food)
- 1 Contractor carrying out food hygiene inspections only. (**0.2 FTE** Food)
- 1 x Environmental Health Officer/Food Safety Officer (1 FTE Food in recruitment)
- 1 x Environmental Health Officer (**0.2 FTE** Food in recruitment)

The Team will also have 2 x Graduate Trainee Environmental Health Officers (**0.4 FTE** – Food) by the end of July 2022.

Officers within the Commercial Team also undertake Health and Safety, Infectious Disease Control, Animal Welfare, Port Health and Covid-19 related duties.

Organisational Structure



The provisions made for specialist services used on an as and when basis are:-

Food Examiner: FW & E Microbiology Lab, York

Email - yorkFWELab@phe.gov.uk

Tel: 01904 468 948

Food Analyst: County Laboratory, Peddles Way,

Preston Riversway Docklands,

Ashton-on-Ribble, Preston PR2 2TY

Tel: 01772 721660

The long-term staffing shortages have necessitated the use of suitably qualified contractors to carry out programmed inspections.

5. SCOPE OF THE FOOD SERVICE

The scope of the food safety service consists of:

- Ensuring that all food premises within the Borough are identified and inspected on a risk-assessed basis;
- Implementing and maintaining the National Food Hygiene Rating Scheme;
- Reviewing planning and building control applications to ensure that food hygiene requirements are considered at the design and build stages of development;
- Providing advice to food businesses and members of the public on issues relating to food safety;
- Investigating all complaints relating to food and food safety and taking appropriate enforcement action to prevent potential outbreaks of food poisoning;
- Undertaking sampling in order to determine the quality and fitness of food that is available for purchase throughout the Borough;
- Minimising the spread of incidents of infectious diseases, including incidents of food poisoning by investigating relevant cases and taking action to control the spread of disease.

6. DEMANDS ON THE FOOD SERVICE

There are over 600 registered food premises within the Borough, mainly composed of restaurants, takeaways and retailers. A small number of businesses are seasonal, and several takeaways are run by proprietors whose first language is not English.

As of January 2022, 635 registered food premises within the Borough were made up of the following food premises types:

Type of Premises	Number of
	Premises
Restaurant/ Cafe/ Canteen	95
Hotel/ Guest House	15
Small Retailer	122
Supermarket/ Hypermarket	25
Caring Premises	33
Restaurants and Caterers - Other	51
Distributors/ Transporters	2
Pub/ Club	104
Retailer - Other	26
Take-Away	87
School/ College	41
Mobile Food Unit	29
Manufacturers and Packers	4
Primary Producers	1
Total	635

Incorporated in the above is 1 Approved Premises (See Section 6.1).

Barrow Borough Council has procedures in place that ensure that the Food Standards Agency's Code of Practice and Practice Guidance document is followed. In addition, these Procedures also refer to the various Guidance Notes from the Local Government Regulation which gives guidance on Food Safety issues. Officers of the Council must and do have regard to these Codes and Guidance in undertaking the food safety function as they ensure consistent enforcement.

Council services are provided 08.30 – 17.00 hours Monday to Thursday and Friday 08.30 – 16.30 hours. This is supported by an out of hour's emergency response service accessed by calling 01229 833311.

Planned out of hours inspections and visits are also made by Officers on the basis of the trading times of food businesses and perceived need.

6.1. Approvals

The Authority approves premises which are required to be formally Approved under specific EU Legislation due to the increased risk posed by their particular food activities e.g. manufacturers or food premises producing meat products for other food businesses. There is currently 1 approved premises in the Borough.

6.2. The Food Hygiene Rating Scheme

The Food Hygiene Rating Scheme (FHRS) is a Food Standards Agency/Local Authority partnership initiative. It is a national scheme which provides consumers with information about hygiene standards in food business establishments using, information gathered by officers at the time they are inspected to check compliance with legal requirements on food hygiene. The food hygiene rating given reflects the inspection findings.

The FHRS allows consumers to make informed choices about the places where they eat or shop for food and, through these choices, encourage businesses to improve their hygiene standards.

There are six different food hygiene ratings ('0' up to '5') - the top rating '5' represents a 'very good' level of compliance with legal requirements and all businesses irrespective of the nature or size of their operation should be able to achieve this.

Food hygiene ratings are published online at http://ratings.food.gov.uk/. Businesses are encouraged to display a sticker showing their food hygiene ratings at their premises where consumers can easily see them, although there is no legal requirement currently to display them.

The FHRS incorporates safeguards to ensure fairness to businesses. This includes an appeal procedure, a 'right to reply' for publication (together with the food hygiene rating) at http://ratings.food.gov.uk/ and a mechanism for requesting a re- inspection/re-visit for the purposes of re-rating when improvements have been made. Further guidance is available in the "Food Hygiene Rating Scheme: Guidance for Local Authorities on Implementation and Operation: the Brand Standard".

Barrow Borough Council joined the scheme in 2012. The following Table shows the list of Ratings for Barrow, as of January 2022:

Ratings (January 2022)	No of Food Premises	% of total
0 – Urgent Improvement Necessary	1	0.2
1 – Major Improvement Necessary	15	2.9
2 – Improvement Necessary	2	0.4
3 – Generally Satisfactory	28	5.3
4 – Good	74	14.1
5 – Very Good	406	77.2
Total	492	100%
Premises with a rating of 3 or more	508	96.6
Exempt / excluded / sensitive	30	

The Council received 8 requests for re-inspection last year, after the food business operator had addressed the issues raised.

6.3. Enforcement Policy

The Council has adopted the principles of the Regulators Code which provides a clear, flexible and principle based framework for how regulators should engage with those whom they regulate. The principles are incorporated within the Councils enforcement policy.

All food safety enforcement decisions are made following consideration of the Enforcement Policy. Any departure from the Policy will be documented. A copy of the Enforcement Policy is available on request.

All food law enforcement will be carried out in accordance with the relevant Food Standards Agency Code of Practice and Practice Guidance and other Official Guidance produced by Local Government Regulation or the Food Standards Agency.

Where matters are identified or reported to officers and the enforcement responsibility lies with other council services or agencies, officers will refer the matter to the appropriate service or agency.

7. SERVICE DELIVERY

7.1. Food Safety Interventions

The enforcement of Food Safety legislation is governed by a Statutory Food Law Code of Practice and Practice Guidance. This specifies procedures and forms to be used by employees when enforcing the legislation. Interventions include the formal inspection regime, auditing, verification visits, sampling and food or food hygiene complaint investigations.

In March 2017 the Food Standards Agency issued a revised Food Law Code of Practice.

Interventions are risk based and a range of other interventions can be employed to achieve the same result, e.g. surveys, formal training and interventions including sampling, auditing, verification visits, as well as visits to investigate food or food hygiene complaints.

7.2. Performance Management Monitoring

The Food Standards Agency has a remit to oversee local authority food law enforcement to ensure appropriate local services are in place.

Barrow report to the Local Authority Enforcement Monitoring System (LAEMS), uploading data from the Civica APP Flare public protection database.

Barrow uploads food inspection ratings to the FSA NFHRS database.

The data on approved premises was reviewed in February 2022 and the FSA advised accordingly.

The previous LAEMS return has been uploaded electronically and the FSA's 2020-21 return completed.

8. FOOD SAFETY INTERVENTIONS PLAN

8.1. Inspections

Inspections are carried out in accordance with the Food Law Code of Practice (March 2017).

Following each inspection, the premises are attributed a Risk Rating Score in accordance with Food Law Code of Practice, which determines the minimum inspection period before the next inspection. The risk score is entered on the Civica App Flare software system and each quarter a list of premises due for inspection is produced.

At the time of every programmed food premises inspection, a pro-forma (aide memoir) is completed which is attached to the electronic premises file. Following each inspection, either a written report is sent to the proprietor of the business or, for minor matters, a carbonated handwritten report together with a letter advising how the rating is worked out is left on site. The report and carbonated handwritten report have a standard format.

The inspection record includes an assessment of the risk from E.coli, based on Food Standards Agency guidance & is completed by Food Officers in premises where raw and ready to eat foods are handled.

The Code requires Category A and B premises to receive an inspection at the appropriate frequency (6 months & 12 months).

Category C premises receive an inspection at the appropriate frequency (18 months)

Category D premises will receive an inspection at the appropriate frequency (2 years)

Category E premises will receive an inspection at the appropriate frequency (3 years)

Revisits are made in order to check on compliance with Enforcement Notices and to ensure poor standards and serious defects are addressed by the food business operator. This is at the officers' discretion, but in line with Departmental Enforcement Policy.

The use of the risk assessment scheme ensures that the highest priority is given to food manufacturers and caterers where conditions are below standard and premises that cater for vulnerable groups.

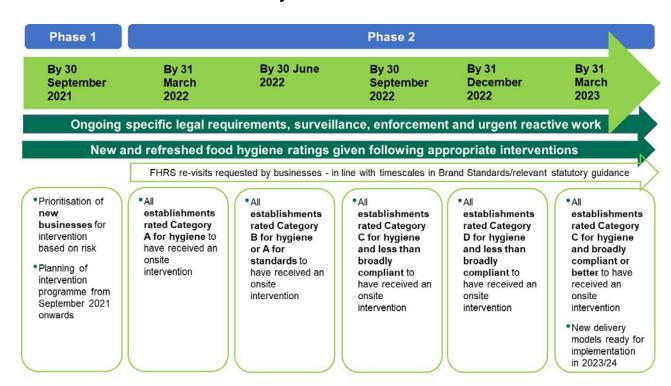
8.2. FSA Recovery Plan July 2021 to 31st March 2023.

The FSA have recognised the efforts of local authorities in the fight against COVID-19 and therefore in mid 2021 they set out their expectations for the delivery of local authorities' food safety controls; producing their risk-based Recovery Plan for the period July 2021 to 2023/24.

The Recovery Plan provides a framework for re-starting programmed food inspections in line with the Food Law Codes of Practice (for England, Wales and Northern Ireland) for new food establishments and for high-risk and/or non-compliant establishments while providing flexibility for lower risk establishments. The plan should be implemented alongside delivery of:

- official controls, such as approved establishments, where the nature and frequency are prescribed in specific legislation and official controls recommended by FSA guidance that support trade and enable export
- reactive work including enforcement in the case of non-compliance, managing food incidents and food hazards, and investigating and managing complaints
- · sampling, and
- ongoing proactive surveillance.

8.3. Outline of the FSA's Recovery Plan for Local Authorities.



Due to Covid-19 restrictions on businesses, additional regulatory activity related to COVID-19, our contact tracing efforts, staff absence and shortages the following programmed inspections were outstanding at 31/03/2021:

Premises Risk Category	Number of Premises
A	0
В	0
С	43
D	15
Е	54
Unrated	34
Total	146

These outstanding inspections have been incorporated into the inspection plan for the period to 31st March 2023.

8.4. Inspection Plan to 31st March 2023.

The Authority maintains an accurate list of the food businesses operating throughout the district due to the requirement for all food businesses to be registered. Therefore, the following inspections are due in the period from July 2021 to 31st March 2023. These figures include all overdue inspections and is based on the FSA's recovery plan.

Premises Risk Category	Frequency of Intervention	Number of Premises
A	6 months	3
В	12 months	11
С	18 months	106
D	24 months	213
E	Suitable for Alternative Intervention	122
Total		535

In addition to this figure will be new business ventures that open up within the Borough ranging from home caterers and market stalls, through to national companies.

8.5. Food Registration

A public register of all food premises within the Borough is maintained in accordance with regulations.

8.6. Information and Training

The Food Safety team has received appropriate training to ensure knowledge of food specific legislation which relates to premises within the Borough. All Officers received the relevant training to ensure core CPD.

8.7. New Businesses

New food premises receive an initial inspection, generally within one month of opening or some other intervention. Due to the Covid Pandemic this has not always been possible and we have been and continue to utilise the FSA Triage form to gather intelligence on new businesses.

All new food premises will receive an initial rating inspection and thereafter treated as above depending on the initial category.

8.8. Food Complaints

An inspection may be undertaken following receipt of a food or food hygiene complaint if required by the nature and circumstances of the complaint.

Food complaints are varied in type and include:

- Food which does not comply with the food safety requirements i.e. food which is unfit; food which has been rendered injurious to health; or food which is so contaminated.
- Food which is not of the nature or substance demanded by the purchaser.
- Food not produced, processed or distributed in accordance with the Hygiene Regulations.

Barrow also enforces the provision of the Food Information Regulations 2014, which relate to 'Use-by' date labelling and quality issues, in co-operation with Cumbria County Council's Trading Standards Authority.

Initial investigations into food complaints are given high priority, since these can give an indication of where the food supply chain has broken down. Such breakdowns may be one-offs or can indicate a problem that, if left unattended, could have serious consequences. Arrangements are in place to contact the Food Standards Agency where food complaints may have wider implications.

Where companies involved are unable to provide a satisfactory defence that they take all reasonable precautions and exercise all due diligence to prevent such a complaint, legal proceedings may be instigated. The decision to prosecute would be taken at the recommendation of the officer concerned, in consultation with the Commercial Team Leader and the Council's legal representative and in accordance with the Public Protection Enforcement Policy.

Dealing with food complaints is a relatively small part of the workload from April 2020 to March 2021 the Council received 28 complaints.

8.9. Food Fraud

Officers are aware of the potential for food fraud and are mindful of this whilst undertaking interventions. Where intel is received, the Commercial Team Leader will cascade the information to the team accordingly to investigate as appropriate.

8.10. Primary Authority Principle

In April 2009 the Regulatory Enforcement and Sanctions Act introduced the Primary Authority Scheme. This is an arrangement where a Local Authority agrees to provide specialist advice to a company regarding its Food Safety arrangements and acts as a point of contact for other local authorities where its food may be sold. The Primary Authority is usually where the head office for a company is situated.

If a business has a primary authority the officer will contact the primary authority before any enforcement action is taken, unless immediate action is required because of the imminent risk to health.

Currently, Barrow Borough Council does not act as Primary Authority for any local business.

If a business requests a Local Authority to be its Primary Authority for any regulatory function, the Local Authority must agree to the request, although it may charge for the cost of doing so.

8.11. Advice to Business

Whilst the Council will utilise its powers to enforce the food legislation, it is realised that, where food businesses break the law, it is not always deliberate. As a consequence, it is the Council's policy to provide advice to business in a number of different ways for example through 'gain or retain' for existing businesses and 'safer food direct' for new business start-ups.

The Food Safety team does not provide formal food hygiene training, as there are many local providers.

Advice is given during routine inspections and visits and also to direct queries received by letter or telephone. Provisional advice is given prior to the setting up of a food business upon request.

Building Control and Planning applications are reviewed and advice given to the developers / applicants regarding issues relating to Food Safety and Health and Safety.

The Barrow Borough Council website contains general information and is updated when required.

8.12. Food Sampling

Proactive, point of sale, food sampling programme can provide useful information about the microbiological fitness of food for sale within the Borough.

The Council participates in the Cumbria Food Liaison Group and provides input to coordinated food-sampling programmes based on agreed local priorities.

The sampling programme consists of the following:-

- Target approved and high-risk premises
- Participation in local initiatives devised by the local sampling group
- Participation in Public Health Laboratory Service sampling initiatives.

8.13. Infectious Disease Control

The investigation of food poisoning cases is given a high priority and in an outbreak situation can necessitate utilising officers from the Environmental Protection & Public

Health team, in addition to those in the food safety team (for example distributing faecal pots).

Outbreak investigations follow the UKHSA's North West Outbreak Plan and associated procedures and guidance. Such investigations will be overseen by the Commercial Team Leader in partnership with UKHSA.

There are good links with UKHSA and all notifications are actioned on the day of receipt, by a telephone call, visit or a letter.

8.14. Liaison with Other Organisations

To ensure that enforcement action taken in the area of this Council is consistent with national guidance and neighbouring local authorities, liaison arrangements are in place with The Food Standards Agency, FW & E microbiology lab York, Manchester Lab (clinical samples) and UKHSA.

The Council fully participates in the work of the Cumbria Food Liaison Group. This group has representatives from all Cumbria Local Authorities, microbiology labs and UKHSA.

8.15. Food Safety and Standards Promotion

Education and promotion activities can have a direct impact on food safety standards. The Council is committed to providing advice and information both to business and the public through a number of initiatives:

- Food advisory visits
- Food Safety information leaflets
- Food Safety Week/Food Link
- Link to food safety information on the council website (currently under review)
- As resources allow, talks to schools and other groups
- World of work campaigns

8.16. Food Alerts

All food officers are signed up to receive the automated Food Alerts notified from the Food Standards Agency. The Commercial Team Leader will discuss with officers of appropriate action in each case, which may include mailshots, visits, local press

releases, etc. The resource implication is unknown, as it depends upon the nature and type of alerts, but existing resources usually perform this work as and when required.

8.17. Equality and Diversity

The Equality Act 2010 replaced many separate anti-discrimination laws with a single Act. It also strengthened the law in important ways and extends protection against discrimination on the basis of: race, disability, sex, gender reassignment, marriage and civil partnership, sexual orientation, age, religion or belief, and pregnancy and maternity.

There is a general duty under the act and some specific duties which include the need for public bodies to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity and foster good relations. In addition, there is a duty to publish certain information to demonstrate compliance with the Act.

Barrow Borough Council have an Equality & Diversity Strategy 2017 that details the various measures in place to ensure the Service does not discriminate and is equally accessible to all.

9. RESOURCES/DEMANDS ON SERVICE DELIVERY

9.1. Financial / Staffing Allocation

The Barrow Borough Council Food Safety team at present consists of:

- 1 x Commercial Team Leader / Lead Food Officer (0.6 FTE Food)
- 2 x Environmental Health Officers (1.60 FTE Food)
- 1 Contractor carrying out food hygiene inspections only. (**0.2 FTE** Food)
- 1 x Environmental Health Officer/Food Safety Officer (1 FTE Food in recruitment)
- 1 x Environmental Health Officer (**0.2 FTE** Food in recruitment)

The Team will also have 2 x Graduate Trainee Environmental Health Officers (**0.4 FTE** – Food) by the end of July 2022.

Officers within the Commercial Team also undertake Health and Safety, Infectious Disease Control, Animal Welfare, Port Health and Covid-19 related duties.

Physical Programmed Food Hygiene inspections recommenced on the 1st August 2020, however this did leave a shortfall at the end of March 2021. This shortfall has been incorporated into the inspection plan for the period to 31st March 2023.

Of the two Environmental Health Officers, one is a newly qualified officer, undertaking their initial competency framework requirements. As a consequence, we continue to enlisted the services of a suitably qualified Contractor and have financial resources approved for recruiting an Environmental Health Officer/Food Safety Officer (1 FTE Food) plus an additional Environmental Health Officer (0.2 FTE Food) to support the work of the service.

Our two Graduate Trainee Environmental Health Officers completed their academic studies in 2021 and are currently undertaking the Chartered Inst. of Environmental Health's Registration Programme and will take up permanent positions in the Commercial Team this year.

9.2. Staff Development Plan

Training is determined during 1:2:1 and section meetings. This plan recognises the need for Professional Officers to meet Continuing Professional Development (CPD) requirements.

Training and development is based on the basic principles and ideals of:

- The Council is committed to continuous development of employees and services to ensure it is properly equipped to deal with future challenges.
- The Council will develop the potential of all its employees.
- Officers and the team have a duty to the Council to meet food safety competencies
- Regular and continual training and updating of skills in order to undertake "the job" are necessary.
- Succession planning.
- Training will include customer service training.

Training may be provided through attendance at externally organised courses and seminars or through in-house training activities.

10. QUALITY ASSESSMENT

The Food Law Code of Practice (England) Regulations, requires Authorities to have internal monitoring systems.

Officers follow food safety procedures aimed at meeting the requirements of the Food Safety Code of Practice and Official Guidance. This is regularly kept under review and is used to ensure consistency and improvements in service delivery.

Procedures are in place for achieving and monitoring the consistency and quality to ensure that its food safety service is provided in a way that is consistent with the Food Standards Agency Standard, Statutory Codes of Practice and nationally issued guidance.

11. REVIEW

11.1. Performance against Plan

The Food Safety Service Plan is reviewed annually.

Food safety actions; the number of premises inspected by risk (planned / actual), are reported quarterly to the Management Team and Executive Committee.

The performance of the food service is reported annually to the Food Standards Agency, via the Local Authority Monitoring System (LAEMS).

Last year we acted upon the comments made by the OFFC Performance Management Team and have reviewed the service plan accordingly.

11.2. Areas for improvement

Delivery of the Food Safety service will need to rely on the use of suitably qualified contractors, whilst newly qualified Officers undertake their initial competencies.

Service plans to be formulated in February / March each year. However, this was not possible last year, due to the Coronavirus Pandemic.