

BURNLEY BOROUGH COUNCIL

Food (Official Controls)
Delivery Plan
2016 to 2017



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Burnley Borough Council Food (Official Controls) Delivery Plan

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1. INTRODUCTION

1.1 Burnley Food (Official Controls) Delivery Plan

This document is the Burnley Food (Official Controls) 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 other local authorities to compare and contrast 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

Burnley has a population of around 87,000 and an area of 42.7 square miles. It is 21 miles north of Manchester and 20 miles east of Preston, at the confluence of the River Calder and River Brun, with the Leeds-Liverpool canal running through the Borough. Neighbouring local authorities are Lancashire's Hyndburn, Ribbles Valley, Pendle, Rossendale; and Calderdale in West Yorkshire.

During the Industrial Revolution Burnley became one of Lancashire's most prominent mill towns; at its peak it was one of the world's largest producers of cotton cloth. Burnley has strong economic links with the cities of Manchester and Leeds, as well as neighbouring towns along the M65 corridor. This is helped by excellent road and rail links including the recent reopening of the direct train line to Manchester.

In 2013, in recognition of its success, Burnley received an Enterprising Britain award from the UK Government, for being the "Most Enterprising Area in the UK".

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 5 Portfolios, a Leader and 5 Executive Members; there are 4 committees including 1 scrutiny committee.

The Food Safety Team sits within the Deputy Leader Housing and Environment Portfolio.

The Key Corporate objectives, governance arrangements, and decision making timetables are outlined in 5 key corporate documents:

- The Council's Constitution & Scheme of Delegation
- Strategic Plan 2015/16 to 2017/2018
- Forward Plan of key Decisions and Private Meetings
- Sustainable Community Strategy "Burnley's Future"
- Local Code of Corporate Governance

1.4 The Management Structure

The Council management structure comprises the Chief Executive, 2 Directors and Heads of Service. The 3 Directorates are:-

- Chief Executives
- Resources
- Community Services

The Food Safety Team sits within the Resources Directorate in the Governance, Law, Property and Regulation Services. The Environmental Health Manager has responsibility for environmental health, public 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.

From 1st 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, and this arrangement will be reviewed on an annual basis. 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.

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, "Places", "Prosperity" "People", and "Performance".

Places:	Making the Borough a place of choice
Prosperity:	Promoting transformational economic change for Burnley
People:	Creating flourishing, healthy and confident communities
Performance:	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

We act on the front line directly providing 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.”

Key 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 delivery
- 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:

- Cumbria and Lancashire multi agency plan for outbreaks of infectious disease (under review)
- Responding to the detection of legionella in healthcare premises. Guidance for PHE Protection Teams.
- East Lancashire Equality and Inclusion Strategy 2013 – 2016
- Council Emergency Plan (as reviewed June 2014)
- Lancashire Resilience Forum. (Outlines roles and responsibilities of organisations including District and Unitary Councils)
- Business Contingency Management Policy (as reviewed Sept 2015)

3 FOOD SERVICE

3.1 Food Safety Team

The Food Safety Team is overseen by the Environmental Health and Licensing Manager. Together with the Principal Officer they 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 Work Place 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

Since April 2011, the Food Safety & Health & Safety team have adopted the “FLARE” specialist IT software system for managing and reporting on the programme of inspections, complaints, service requests, Infectious Diseases and food sampling. The software is also an effective management tool for producing annual statistical returns for populating the Food Standards Agency database for the National Food Hygiene Rating Scheme. In addition to this statistical sampling returns are made to the FSA via the UKFSS system.

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

Risk Rating Category (Inspection Frequency)	No. food premises 2013/14	No. food premises 2014/15	No. food premises 2015/16	No. of Food premises 2016/2017
A (At least every 6 months)	1	5	7	3
B (At least every 12 months)	29	29	31	30
C (At least every 18 months)	283	123	129	125
D (At least every 24 months)	158	314	321	345
E (Alternative strategy for inspection)	333	357	363	377
Unrated				25
Outside Programme				11
TOTAL	830	869	851	916

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	2013/14	2014/15	2015/16	2016/17
Approved Fish processing premises	<u>1</u>	<u>1</u>	<u>1</u>	<u>2</u>
Meat and meat products approved premises	<u>4</u>	<u>4</u>	<u>2</u>	<u>2</u>
Milk and milk products approved premises	<u>2</u>	<u>1</u>	<u>1</u>	<u>1</u>
The approved treated stomachs establishments			<u>1</u>	<u>1</u>
Stand - alone Cold Store				<u>1</u>

Table 3: Premises Profile

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

Description	No. of premises	No of premises	No of premises	No. of Premises
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	2013/14	2014/15	2015/16	2016/17
Primary producers	<u>3</u>	<u>3</u>	<u>3</u>	<u>3</u>
Manufacturers/processors	<u>23</u>	<u>22</u>	<u>23</u>	<u>21</u>
Distributors/transporters	<u>11</u>	<u>11</u>	<u>12</u>	<u>5</u>
Retailers	<u>265</u>	<u>263</u>	<u>271</u>	<u>280</u>
Restaurants and other caterers	<u>528</u>	<u>568</u>	<u>542</u>	<u>605</u>
Importers/Exporters				<u>2</u>
TOTAL	<u>829</u>	<u>867</u>	<u>851</u>	<u>916</u>

Table 4: Service Requests

The following is a summary of requests for service received by the Food Safety Team since 2012/13.

Request type (includes all requests for service relating to any food business)	Year			
	2012/13	2013/14	2014/15	2015/16
Infectious diseases	157	144	114	130
Food Business Water Disconnections	42	35	19	5
Advice requests	189	183	244	261
Complaints regarding Hygiene at premises	52	37	59	94
Advice on unfit/contaminated food	9	17	6	12
Complaints re unfit/contaminated food	59	67	55	44
Food Hygiene Re-rating advice/visits				28
Total	503	483	499	574

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 No broadly compliant	Target %	Actual %
2012/13	813	702	100	86
2013/14	830	750	100	90
2014/15	867	794	100	92
2015/16	899	848	100	93

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.
- 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 shortly to be available on-line at www.burnley.gov.uk or on request from The Council's Food Safety Team.

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, 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 new Primary Authority scheme was launched by the Local Better Regulation Office (LBRO) on 6 April 2009. 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. We have also funded a mentoring service for local Food Business Operators to improve their understanding of the requirements to establish and maintain a Food Safety Management System appropriate to their business.

The Food Safety Team participates in the “Recipe4Health” scheme in partnership with Lancashire County Council. The scheme is designed to encourage and recognise those establishments with good standards of food hygiene, nutrition, fair trading and environmental practice.

4.5 Food Sampling and Inspection

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

A documented sampling programme for each year will be followed, as agreed with partner agencies and taking into account local needs and priorities, subject to available resources.

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

- Samosas
- Pre-Packed sandwiches
- Milk
- Ready to eat cooked meats
- Pies

The sampling program has revealed cases of ready to eat meats which contained higher than acceptable levels of bacteria. Without the routine food sampling program, it is unlikely that potential problems would have been identified.

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	<p>Lancashire Food Liaison Group – Enforcement issues, sampling, policies, best practice, training, inter-authority audits etc.</p> <p>Public Health England – Food Sampling and examination, Communicable Disease control.</p> <p>Public Analyst – Chemical analysis etc.</p> <p>East Lancashire Environmental Health Services – Joint working, resource sharing etc.</p> <p><u>Environmental Health Lancashire</u></p> <p>Lancs County Council Trading Standards – Food liaison, Recipe4Health award scheme.</p>
Local professionals	East Lancs Primary care Trust – working together on health promotion, infectious disease control, health inequalities etc.
Professional bodies and Agencies	<p>CIEH- professional practice, consultation, training.</p> <p>FSA – statutory plans, guidance, training, annual returns, consistency of enforcement, best practice, training.</p>
Local / regional liaison group	East Lancs Environmental Health Health Protection Team and Microbiology EHO Forum Group

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. However, this element of the

service is resource intensive and the current squeeze on staffing levels has impacted on the extent of the active involvement in local health promotion initiatives.

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	0.1	0
Delivery	Team Manager	0.2	0.8
	Env Health Compliance Officers	0	0.8
	Workplace Compliance Officer	0	1.3
Support	Admin	0.25	0.55

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. Investigating Skills 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
- Gas Safety Presentation Workshop

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 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 FSA on an annual basis.
- The Council has the Investors in People Award (Gold Standard).

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
- 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"
- Recommendations made by the Elliot Report
- FSA E coli Guidance

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.