

**BURNLEY BOROUGH COUNCIL**

**Food Safety Delivery Plan  
2021/2022**



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# **Burnley Food Safety Delivery Plan**

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## **1. INTRODUCTION**

### **1.1 Burnley Food Safety Delivery Plan**

This document is the Burnley Food Delivery Plan. This Plan is a requirement of the Food Standards Agency and has been drawn up in accordance with the Food Standards Agency's Framework Agreement (amendment 5, April 2010). This ensures a consistent approach across England and Wales, which enables the Food Standards Agency to address how we are doing and allows useful comparison for benchmarking performance with other local authorities to be undertaken of performance and service delivery.

It sets out:

- An outline of the key services and work activity delivered
- The Council's statement on food safety and the links with corporate priorities and objectives
- 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, infectious diseases, food safety incidents, liaison arrangements and promotional activities
- The resources deployed to meet these demands
- Quality assessment procedures and performance indicators

### **1.2 Profile of Burnley**

The borough of Burnley is situated on the western edge of the Pennines, 21 miles north of Manchester. Along with Blackburn, Blackpool and Preston, Burnley is a key business, service and retail centre in Lancashire. Burnley has a diverse population of around 87,000 and an area of 42.7 square miles, situated at the confluence of the River Calder and Brun and with the Leeds Liverpool canal running through the borough.

Burnley has strong sense of identity and pride that stems back from its long manufacturing history. The connectivity of the Borough today is primarily by its road and rail links that services the town's residents, employers and service suppliers.

One of the unique things about Burnley is the mix of our industrial heritage and our growing modern and innovative sectors and facilities. One minute you can be in a state-of-the-art laboratory and the next in a traditional canal-side café.

Growing the economy of the town and maintaining a clean, green and safe Borough are key strategic priorities of the Council for its residents.

Our growing status as a university town goes hand in hand with our digital jobs success. In fact, we rank second in the UK for digital jobs growth. During 2014-2015 alone, we saw annual growth of almost 162%, compared to 2% across Great Britain and 30% across the rest of the North West. With UCLan committed to having 4,000 university students in Burnley by 2025, we are excited to see this sector further expand.

The outstanding Campus has been designed with students in mind. The College are constantly investing in the £100 million Campus which lies in the heart of Burnley. It has been designed with the learner experience at its heart, with state-of-the-art, industry standard facilities and bright, airy social spaces.

Other accolades include Burnley being named as one of the UK's leading Tech Towns in a recent report by Tech Nation which identified Burnley as one of the top 16 towns in the UK for the growth

of its digital sector. Burnley was positioned 2nd in the UK for digital jobs growth in 2018. Burnley continues to buck national trends with private sector jobs growth figures consistently ranking in the UK's top ten (Burnley 9.7%, Lancashire 3.0%, North West 5.9%, UK 5.9% ONS BRES).

### **1.3 The Council Structure**

Burnley Council is divided into 15 wards served by 45 councillors. The Council is based on a Cabinet structure with 6 Portfolios, a Leader and 5 Executive portfolio holders; there are 4 Committees including 1 Scrutiny Committee. The Food Safety Team sits within the Community and Environmental Services Portfolio.

The Key Corporate objectives, governance arrangements, and decision-making timetables are outlined in 4 key corporate documents:

- The Council's Constitution & Scheme of Delegation
- Strategic Plan
- Forward Plan of key Decisions and Private Meetings
- Burnley's Community Strategy

### **1.4 The Management Structure**

The Council management structure comprises the Chief Executive, a Chief Operating Officer and 7 Heads of Service.

The Food Safety Team sits within Streetscene. The Environmental Health and Licensing Manager have responsibility for environmental health and licensing functions. The team shares an office with the Environmental Protection and Safety Team, which is beneficial to service delivery and joint working, particularly as the Food Safety Team also has responsibility for enforcing health and safety within food premises. We currently have a hybrid working arrangement in place with increased office presence, but with people working in the field from their home/office base.

From 1<sup>st</sup> January 2016 the Council procured a strategic partner to deliver a range of services within a reduced cost base. The Environmental Health and Licensing functions form part of the suite of services that are now outsourced to the private sector.

The overall aim of the contract with respect to Environmental Health is:

“To provide a professional environmental health and licensing service that protects the public and assists businesses to meet their public health obligations”.

Officers currently working for Burnley Borough Council delivering the food safety service are now seconded to the strategic partner, Liberata. A detailed contract for delivery has been developed to ensure an effective contractual relationship, continuity of service delivery, risk management and the maintenance of high-quality services.

The Strategic Partnership arrangements that are in place between the Council and Liberata maintain a robust approach to ensure that strong performance of the Council's regulatory provisions and services are maintained. In relation to the purpose of this report and the Council's annual review of food safety enforcement, Members of the Council's Scrutiny Committee have reviewed the Delivery Plan, activity to date and have recognised the strong performance of the Team in maintaining food standards.

## 1.5 Burnley Borough Council Statement on the Food Safety Service

The overarching purpose of the service is to:

- protect the health of the public through its statutory and non-statutory responsibilities in food safety and a variety of public health measures; and
- ensure quality food for healthier communities

## 2.0 SERVICE AIMS AND OBJECTIVES

### 2.1 Service Aims - Food Hygiene and Infection Control Service

- Safeguard public health through the regular inspection of food premises at a frequency appropriate to the risk
- Respond to complaints from the public and other agencies relating to food safety.
- Promote good practice in food hygiene through the provision of education, advice and training.
- Discharge the Council's statutory and other responsibilities in a positive and efficient manner, in line with relevant enforcement protocols.
- Ensure advice and assistance is readily accessible to the public and businesses alike
- Investigate the occurrence of food related infectious disease, prevent the spread and take action to prevent recurrence or enforcement action as appropriate
- Carry out programmed and reactive food sampling and microbiological swabbing to support local, national and regional programmes and investigations

### 2.2 Links to Council Objectives

Burnley Borough Council has a range of corporate objectives covering the four themes, “People”, “Places”, “Prosperity” and “Performance”.

<b>People:</b>	Creating flourishing, healthy and confident communities
<b>Places:</b>	Making the Borough a place of choice
<b>Prosperity:</b>	Promoting transformational economic change for Burnley
<b>Performance:</b>	Ensuring a continuous focus on improvement in all aspects of the Council’s performance.

Environmental Health and the Food Safety Service cuts across the four corporate themes by:

- Improved health standards – responding to broader public health initiatives to improve the health and wellbeing of citizens.
- Developing a diverse business base with an entrepreneurial culture and supporting business growth.
- Embedding the partnership with Liberata within the Council's budget, strategic vision and commercial strategy.
- Proactively supporting the borough’s businesses to innovate and expand and make the borough a natural choice for business relocation.

### 2.3 Service Objectives

The Environmental Health & Licensing Service act on the front line. They directly provide services that affect people’s daily lives. We provide protection to users of taxis, customers of food businesses, employees in offices, shops and warehouses and help to those suffering the effects of noise nuisance. We police premises which pollute the atmosphere and monitor a whole range of

activities that help to make the Borough healthier. Our role is not only to regulate and enforce, but also to help and advice, so that businesses can thrive and residents and visitors to the Borough have improved health choices.”

### **Service objectives from March 2020.**

Changes on local authority powers and duties resulting from Coronavirus had a profound effect on Environmental Health & Licensing. The Covid19 Pandemic forced the UK Government into lockdown from March 2020. The Government response was to take a host of complex measures, including restrictions on public transport and international travel, school & workplace closures, bans on public gatherings and other steps to create social distancing. These interventions represented an unprecedented challenge for local governments. The focus needed at the household and community level highlights the pivotal role that local government have had to play in response to the crisis. Environmental Health & Licensing have played a vital role in explaining rules and regulations to the local businesses and local communities and supporting businesses in how to operate in a safe, covid- secure way.

### **Service Objectives from July 2021**

Most coronavirus (COVID-19) restrictions were removed on 19 July 2021.

All businesses and venues, including nightclubs and adult entertainment venues, are able to open. All capacity limits at sporting, entertainment, or business events have been lifted.

Hospitality venues such as pubs, restaurants and bars are no longer required to provide table service or follow other social distancing rules.

We continue to advise businesses to follow the principles set out in the [working safely guidance](#).

### **Recovery Plan - Business as Usual**

From July 2021, Environmental Health & Licensing set out a recovery plan detailing the backlog of work that has accrued and continues to accrue due to Covid 19 duties. We based the recovery plan for Food Safety on the requirements of the Food Standards Agency Recovery Plan. We continue to prioritise the higher risk food businesses and to respond to all complaints/queries and inspect the new businesses. We are in the process of contracting out the lower risk inspections which are programmed into our inspection program for 2021/2022 to Consultant Environmental Health Officers.

The Recovery plan also involves clearing a backlog of lower risk inspections. We are also in the process of contracting out these inspections to consultant Env Health Officers.

Other backlogs outlined in the recovery plan are detailed as systems backlogs and involve officers ongoing work with IDOX and remote Apps and new services for example the implementation of a local `report a food problem` and signing up to the FSA system to register our new businesses on-line.

### **Residual Covid Activity**

**Outbreak management in workplace settings:** Ongoing Consultation/liaison/Incident meetings with LCC/UKHSA/Workplaces/access and reference to coincidence postcode data reports and ITS (CTAS) for case numbers and names.

**Test & Trace Support (case tracing, local support referrals, venue alerts etc):** T&T/Letter drops/Continuous consultation including guidance and advice to support Liberata/training/daily downloading & sharing of data /management of systems.

Key Food Safety objectives include:-

- Establish and deliver a programme of targeted and risk-based interventions and inspections in food premises, providing advice on legal obligations and taking an escalated approach to enforcement action.
- Improve the proportion of food businesses with Food Hygiene Ratings of 3, 4 or 5.
- Monitor, record and report on the programme of activities to relevant bodies to ensure the Council's obligations are being met, resources are targeted appropriately, and steps are taken to make any necessary improvements.
- Investigate the occurrence of food related infectious disease and take the necessary action to prevent the spread or recurrence, working collaboratively with Public Health England and other key partners
- Deliver a programme of targeted proactive sampling of food products.
- Offer a comprehensive advice and support service to business regarding any relevant food legislation and compliance, offering specific support for those wishing to establish a food business within the Borough.
- Investigate complaints about food products or food establishments and take any action that is required on a coordinated local, sub-regional, regional or national basis.
- Work collaboratively across Lancashire with other Environmental Health and Trading Standards professionals to ensure consistency, improvement and the delivery of an effective high-quality service
- Advise, provide support and enforce Health and Safety standards within food businesses
- Work in collaboration with partners in addressing key health inequalities in the Borough.
- Proactively obtain feedback from food businesses regarding the service to ensure continuous improvement in service deliver.
- Support the on-going professional development of officers to deliver high quality services that meet the needs of the public and the requirements of the Gold Standard Investors in People status of the Council.
- Implement the Council's appraisal system for training needs and performance based on the principles of Continuing Professional Development (CPD) and meeting the requirements of the relevant professional bodies including the Chartered Institute of Environmental Health

#### **2.4 Links with other Plans:**

Food safety activities support and link to the following key Council and inter-agency plans:

- UKHSA 2017 Outbreak Plan
- UKHSA C&L Care Home OB Plan 2018
- East Lancashire Equality and Inclusion Strategy 2014 to 2017
- Burnley Council Major Emergency Plan September 2019
- Burnley Multi-Agency Flood Plan September 2019
- Lancashire Resilience Forum. (Outlines roles and responsibilities of organisations including District and Unitary Councils)
- Business Continuity Policy - April 2016

- Principles and Practice Recommendations for the Public Health Management of Gastrointestinal Infections 2018

### **3 FOOD SERVICE**

#### **3.1 Food Safety Team**

The Food Safety Team is overseen by the Environmental Health and Licensing Manager and the Principal Officer. Both are qualified Environmental Health Officers (EHO's) and experienced in food safety matters.

The Principal Officer heads a team of 3 (2.1 FTE) with 1 Environmental Health Compliance Officers (0.8 FTE) and 2 Workplace Compliance officers (1.3 FTE). The EHCO holds the EHORB Higher Certificate and Higher Certificate in Food Control. Activities are undertaken in line with the professional requirements as outlined in the Code of Practice.

The service is also supplemented through consultants who undertake a range of lower risk inspections (Categories C and D) but no enforcement activity. On occasions, further technical expertise is sought from external professionals to assist with more complex matters.

#### **3.2 Food Standards**

The Trading Standards functions within the Borough are carried out by Lancashire County Council. There is a good working relationship between the two services and a good track record of liaison via the Lancashire Food Officers' Group and joint working initiatives.

#### **3.3 Scope of the Food Service**

The Service is delivered by the Food Safety Team with additional support as outlined above. The team complies with the Food Standards Agency Codes of Practice and Local Government Regulation guidance for the purposes of food safety including the Regulators' Code. Enforcement action is undertaken in accordance with the Council's Enforcement Policy and follows a graduated approach.

Areas of core service delivery include:

- Developing and delivering a programme of planned food hygiene interventions meeting statutory obligations as set out in the Food Standards Agency Code of Practice. The programme will be focussed on those businesses that are not broadly compliant and with Food Hygiene Ratings of 0, 1 or 2 and those premises that are unrated.
- Implementing alternative approaches such as coaching and mentoring to deal with non-compliance
- Operating the Food Standards Agency Food Hygiene Rating Scheme in accordance with the Brand Standard for all relevant food businesses and taking the necessary steps to publicise the ratings.
- Approving and regulating any food activities and premises requiring approval and subject to Regulation EC No 853/2004
- Consideration of any requests from a business or making approaches to businesses for the purpose of entry into a Primary Authority relationship with them.
- Responding to complaints about food premises and the fitness and wholesomeness of food sold in the Borough
- Planning and implementing an annual food and environment sampling programme for microbiological quality and chemical purposes and participation in the Lancashire Food Officer Group programmes as resources permit.
- Acting on Food Standards Agency alerts and incidents in accordance with recommended action and relevant parts of the Code of Practice



- Preparation of contingency plans to be used in the event of an incident or when the Major Incident Plan is invoked
- Maintaining and recording food establishment registration applications and maintaining the register in accordance with the relevant statutory provisions and Code of Practice.
- Investigating and liaising with Public Health England to deliver infectious disease and outbreak investigation and control.
- Service promotion including press releases and articles, leaflets, talks and presentations to relevant parties, seminars, conferences, displays and exhibitions. This includes national initiatives such as National Food Safety Week.
- Preparation of evidential files and reports to the Council for use in legal action, court proceedings or formal Committee hearings.
- The management of any contractors engaged to undertake duties

### 3.4 Data Profiles

We have adopted a new specialist cloud- based system, Uniform, by Idox, for managing and reporting across Environmental Health. Through smart technology Idox have evolved their front-line services in response to the changing needs of society and claim the system will deliver improved outcomes for the citizens within the borough of Burnley.

We can now fully utilise the database, however we still need to develop and set up the reporting side of the system. The next phase is to use the mobile app to give officers the option to work on site, which will involve improving access to the database. We continue to move towards a digital system to improve service efficiencies and reduce paper-based records.

The following Table provides a summary of the last 4 years of Food Businesses and their risk rating profiles. The ratings are defined in the FSA Food Law Code of Practice with A representing the highest risk premises and E the lowest which are subject to a self-assessment and reporting procedure.

**Table1: Number of Food premises by Risk Rating Category**

<b>Risk Rating Category (Inspection Frequency)</b>	<b>No. of Food premises 2017/2018</b>	<b>No. of Food Premises 2018/2019</b>	<b>No. of Food Premises 2019/2020</b>	<b>No. of Food Premises 2020/2021</b>
A (At least every 6 months)	0	2	0	0
B (At least every 12 months)	30	27	29	25
C (At least every 18 months)	116	123	120	123
D (At least every 24 months)	367	352	349	336
E (Alternative strategy for inspection)	380	378	392	405
Unrated	20	24	30	34
Outside Programme	18	23	17	8
<b>TOTAL</b>	<b>931</b>	<b>929</b>	<b>937</b>	<b>923</b>

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**Table 2: Premises Approved Under EC Regulation 853/2004**

The following table highlights those premises which require approval under EC Regulation No. 853/2004 due to the specific nature of their activities.

Approved premises	2016/17	2017/2018	2018/2019	2019/2020	2020/2021
Approved Fish processing premises	2	2	2	2	1
Meat and meat products approved premises	2	2	2	2	2
Milk and milk products approved premises	1	1	1	1	1
The approved treated stomachs establishments	1	1	1	1	0
Stand - alone Cold Store	1	1	1	1	1

**Table 3: Premises Profile**

The following table provides the detail of the types of premises within the Borough.

Description	No. of premises 2016/17	No. of premises 2017/18	No. of premises 2018/2019	No. of premises 2019/2020	No. of premises 2020/2021
Primary producers	3	3	3	3	4
Manufacturers/processors	21	21	24	23	24
Distributors/transporters	5	9	14	13	12
Retailers	280	270	268	269	255
Restaurants and other caterers	605	624	615	626	625
Importers/Exporters	2	4	5	3	3
<b>TOTAL</b>	<b>916</b>	<b>931</b>	<b>929</b>	<b>937</b>	<b>923*</b>

**Table 4: Service Requests**

The following is a summary of requests for service received by the Food Safety Team since

Request type (includes all requests for service relating to any food business)	2015/16	2016/17	2017/2018	2018/2019	2019/2020	2020/2021
	Infectious diseases	130	99	144	112	128
Advice requests	261	354	429	287	218	436
Complaints regarding Hygiene at premises	94	83	66	300	324	93
Advice on unfit/contaminated food	12	6	10	2	N/A – no longer have the category	
Complaints re unfit/contaminated food	44	59	54	64	91	41
Food Hygiene Re-rating visits	28	30	9	23	15	7
<b>Total</b>	<b>574</b>	<b>633</b>	<b>712</b>	<b>788</b>	<b>776</b>	<b>640</b>

\*We have moved to a new MIS (Management Information System) where the recording method is slightly different. We no longer record advice on unfit/contaminated food, these will be merged into advice & complaints re unfit/contaminated food.

**Table 6: Levels of Compliance in Food Businesses**

The following table indicates the number of broadly compliant premises across the Borough which is a key performance measure used within the service

Year	Total number premises	Total Number of Businesses within the programme	Total No broadly compliant within the programme	Target %	Actual %
2014/15	867		794	100	92
2015/16	899		848	100	93
2016/17	893		872	100	98*
2017/18	929		860	100	98**
2018/19	937		864	100	97**
2019/20	926	771	750	100	97
2020/21	908	776	761		98

\*This excludes the number of unrated businesses and premises outside the programme

\*\* This excludes the no. of unrated businesses and premises outside the programme

In 2020/21 we completed 49 inspections and we had 154 inspection visits that were overdue (01/04/20 to 31/03/21)

### **3.5 Local Challenges**

The service faces the following challenges:

- A high number of takeaways/restaurants and temporary food stall undertake their food preparation out of traditional office hours.
- A high turnover of businesses where the food business operator can change and a new business requires a new inspection and a new rating.
- Understanding the cultural issues and needs of the ethnic minorities who operate food businesses in the borough and whose first language may not be English
- Reducing staff resources and uncertainties regarding the future model for delivery and the potential impact on the service.
- Economic downturn and local economic deprivation is reflected in the reluctance of some smaller local food businesses to invest in repairs and refurbishment of their premises.

### **3.6 Access to the Service**

The Service is delivered from the Council offices at Parker Lane, Burnley. The Public can access the service via telephone, e-mail or in person by visiting the Contact centre on Parker Lane in Burnley. Normal business hours are 9 am to 5pm Monday to Friday.

Out of hours work is also undertaken from time to time as the need arises.

In addition, a 365-day/24 hour telephone contact service is available for appropriate emergencies.

The authority has actively participated in Inter-Authority Auditing (IAA) through a programme of audit agreed through the Lancashire Food Safety Group.

### **3.7 Enforcement Policy**

The Food Safety service operates in accordance with the Regulators Code, the Code for Crown Prosecutions and the Human Rights Act.

Copies of the Compliance and Enforcement Policy for the Food Safety Team are currently unavailable and are under review.

## **4. SERVICE DELIVERY**

The aim of the Food Safety Team is to ensure the protection and good health of consumers in the Borough by enforcing relevant statute, Regulations and by educating and promoting high standards of quality and safety within the food manufacturing, catering and retail establishments of the Borough.

Delivery of the Food Hygiene Control Service is carried out in accordance with national procedures, Good Practice and guidance including:

- Food Law Code of Practice
- Food Law Practice Guidance
- Food Standards Agency Guidance
- The Brand Standard for FHRS
- Burnley BC Compliance and Enforcement Policy
- The Regulators' Code

### **4.1 Food Premises Interventions**

The term “Intervention” refers to any reactive or planned visit to a food business in the course of delivering the Food Safety service. The Food Safety Team will undertake a programme of comprehensive and targeted interventions at food premises to ensure compliance with relevant legislation and the promotion of best practice. The frequency of inspections is determined by risk assessment for each type of food business and each Food business will be allocated a risk category ranging from A to E where “A” is considered to be highest risk.

#### **4.2 Food Related Complaints**

The Food Safety Team will consider, and where appropriate investigate food complaints or requests for service in accordance with internal procedures and relevant Codes of Practice.

Where necessary, samples will be submitted for analysis. Where appropriate intelligence will be gathered from complaint investigations and used to inform sampling programmes or project based work.

#### **4.3 Primary Authority Scheme**

There are currently no primary Authority Agreements with food businesses based in Burnley. The Primary Authority scheme is now regulated by the Regulatory Delivery Division of The Department for Business, Energy and Industrial Strategy (BEIS) The scheme covers trading standards, environmental health and licensing functions and for the first time businesses will be able to form a statutory partnership with a single local authority, which will provide robust and reliable advice that other councils must take into account when carrying out inspections or dealing with non-compliance.

The scheme builds on the foundation created by voluntary home and lead authority initiatives and looks to further develop consistent and proportionate enforcement across the country. It will affect how the Service carries out inspections and takes enforcement action at those businesses subject to a primary authority agreement.

#### **4.4 Advice to Businesses**

The Food Safety Team provides an advice service, which, encourages, advises and assists businesses to comply with food safety legislation.

If a business requires bespoke advice which can only be delivered at the premises there is a charge per hour for this advice.

#### **4.5 Food Sampling and Inspection**

The Food Safety Team undertakes programmed and reactive local sampling in a manner specified by relevant legislation, Codes of Practice and other guidance sources. Ad hoc project-based sampling of food, drink and the food environment activity is undertaken in liaison and co-ordination with other Lancashire Environmental Health Services and Public Health England in accordance with an agreed sampling programme and current resources.

A documented sampling programme for each year will be followed, considering local needs and priorities, subject to available resources and using a risk- based approach.

Examples of food sampled examined as part of the programme included the following foods:-

- Milk
- Ready to eat cooked meats and meat products

- Pies

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

This Food Safety Team is responsible for investigating the notification of infectious diseases or suspected infectious diseases. The objective is to minimise the risk of spread of the disease and where possible, identify the source. Notifications may arise as formal notifications from G.P.'s or through informal routes such as laboratory notifications, self -notifications etc. Investigations are carried out by either the Council or Public Health England depending on the nature of the specific disease notification. 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. Managing the investigation into major outbreaks can be very resource intensive and include the issuing of sample pots, visiting affected premises, and interviewing patients.

#### 4.7 Food Safety Alerts and Incidents

This Food Safety Team responds to food safety alerts and incidents in accordance with FSA Code of Practice and good practice to ensure that public health is safeguarded. Alerts are received directly from the FSA using their automated notification system and acted upon accordingly.

#### 4.8 Liaison with Other Organisations

The Food Safety Team works with other enforcement agencies, partners and other stakeholders for the purpose of developing consistency of enforcement, openness and transparency. The following table details the regular, ongoing liaison with external partners:

Partner Organisation type	Brief description
Other Local Authorities/Scientific support	Lancashire Food Liaison Group – Enforcement issues, sampling, policies, best practice, training, inter-authority audits etc. Public Health England – Food Sampling and examination, Communicable Disease control. Public Analyst – Chemical analysis etc. Environmental Health Lancashire Lancs County Council Trading Standards –Food Standards/Allergens
Local professionals	East Lancs Primary care Trust – working together on health promotion, infectious disease control, health inequalities etc.
Professional bodies and Agencies	CIEH- professional practice, consultation, training. FSA – statutory plans, guidance, training, annual returns, consistency of enforcement, best practice, training.

Within Burnley Borough Council, the Food Safety Team currently links with all services. Liaison is particularly strong for food safety issues with:

- Development control – for planning and building control applications
- Legal and Corporate Services – for litigation purposes
- Licensing
- Environmental Protection & Safety Team
- Market Hall Management
- Street Scene
- Building Control

## 4.9 Consumer Education and Health Promotion.

Health promotion remains an important element to the on-going commitment to improving public health and tackling health inequalities.

Although this element of the service is non-statutory, Burnley remains committed to supporting local Health promotion activity where resources permit.

We will continue to support local initiatives and local campaigns, working closely with other local or National partners to maximise the Impact and resources.

## 5. RESOURCES

### 5.1 Staffing

The Food Safety Team has an establishment of:

	Officer	FTE - Management	FTE- Operational
Management	Environmental Health and Licensing Manager	0.25	0
Delivery	Team Manager	0.2	0.8
	Env Health Compliance Officers	0	0.8
	Workplace Compliance Officers	0	1.3
Support	Admin	0.25	0.75

NB This core is supplemented by the use of consultants to undertake some lower risk inspection work.

All Food enforcement staff involved in service delivery meet the Qualifications, Experience and Training and Competence criteria contained within the Food Law Code of Practice. Each Officer has been individually authorised in accordance with their qualification and experience as described in this Code.

### 5.2 Staff Development

The Council has successfully obtained Investors in People award and is committed to retaining this. As part of this process all staff undergo an annual Performance and Development review which includes training needs. These individually identified training and development needs are carried forward after consideration by Managers. The Food Safety Team operates a documented procedure for the recording of qualifications, training and competencies.

Officers in the Food Safety Team have undertaken Lead Auditor training to assist in the operation of Inter-Authority Auditing with other Lancashire Councils.

The Council supports personal development by offering opportunities to attend internal courses and supporting attendance at external courses. In addition, the Authority offers internal training courses on a range of subjects, primarily concerned with personal development issues.

Previous training courses have included:-

1. Best Practice Day
2. Legal training
3. Outbreak Training
4. Sampling training

## 5. Consistency Training/FHRS Consistency Exercise

### 5.3 Local Initiatives, Joint Working and External Grant Funding

The Food safety Team has an excellent track record of joint working on local initiatives and success in securing external grant funding. Examples include:-

- Food Safety mentoring for local Businesses
- Implementing the National Food Safety Rating Scheme
- Joint initiatives with Trading Standards
- Business Events targeting the lower rated premises to improve compliance and allergen management
- Joint initiative with Public Health England Re: Infectious Disease Studies
- Delivery of Allergen Training with Trading Standards

## 6. SERVICE QUALITY AND DEVELOPMENT

### 6.1 Quality Assessment

The quality of the Food Law Enforcement Service in Burnley is monitored in various ways and was audited by the Food Standards Agency in November 2009 as part of its national review of IAA's.

### 6.2 Regional Peer Group Auditing

The Service is audited annually by peers from other Lancashire councils as part of the Inter-Authority Audit (IAA) scheme.

### 6.3 National Auditing

- The Food Service makes returns to the Food Standards Agency (FSA) on an annual basis. The FSA now use central surveillance methods on data to monitor local authorities

### 6.4 Commitment to Service Improvement

We regularly review existing policies and procedures to ensure our policies and procedures reflect local circumstances, good practice and National policy. Examples of National reports and papers influencing local procedures and priorities includes:-

- Findings from Inter-Authority Audits
- Findings from FSA audits/FSA Consistency exercises
- Review of the Service against the FSA Framework Agreement on Local Authority Food Law Enforcement
- The national Food Standard Agency guidance on the National Food Hygiene Rating Scheme The "Brand Standard"

## Commercialisation/commercial opportunities – changing the way we operate

In line with many other local authorities the food safety service is looking to become more commercial in the way it operates.

Recent commercial developments which are of benefit to both our local businesses, members of the public and the council include:



- A service that allows businesses to request a re-rating visit under the Food Hygiene Rating scheme. The business pays for the visit, which is based on a cost recovery fee, which benefits the business in terms of improving compliance and enhancing their customer image to boost trade.
- Introduction of a bespoke advisory service, again based on cost recovery that allows businesses to request an advisory visit from us to discuss the operation of their business and go through the 3 areas that the FHRS is based on, hygiene, structure and management.
- Assisting other local authorities in improving compliance in their boroughs by implementing projects, pioneered within the borough to target lower rated businesses and mentor them through educating them at workshops and mentoring them in the management of their food business.
- Assisting other local authorities in auditing officer training and competency including undertaking accompanied inspections and review of systems and procedures.
- Achieving Business Compliance Programme through online registration & review of competencies. The FSA recovery plan will allow us the flexibility to use the workplace compliance officers to review and carry out initial visits to the lower risk businesses.

## **7. SERVICE REVIEW**

### **7.1 Quality Review and Continuous Improvement**

Service delivery will be regularly reviewed in line with this plan, and giving due consideration of National regulations, good practice and local priorities.

## **8. Food Safety Delivery – the future**

### **8.1 Food Standards Agency (FSA) Recovery Plan**

#### **Guidance from the FSA:**

During the pandemic, the FSA adjusted their expectations of LAs. This was in recognition of the challenges LAs were facing in delivering their statutory food functions whilst having to prioritise protecting communities from COVID-19. It also reflected the changing business landscape, with many food businesses closing or changing operations. This enabled LAs to target scarce resources at the most high-risk establishments while deferring planned interventions, particularly for low risk premises.

Proposals have now been developed for recovery of planned interventions and other activities by LAs at food establishments during the period from 1 July 2021 through to 2023/24.

#### **The recovery roadmap takes account of the following points:**

- Numbers of 'new' food businesses have significantly increased and, although some may never have started trading and others will have ceased trading, the risks associated with them remain largely unknown
- Some existing businesses may have changed hands
- Existing businesses will be re-opening, many after prolonged closure, as restrictions on businesses in the hospitality sector on eating onsite are lifted, while others will continue to diversify activities to adapt to ongoing changes in the market.

- The highest risk establishments – which represent a relatively small proportion of the total number of establishments – may have missed one, two or, in a very small number of cases, three planned interventions.
- LA resources have been – and in many cases still are – diverted during the pandemic to activities related to reducing the spread of COVID-19.
- LAs are anecdotally reporting that significant resource is currently being used for non-statutory, but important, wider government priorities such as export certification.
- LAs are also anecdotally reporting that in some cases hygiene standards have reduced since the onset of the pandemic.

### **Recovery plan outline and timings**

There are two phases to the recovery plan:

- **Phase 1** - 1 July to 30 September 2021.
- **Phase 2** – 1 October 2021 to April 2023 and beyond.

**In Phase 1**, LAs will also be expected to undertake the following:

- a) Managing the expected increase in necessary reactive work resulting from the lifting of restrictions in the hospitality sector, which will include carrying out interventions at high-risk establishments.
- b) Planning for resumption of planned intervention programmes for high-risk category and non-compliant establishments in Phase 2

The FSA reminded us that the focus should remain on:

- Prioritising onsite visits to those establishments which are overdue on a risk priority basis.
- ongoing proactive surveillance to obtain an accurate picture of the local business landscape and, where new and emerging risks are identified.
- the inspection of new businesses
- urgent reactive work including, but not limited to, following up on food incidents, investigating foodborne disease outbreaks, following up on complaints.

Total interventions for food (**from 01/04/20 to 05/11/21**)

**In line with FSA guidance and controlling the spread of Covid19, we have:**

- **completed 61 higher risk-rated inspections.**
- **completed 136 New Inspections.**
- **Responded to 803 service requests for food.**

- **Phase 2** – 1 October 2021 to April 2023 and beyond.

Phase 2 will continue until the FSA's plans for a new food standards delivery model and a revised food hygiene intervention rating scheme are in place. The new delivery model for food standards is being piloted in England and Northern Ireland to end December 2021 prior to national rollout from April 2023. Work to review and revise the food hygiene intervention rating scheme is planned to commence shortly for implementation in 2023/24.

**In Phase 2**, LAs will also be expected to undertake the following:

- a) Implementing planned intervention programmes for high-risk category and non-compliant establishments.
- b) Implementing an intelligence-based approach for low risk category establishments.

- c) Sampling in accordance with the LA sampling programme or as required in the context of assessing food business compliance.
- d) Responding to FHRS requested revisits in line with the timelines specified in the FHRS Brand Standard for England or the statutory guidance in Wales and Northern Ireland.

### **Risks:**

The FSA recognise that ongoing uncertainties related to the course of the pandemic may have consequences for deployment of LA resources and delivery of food controls. Some LAs may be unable to deliver at the pace set out in the recovery plan. There may also be an emphasis at local level on support for businesses to encourage economic growth leading to a lighter touch being taken to enforcement.

The plan provides Food Teams with clarity on the FSA's expectation that resources are focussed on protecting public health and consumer interests in relation to food.

### **Monitoring of LA delivery**

Monitoring delivery will be key to identifying LAs struggling to deliver against the expectations of the plan and to identifying those that require ongoing support from the FSA.

The FSA will also consider the 2020/21 LA monitoring returns and, where significant resource issues are identified, engage with LAs to explore what support we might be able to provide.

The FSA intend to use FHRS data to monitor on a quarterly basis the numbers of businesses 'awaiting inspection', numbers of new ratings being published and levels of compliance etc

### **Conclusion**

The recovery plan outlined in the paper will restart LA planned interventions in a risk-based manner. It enables resources to be targeted where they add greatest value in providing safeguards for consumers and securing compliance in persistently non-compliant businesses. This is consistent with what we want to achieve through the new standards delivery model and the revised food hygiene intervention ratings scheme.

### **8.2 Natasha's Law**

From **1 October 2021**, the requirements for prepacked for direct sale (PPDS) food labelling changed in Wales, England, and Northern Ireland. This labelling helps protect consumers by providing potentially life-saving allergen information on the packaging.

Any business that produces PPDS food is required to label it with the name of the food and a full ingredients list, with allergenic ingredients emphasised within the list.

Businesses need to check if their products require PPDS labelling and what they need to do to comply with the law.

As a Food team we all need to be familiar with these requirements and have been allocated funds from central government to carry out training for each officer in the team. If we observe any issues at our food businesses we need to inform Lancashire CC Trading Standards who are responsible for enforcing the legislation.