

<b>Subject:</b>	Food Law Service Plan 2023/24	<b>Status:</b>	For Publication
<b>Report to:</b>	Full Council	<b>Date:</b>	28th June 2023
<b>Report of:</b>	Public Protection Manager	<b>Lead member:</b>	Planning, Licensing and Enforcement
<b>Key Decision:</b>	<input checked="" type="checkbox"/> Forward Plan <input checked="" type="checkbox"/>	General Exception <input type="checkbox"/>	Special Urgency <input type="checkbox"/>
<b>Equality Impact Assessment:</b>	Required: No	Attached: No	No
<b>Biodiversity Impact Assessment:</b>	Required: No	Attached: No	No
<b>Contact Officer:</b>	Phil Morton	<b>Telephone:</b>	01706 252442
<b>Email:</b>	philmorton@rossendalebc.gov.uk		

## 1. RECOMMENDATION(S)

That the Food Service Plan 2023/2024 is approved.

## 2. EXECUTIVE SUMMARY

- Food safety and ensuring the public are protected remains a priority for the authority.
- The Food Law Service Plan details the various types of inspections and interventions that will need to be completed in 2023/24 in order to fulfil its duties to the satisfaction of the Food Standards Agency.
- Covid 19 had a major impact on all areas of business and the food and leisure industry was affected more than most.
- Continued engagement with food operators supported business recovery and compliance during 2022/23 and ensured food safety standards were maintained.

## 3. BACKGROUND

- 3.1** The Food Standards Agency's (FSA) "Framework agreement on official feed and food controls by local authorities" sets out what the FSA expects from local authorities in their delivery of official controls on feed and food law.
- 3.2** One of the requirements of the framework agreement is that local authorities agree a service plan for the delivery of the official food controls. The Food Law Service Plan 2023/24 is at Appendix A to this report.

## 4. DETAILS

- 4.1** The plan makes reference to the requirements in the FSA's Food Law Code of Practice. This in particular details the frequency at which food businesses should be inspected or have some other intervention to ensure compliance with legislation designed to make sure food is safe.
- 4.2** The frequency of inspection depends on the risk of the business potentially causing food poisoning or selling food that is unsatisfactory in some way.
- 4.3** The risk is calculated using a formula in the Food Law Code of Practice, which takes account of, amongst other things the type of foods sold, suitability of food handling practices, state of repair and cleanliness of the premises and confidence in management maintaining safe standards.

- 4.4** The higher the risk, the more often an inspection should be carried out.
- 4.5** The Food Law Service Plan details the numbers of various types of inspections and interventions which the Environmental Health Service needs to complete in 2023/24 in order to fulfil its duties to the satisfaction of the FSA. The details of this work are outlined on pages 6/7 of the Service Plan.
- 4.6** The impact of the Covid 19 pandemic and the restrictions placed upon both business and local authorities in carrying out the required inspections and interventions over the previous 2 years could have had a notable effect on the delivery of the 2022/23 plan.
- 4.7** However, a concerted effort by environmental health staff ensured that outstanding inspections were completed and the number of inspections planned are back to pre-pandemic levels.
- 4.8** With that consideration, and because where possible the authority continued to carry out food hygiene inspections of new and lower risk businesses throughout the pandemic, it is anticipated that in 2023/24 there will be sufficient resources within the service to deliver the Council's obligations..
- 5. RISK**  
Not producing a Food Law Service Plan would place the Council at risk of criticism in the event of an audit and weaken the reputation of the Council and its ability to influence businesses with regards to food safety.
- 6. FINANCE**  
There are no financial implications
- 7. LEGAL**  
The Council must have an up-to-date Food Law Service Plan that is readily available to food business operators and consumers and which ensures that its approach to regulatory activities is transparent and clear.
- 8. POLICY AND EQUALITIES IMPLICATIONS**  
There are no policy implications for the council. There are no disproportion impact on any protected characteristics and a Full Equality Impact Assessment is not required.
- 9. REASON FOR DECISION**  
The Food Law Service Plan 2023/24 will deliver the Council's obligation to comply with the FSA's Food Law Code of Practice.

Background Papers	
Document	Place of Inspection
Food Law Service Plan 2023/24	Attached Appendix A



# Food Law Service Plan

2023/2024

## 1.0 INTRODUCTION

### 1.1 Rossendale Food Law Service Plan

This document is the Rossendale Food and Safety Service Plan and includes reference to other relevant documents. It sets out:

- Links with corporate priorities
- A profile of the Borough including the political and managerial arrangements
- The demands on the service
- Summary of service activity in relation to premises inspection, complaints investigation, advice, sampling, food safety incidents, liaison arrangements and promotional activities
- The resources deployed to meet these demands
- Relevant performance indicators

## 2.0 SERVICE AIMS AND OBJECTIVES

### 2.1 Service Aims

To contribute to Rossendale Council's corporate objectives identified in the Corporate Plan 2021-2025.

- Thriving local economy
- High quality environment
- Healthy and proud communities
- Effective and efficient council

This will be achieved by:

- Supporting local food businesses and Small and Medium Enterprises to grow and flourish, including;
- Directing businesses to the necessary training, e.g. training centres, on line etc.
- Inspecting food businesses to ensure that food is produced in a safe and hygienic manner
- Providing food hygiene ratings for public access so consumers can make informed choices

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- Controlling premises where an imminent risk to health exists, thereby protecting the general public
- Supporting the withdrawal of food identified by way of the Food Standards Agency Food Alert scheme

### 3.0 BACKGROUND.

#### 3.1 Profile of the Local Authority

Rossendale is a district with borough status in East Lancashire holding a number of small former mill towns centered on the valley of the River Irwell in the industrial North West.

In the Census of 2021, the population was 70,871 spread between the larger towns of Bacup, Haslingden and Rawtenstall; the villages of Crawshawbooth, Edenfield, Helmshore, Waterfoot, Whitworth; and as well as Britannia, Broadclough, Chatterton, Cloughfold, Cowpe, Irwell Vale, Loveclough, Newchurch, Shawforth, Stacksteads, Stubbins, Turn and Weir. Rossendale is twinned with the German town of Bocholt, located close to the Netherlands border.

The Council is one of 12 District Councils, 1 County Council and 2 Unitary Authorities within the County of Lancashire. Within the Borough, some functions relating to food safety are the responsibility of Lancashire County Council e.g. Trading Standards and Food Standards inspections.

Rossendale, in common with some of the other districts in East Lancashire, have significant issues with regard to the quality and price of housing, net population migration, health, job creation and areas of severe deprivation.

In Rossendale there continues to be a bias towards a larger proportion of employees in the manufacturing sector than is the national norm and a lower proportion of jobs in the service sector although this has been changing over recent years

There is a diverse range of food businesses within Rossendale from single run operations to large food retailers. A major pie manufacturer sits within the Borough along with a further two or three medium size manufacturers.

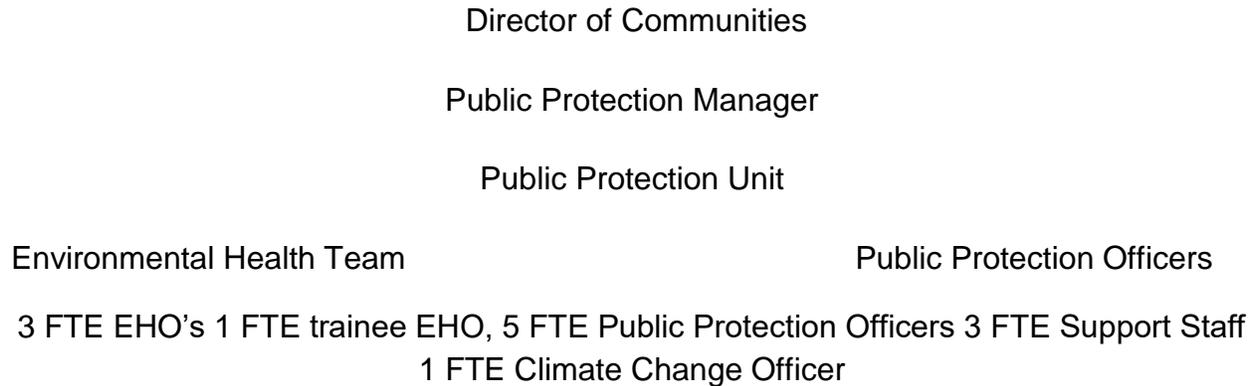
The majority of food businesses employ less than five people

The impact of the Covid 19 pandemic has been felt across the whole valley, residents and businesses are working hard to ensure recovery, and growth continues, post restrictions.

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### 3.2 Organisational Structure.

The responsibility for food safety sits within the Public Protection Team. The following shows the organisational structure



A further temporary part time Environmental Health Technical Officer is in post until April 2024 to assist in food hygiene inspections as part of the Covid 19 business recovery programme.

The Public Protection Unit provides a full range of Environmental Health and Public Protection Services including occupational health and safety, infectious disease control, Food Hygiene and Standards, licensing, environmental protection, air quality, climate change, private sector housing standards, private water supplies, environmental crime and related regulatory functions.

### 3.3 Political arrangements

Chief Executive

The political arrangements for the Borough are:

- 36 Local District Councillors
- 1 Parish Council
- 2 Members of Parliament

The food delivery element of the Environmental Health service comes under the Communities Directorate and Portfolio Holder for the Environment.

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### 3.4 Scope of the Food and Safety Section

As a Borough Council, the Authority is responsible for a range of food safety duties under the Food Safety Act 1990 and the Food Safety and Hygiene (England) Regulations 2013. Food Standards and Animal Feeding Stuffs are the responsibility of the Lancashire County Council Trading Standards Division.

The number and type of food businesses within the Borough are as follows.

Total number of Food Premises	1 April 2023
Categories A-C (High Risk)	85
Categories D-E (Others)	548
Not Rated	37
<b>Total</b>	<b>670</b>
Caring Premises	43
Distributor/Transporter	5
Hotel/Guest House	5
Manufacturer/Packer	5
Mobile Food Unit	11
Pub/Club	69
Restaurant/café/canteen	123
Home and outside caterers	87
School/college/nursery	60
Small Retailer	132
Take Away	117
Total	670

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### 3.5 Demands on the Food Service

In relation to food safety, the area contains a mix of small scale manufacturing, retail and catering premises. Catering and retail are the dominant sectors within this mix. The businesses are predominantly small to medium sized establishments.

External factors affecting Food Safety enforcement service delivery:

- Seven day economy
- Transition from manufacturing to service industry economy
- Turn-over of occupancy/use
- High number of fast food outlets
- Cross boundary/Cross County nature of food crime issues
- Nationally set priorities and initiatives, programmes etc.

The Council had adopted the following Performance Indicators in relation to food premises interventions for 2023/24:

To ensure all remaining outstanding food hygiene inspections from 2022/23 are completed

To undertake all scheduled food hygiene inspections for 2023/24.

The number of food premises (Cat A-D) that scored 0, 1, or 2 in the Food Hygiene Rating Scheme to be less than 10% of total food businesses

Initial inspections of new high-risk businesses should take place within 28 days of registration or from when the authority becomes aware that the establishment is in operation. This continued to take place where possible during the duration of Covid 19 restrictions

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### 3.6 Service Delivery Arrangements

**Address:**

Business Directorate, Rossendale Borough Council, The Business Centre, Futures Park, Bacup, OL13 0BB.

Telephone: 01706 217777

Web: <http://www.rossendale.gov.uk>

Telephone Contact Centre Opening Hours: 09.00 – 17.00 Monday – Friday

Emergency out of hours contact number – 0300 222 5946

### 3.7 Policy and Standards

Delivery of Food Controls are carried out in accordance with national procedures and guidance including:

- Regulators' Code
- Food Law Code of Practice
- Food Law Practice Guidance
- Food Standards Agency Guidance

In addition, the Council has adopted the following relevant policies;

- Food Complaint Policy/Procedure
- Sampling Policy/Procedure
- Internal Monitoring Procedure of Food Safety Operations

Copies of the documents are available upon request.

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## 4.0 SERVICE DELIVERY

### 4.1 Interventions at Food Establishments

The Service will undertake a programme of comprehensive and targeted interventions at food premises in accordance with the Food Law Code of Practice, to ensure compliance with relevant legislation and the promotion of best practice.

The following table outlines the intervention programme for the financial year 2023/24:

RISK CATEGORY (INSPECTION FREQUENCY)		Food Premises requiring inspection in 2023/24	Outstanding from 2022/23
	A (at least every 6 months)	0	0
	B (at least every 12 months)	13	1
	C (at least every 18 months)	37	24
	D (at least every 24 months)	133	0
	E (at least every 36 months –dealt with by questionnaire and figure not included in total inspection figures)-	35	105
	Unrated	0	0
	<b>Sub total</b>	218	130
	<b>Total</b>	<b>348</b>	

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For the premises falling within category E risk rating an alternative enforcement questionnaire strategy will be used. A 10% sample of businesses returning questionnaires will be visited to check accuracy of completed forms.

### Food hygiene rating & non-compliant premises

The Council has adopted the National Food Hygiene Rating Scheme. The rating profile is as follows:

Rating	June 2022	June 2023
0	1	0
1	3	1
2	2	0
3	19	12
4	47	26
5	557	585
Awaiting Inspection	37	16
Exempt	35	30

The total number of broadly compliant premises operating within the Borough in 2022/23 was 93% of the premises within the FHRs eligibility.

The FHRs scores can be viewed on the Food Standards Agency website at <http://ratings.food.gov.uk/>

Priority will be given to completing interventions at premises rated Cat A – C, non-compliant businesses (FHRs 0 - 2), and overdue interventions which have been prioritised in order of risk.

Initial inspections at unrated premises should take place within 28 days of registration or from when the authority becomes aware that the establishment is in operation.

Revisits will be limited to non-compliant premises (Food Hygiene Rating 0 – 2 inclusive), to follow up formal action and to premises with a Food Hygiene Rating of 3 with a poor compliance history. Enforcement action will be taken on a graduated basis in accordance with current guidance.

The current staffing levels available are considered sufficient to deliver the food hygiene inspection program for 2023/24.

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However succession planning is needed to ensure continued service levels. The nature of the unit is one where an aging workforce will be reaching retirement age over the coming months and years. This will require careful tailoring of training for existing staff, and targeted recruitment of suitable qualified officers.

## Competency

Officer competencies are managed by means of the Corporate Performance Development Review process with individual training and development records being maintained. A competency matrix matching the competencies in the Food Law Code of Practice is used when assessing officer competency to act as the lead officer and authorised officer.

Specialised training previously undertaken within the section includes:

- HACCP Evaluation
- Vacuum and modified atmosphere packing
- Evidence Gathering and Investigation skills
- Regulatory and legal skill competencies
- E coli/control of cross contamination
- Annex 5 risk rating consistency exercises
- Microbiological Criteria for Food with an emphasis on *Listeria monocytogenes*
- Approved establishments
- Food Allergens

## 4.2 Food and Food Premises Complaints

It is the policy of Rossendale Council to give a first response within 3 working days to all food and food premises complaints/service requests. Where the complaint is about an issue which may give rise to an imminent risk to health, such as rodent infestations or leaking sewage in premises, the target response is within 1 working day.

Clearly, the impact of Covid 19 affected the authorities' ability to respond to all complaints, however best endeavours of officers to maintain as normal a service as possible helped in ensuring as many as possible were actioned in an acceptable timeframe.

The number of food hygiene complaints has shown a significant decrease on the previous 2 years.

However the number of food complaints has risen. This is mainly concerning the standard of the food served, rather than any issues affecting public health.

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The number of complaints received over the past 3 years is shown below:

	Number received 20/21	Number received 21/22	Number received 22/23
Number of hygiene of premises complaints	13	20	8
Number of food complaints	22	22	46
Request For Advice on Legislation	33	26	15
Food Registration Enquiry	34	30	8
Request for FHRS rescore	n/a	3	2

### 4.3 Primary Authority Scheme

The Authority is committed to supporting local businesses. Currently, Rossendale Council does not have any Primary Authority Partnerships. Consideration would be given on a case by case basis should a company wish to enter into a partnership with Rossendale Council.

### 4.4 Advice to Businesses

The Authority has a policy of offering advice to any business which has trading premises within our area unless the trader has entered into a Primary Authority or Home Authority arrangement with another Local Authority. Initial advice will be normally limited to telephone advice, provision of advisory material or sign-posting to relevant sources of information. Advisory visits will be undertaken at the discretion of the officers.

### 4.5 Food Sampling

Programmed food sampling will be carried out to contribute to the program drawn up in liaison and co-ordination with other Lancashire Environmental Health Services and Public Health England.

Other sampling which may be carried out includes:

- Sampling as part of an official control intervention
- In response to complaints
- Where local intelligence indicates a potential risk to health, and sampling forms part of the service's response

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All formal food samples will be submitted to the Lancashire County Public Analyst for compositional analysis or to the Public Health England Food, Water and Environmental Laboratory Service for microbiological examination.

#### **4.6. Control and Investigation of Outbreaks and Food Related Infectious Disease**

Rossendale Council aims to ensure the efficient investigation of notified infectious diseases or suspected infectious diseases in order to minimise the risk of spread and if possible to locate the source of a disease. Notifications may arise as formal notifications from Public Health England, GPs or laboratory notifications.

Investigations are carried out by either the Council or UK Health Security Agency depending on the nature of the specific disease notification.

Rossendale Council will take a risk-based approach to suspected viral outbreaks. Environmental Health will only carry out intervention or further investigations where:

- The risk assessment indicates that there is a suspected food/food handler link in the source of the outbreak or significant further spread of the infection; or
- The risk assessment indicates that food/food handlers are not significant features in the outbreak but the circumstances indicate a need for regulatory intervention (e.g. under HASAWA, Health Protection Regulations etc.) which will be considered in liaison with other regulators as appropriate (e.g. CQC, HSE).

In these cases the EH intervention may focus on regulatory action for non-compliance with relevant legislation as opposed to following up individual cases or pursuing specimens.

The Council has a Joint Major Outbreak Plan for Managing an Outbreak of Food Poisoning or Communicable Disease in the Community developed in conjunction with partner agencies.

In 2022/23 there were 79 reports received about cases of food borne illness.

#### **4.7 Food Safety Incidents**

It is the policy of Rossendale Council to comply with Food Law Act Code of Practice (England) in relation to the handling of Food Hazard Warnings and Food Safety Incidents.

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## 4.8 Liaison with Other Organisations

Rossendale Council works with other enforcement agencies, partners and other stakeholders for the purpose of developing consistency of enforcement, openness and transparency. The following lists the partners involved:

Other Local Authorities/Scientific support through the local Food Liaison Group coordinated by Environmental Health Lancashire. This group considers enforcement issues, sampling, policy development, sharing best practice, training, inter-authority audits etc.

Lancashire County Council Trading Standards – Food liaison.

Lancashire County Council Public Health – Public Health Issues

Lancashire County Council Public Analyst – Chemical analysis etc.

Health Security Agency (was PHE) – Food Sampling and examination, Communicable Disease control.

CIEH – professional practice, consultation, training.

FSA – statutory plans, guidance, training, annual returns, consistency of enforcement, best practice, training.

Dept. for Business and Trade (was BEIS) – Primary Authority support.

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## 5.0 RESOURCES

### 5.1 Financial Allocation and staffing

The annual budget for providing the Environmental Health Service for 2023/2024 is detailed below. The Service also carries out a wide range of other environmental health functions including health and safety, housing standards, environmental protection and private water supplies.

Details	2023/24
Staffing	£256,113.36
Travel	£8,380
Equipment	£1,800
Total	£266,293.36
Element for food safety delivery	<b>£65,831</b>

The officers involved in providing Food Hygiene work have the appropriate qualifications, experience and competencies and have knowledge of the Borough's food business environment. 1.4 FTE staff deliver work contributing to the food service plan.

### 5.2 Staff Development

All Officers receive an annual performance development review which includes a review of training and development needs.

As required under the Code of Practice a minimum of 10 core food related hours per officer per year is undertaken. Training is provided to address needs identified within the Council's Performance Development Review framework and the FSA competency framework. Additional training will be resourced subject to emerging demands.

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## 6.0 QUALITY ASSESSMENT AND SERVICE REVIEW

### 6.1 Quality and consistency

In order to assist with consistent quality of service delivery, the Service continues to:

- Participate in Inter-authority auditing as available
- Participate in regional peer-review processes as available
- Participate in FSA FHRS brand standard consistency exercise

Delivery of the food service plan is monitored through quarterly corporate performance indicator monitoring of progress towards achieving the inspection program.

### 6.2 Areas for development

Due to staffing changes within the team the focus of development work for 2023/2024 will be ensuring that existing staff are competent in food hygiene.

To improve compliance with legislation designed to control allergens in foods, continuing free training courses will be provided for businesses.

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