



London Borough of Hackney

Food Law Enforcement Service Delivery Plan 2019/20



INVESTOR IN PEOPLE

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1. INTRODUCTION

This is the London Borough of Hackney's mandatory annual plan for the effective enforcement of food safety legislation, and follows the national template as directed by the Food Safety Agency (FSA), through the framework agreement with Local Authorities. This plan refers to the food law enforcement functions undertaken by Hackney's Neighbourhoods and Housing Directorate.

The objective of the plan is to demonstrate how the service ensures food safety in the borough. The Environmental Health Service provides the Food Safety function and aims to deliver an intelligence-led, risk-based approach to business regulation that achieves a high level of consumer protection.

This plan is a public document and will be published on the Borough's website. It sets out the aims and objectives of the direction for the delivery of food safety in Hackney for 2019 – 2020, in line with the Mayor's Priorities.

The performance of the Food Safety Service will be measured against the fulfilment of this Plan and the percentage of broadly compliant premises within the Borough. Currently 89% of food premises in Hackney are broadly compliant in respect of food hygiene. The Service has an aspiration to increase this further by 2% by targeted use of enforcement options and business support, seeking further efficiencies in the inspection process and with targeted initiatives in conjunction with other council services, community stakeholders and external agencies.

The number of food businesses in the borough, subject to food hygiene controls, has slightly decreased from 2,683 in April 2018 to 2,628 as of 31st March 2019. The number of new food business registrations received in 2018-19 to 31st March 2019 is 195. The reduction in the total number of businesses is partially due to the removal of businesses that have ceased trading that have been identified when dealing with the backlog of low risk premises.

The Food Safety Service continues to use a range of enforcement tools to improve and maintain food hygiene and safety compliance and to deliver a risk based approach. The service continues to move away from an "inspection for inspection's sake" approach allowing for a lighter touch treatment of those premises that are broadly compliant and providing advice and education, and where necessary, enforcement action of those premises that are not broadly compliant will be taken.

This approach is reflected in the priorities for 2019-20 which means that resources will be targeted at those premises posing the highest risk. There is a statutory duty (as set out in the Food Law Code of Practice) on food authorities to carry out 100% of all of the food hygiene and food standards inspections due within each financial year. Due to resource limitations, Hackney has set a target in previous Service Plans of inspecting 100% of the higher risk food hygiene and food standards premises that were due and this target has been met. However, this has resulted in the gradual build-up of a backlog of lower risk inspections. Examination of the overall performance figures for Hackney by the Food Standards Agency resulted in an audit being undertaken of the Food Safety Service in October 2017. The audit was focussed on the organisation, management, internal systems and monitoring of the delivery of the food service and although only minor recommendations have been made

by the Agency, they did however raise concerns regarding the inspection backlog. Failure to provide sufficient resources to address the inspection backlog will result in the Service not meeting its statutory duties as a food authority under the Food Law Code of Practice and the possibility of future intervention or sanctions imposed by the Agency. As part of the action plan agreed with the Food Standards Agency following the audit, the Service committed to carrying out 100% of all food hygiene inspections due in 2018-19 though five inspections of category B rated premises were undertaken more than 28 beyond the due date for doing so. The Service has also made a commitment to reducing the backlog of overdue lower risk food hygiene inspections. The majority of the overdue C category inspections have now been completed and an initial start has been made on reducing the D category backlog. All of the E category backlog has been completed as part of the Alternative Enforcement Strategy.

The Service will have a number of challenges in 2019-20 and over the following three years, managing the very different and growing demands of Government agencies and changes in central government financing of local authorities. The Food Standards Agency is planning a fundamental review of the way that food safety is delivered within the UK which will have a significant impact on all local authorities through the Regulating Our Future programme and there may be significant implications for food law enforcement in the UK as a result of Brexit.

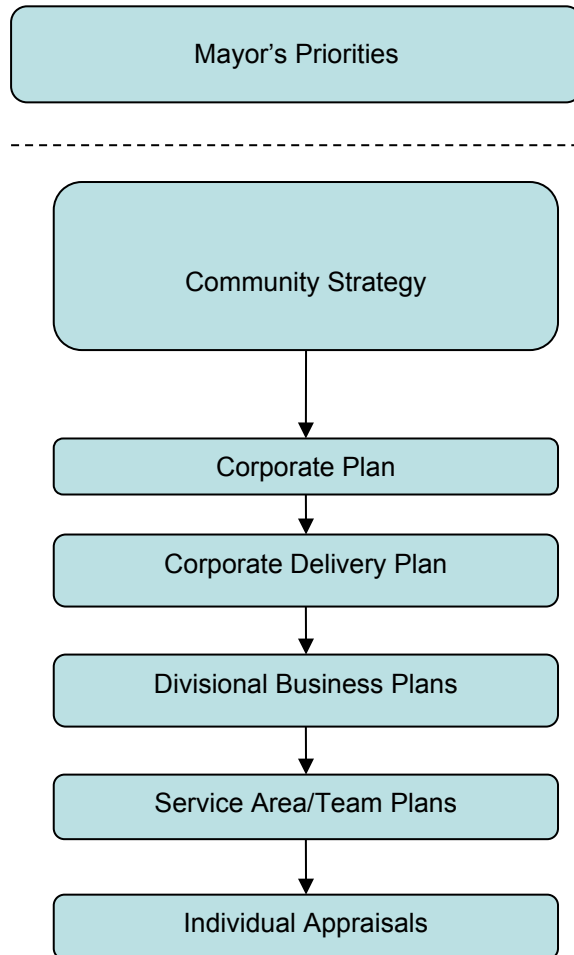
Along with the cross cutting review and local priorities the service will be challenged to ensure the provision of safe food, evaluating how to use resources differently and deliver the work innovatively and collaboratively in order to maintain and increase inspection levels. The trialling of proposed mobile working solutions should further improve working efficiency. Another challenge will be to drive up hygiene compliance along with the need to support and assist the increasing numbers of new business start-ups and pop-ups due to the growth of the hospitality and night-time economy in the borough. Better use of more focussed inspections and interventions (as permitted by the Food Law Code of Practice) targeted on key food safety elements of businesses will also help to improve efficiency while maintaining a high level of public protection.

The continuous need to find savings from the Service will also have a bearing on the effective delivery of this service. In the 2017 restructuring of the Service the staffing resource was reduced by 20%. The Service requires investment in order to maintain and further improve performance particularly in relation to the inspection programme establish future efficiencies.

2. FOOD LAW SERVICE AIMS AND OBJECTIVES

2.1. Aims and Objectives

How the Service Links to Corporate Priorities



Hackney's Vision: A place for everyone

- Mayor's Priority 1:** Working and campaigning to keep Hackney a place for everyone with genuinely affordable homes, job opportunities and excellent schools; where everyone can play a part and where tackling inequality is at the heart of what we do.
- Mayor's Priority 2:** Making Hackney a place where everyone can feel healthy and safe, at home, at work, and on streets, parks and estates.
- Mayor's Priority 3:** Making Hackney an economically and environmentally sustainable place, with strong, cohesive and diverse communities.

The **2018-2028 Community Strategy** has five cross-cutting themes:

1. A Borough where everyone can enjoy a good quality of life and the whole community can benefit from growth.
2. A Borough where residents and local businesses fulfil their potential and everyone enjoys the benefits of increased local prosperity and contributes to community life.
3. A greener and environmentally sustainable community which is prepared for the future.
4. An open, cohesive, safer and supportive community.
5. A Borough with healthy, active and independent residents.

The Food Safety Service contributes to the delivery of the following local policies and plans:

Environmental Health Service: Food Safety Service - undertakes a range of food hygiene, food standards and health and safety interventions across all Hackney food businesses including the provision of advice and information. The team also carries out infectious disease investigations, investigation of food complaints and sampling work. **Mayor's Priority 2, Community Strategy priorities 2, 4 & 5.**

The Service aims to:

- Work with businesses to protect consumers from harm by ensuring that food produced, distributed and marketed in the borough is safe and wholesome for the consumer to eat. This will be measured by an increase in broadly compliant businesses, increasing the number of FHRS rated 3-5 premises and a reduction in FHRS rated 0-2 premises.
- Work with businesses to ensure that food produced, distributed and marketed in the borough meets labelling and compositional requirements and is presented so that consumers are not misled as to its nature, substance or quality. This will be met by raising issues highlighted during visits to premises, acting on service requests and complaints, through promotional material where relevant and increasing enforcement for non-compliance following a graduated approach.
- Deter, detect, investigate and disrupt fraudulent activity involving food, including the illegal importation of food. This will be measured by taking an active role in local, regional and national food fraud initiatives and meetings, by organising intelligence-led action days to disrupt potential fraudulent activities and increasing enforcement for non-compliance following a graduated approach.
- Prevent the spread of infectious disease and food poisoning and to investigate outbreaks by working with Public Health England, investigating notifiable disease in line with agreed protocols, participating in local, regional and national initiatives and meetings.
- Provide advice and education to all sectors of the community on food safety matters and to meet the training needs of the businesses in Hackney with the promotion of in-house training courses and participation in national initiatives such as Food Safety week.
- Promote the provision of healthier food to reduce health inequalities through the Healthier Catering Commitment scheme in conjunction with Public Health and the aims of the Obesity Strategic Partnership.

- Work with other Services, local authorities and agencies with common objectives to provide effective enforcement. This will be achieved by attending local, regional and national meetings, benchmarking with neighbouring authorities and by taking part in internal and external partner led initiatives.
- Protect businesses from economic disadvantage caused by competitors not complying with food safety legislation and by following a graduated approach to enforcement.

2.2. Food Safety Service Performance Indicators for 2019-20

The service have a number of key performance indicators and the performance of the service is measured against the following:

PI Code	Short Name	Frequency of reporting	Directorate	Annual Target 2018/19	Achieved (as of 31/03/19)	Data Only PI	2019/20 Target
NH PRS 030	% of service requests/consumer complaints about food businesses actioned within 10 working days	Quarterly	Neighbourhoods & Housing	95%	100%	No	95%
NH PRS 032	Percentage of category A and B (food hygiene) risk premises inspected within 28 days	Quarterly	Neighbourhoods & Housing	100%	98%*	No	100%
NH PRS 034	% of Broad Compliance for food hygiene (accumulative)	Quarterly	Neighbourhoods & Housing	87%	89%	No	89%
NH PRS 035	% of unrated food premises inspected excluding registered premises not yet trading	Quarterly	Neighbourhoods & Housing	100%	100%	No	100%
NH PRS 036	Number of unrated food premises	Quarterly	Neighbourhoods & Housing	Less than 70	32	Yes	Less than 70
NH PRS 046	Satisfaction of businesses with local authority Regulatory Services' inspections, visits, actions to ensure businesses are compliant	Annual	Neighbourhoods & Housing	75 %	N/A	No	75%

*100% of A and B inspections were carried out; however, 5 'B' rated inspections were inspected outside the 28 targets due to officers' errors.

3. BACKGROUND

3.1. Scope of the Food Safety Service

- 3.1.1. The Food Safety Service is responsible for food hygiene, food standards, public health activities and health and safety in all food premises, and involves both planned and reactive work.
- 3.1.2. Food Safety Service officers, hold dual warrants for food safety and health and safety, so when appropriate, health and safety hazard spotting (matters of evident concern) and food standard inspections are carried out at the time of the primary food hygiene inspection.
- 3.1.3. The Food Safety Service provides the following services:
 - Conducting official controls and other interventions at a frequency determined by Food Law Code of Practice and taking appropriate enforcement action as necessary;
 - Working with local food businesses to help them comply with their legal responsibilities and good hygiene practice, by providing information, advice and guidance;
 - Prevention, control and investigating of infectious diseases, outbreaks, and food-related infectious disease and food poisoning associated with food businesses in Hackney in accordance with the joint infectious disease protocol, London Outbreak Management Plan 2012 and advice from the Consultant for Communicative Diseases Control (CCDC) and the Public Health Laboratory Service (PHLS), within Public Health England (PHE);
 - Undertaking sampling in accordance with our sampling policy;
 - Control of imported foods in accordance with centrally issued guidance;
 - Investigating complaints about food premises and food purchased/provided by consumers in Hackney;
 - Initiating and responding to food alerts about unsafe or unwholesome food and taking appropriate action as necessary;
 - Providing advice on training in safe food handling and hygienic practices to food handlers working in Hackney, including running food hygiene and food allergen training courses via our training centre.
 - Processing applications for approval relating to the production of meat products, minced meat & meat preparations, dairy products, egg products and fishery products;
 - Carrying out activities with regard to a food safety enforcement policy in line with the central government issued guidance;

- Undertaking food safety initiatives (Food Hygiene training and community events etc.)
- Delivering the Healthier Catering Commitment project in conjunction with Public Health to increase healthier food options available at independent catering outlets in Hackney. This project plays a key role in Hackney's Obesity Strategic Partnership.

3.1.4. The Trading Standards Service is responsible for Feed Law enforcement to ensure that any feed used is safe and does not adversely affect the human food chain.

3.2. Demands on the Food Safety Service

3.2.1. Premises Profile

As of 31st March 2019, there were 2628 food establishments in Hackney. The majority of food businesses in Hackney are catering premises at 62%. These are mainly sole trading micro businesses a number of which require support, advice and enforcement to ensure that the food they supply is safe to eat. This is reflected in the inspection programme and the demand for training. Food retailers make up the second most significant group (30%), with the remaining 8% being made up of food manufacturers, exporters, distributors and importers.

3.2.2. Outdoor Events

The Borough hosts a large number of annual festivals and other outdoor events which attract community caterers and a large number of temporary caterers, pop-ups and food producers, all of which require vetting and inspecting as necessary. These range from several large events such as the Hackney Carnival and events held in Queen Elizabeth Olympic Park to smaller churchyard-style events held throughout the Borough.

3.2.3. Imported Food

As well as responding to complaints, referrals and notifications, the service carries out routine inspections and a range of proactive activities in premises across the Borough and in street markets that deal with the trade of illegally imported foods.

The Food Standards Agency has placed greater emphasis on local authority Food Safety Services to ensure controls on third country imported food (i.e. food imported from countries outside of the European Union). There is a high level of imported foods from non-EU countries entering the Borough, either directly imported by businesses or by third parties located elsewhere. Some of these foods can be illegal (i.e. banned from importation, processed in a way that contravenes EU legislation, or they do not comply with compositional or labelling requirements). Examples of this include fruit, vegetable and nuts that appear on a monthly warning list issued by the Food Standards Agency for investigation principally for chemical contamination such as pesticide residues. This area of work can have a high impact on the Service due to the number of businesses handling low cost imports to meet high consumer demand. This food, however, gives rise to a risk to human health and where necessary it is removed from sale and enforcement action taken. The Food Standards Agency has, in the past, supported the Food Safety Service in improving

controls on third country imported food sold in the Borough and to identify those imported foods that may have been brought into the Borough illegally to protect public health and animal health. This has led to increased related work activities such as sampling and surveillance activities. Brexit is likely to have an impact in this area as food from the EU will be deemed to be imported food after Brexit and additional UK controls may be introduced particularly if there is a no deal withdrawal from the EU. Similarly, there are likely to be changes for businesses that supply food to EU member states in terms of labelling requirements and export requirements. The Service may be required to issue health certification for exports and provide support to businesses regarding changes post-Brexit.

3.2.4. New Businesses

The number of food businesses in the Borough, subject to food hygiene controls, stands at 2628. The Service still receives a significant number of new food registrations (195 to 31st March 2019). It is anticipated that the number of new food businesses registered will continue at this level, and is of a particular concern to the Food Safety Service as they place a greater demand on the Service, to ensure that these premises remain 'fit for purpose' and food hygiene compliant as they vary their supply of food. New businesses are given priority within the inspection programme in order to ensure that they are compliant when they commence trading and also as new businesses can have a significant impact on the broadly compliant percentage under the Food Hygiene Rating Scheme (premises that have not been inspected are deemed to be non-compliant resulting in the broadly compliant score falling). Where possible, new unrated businesses are inspected within 28 days of commencing trading. In addition, there are a number of temporary food businesses and 'pop ups' who open and then cease trading within a short period of time and a number of market traders that are registered as food businesses with other local authorities but trade in Hackney that do not form part of the established inspection programme. The service manages a programme of inspections for all new/unrated food premises to ensure their hygiene compliance is assessed.

Inspections of new unrated food establishments are in addition to the main programme of inspections of existing businesses that are due within the financial year. It is anticipated that an additional 300 primary food hygiene and food standards inspections will need to be completed in 2019-20 for new establishments which is equivalent to 1.4 FTE.

In 2019-20, the way in which businesses register is changing as part of the FSA's Regulating Our Future programme. New food businesses will register centrally via the FSA with registrations being forwarded to Hackney. This means that our relevant IT systems need to be upgraded to accommodate this change and Hackney has volunteered to be one of the early adopters working with the FSA to implement the required changes.

3.2.5. Food Hygiene Rating Scheme

Hackney participates in the national Food Hygiene Rating Scheme (FHRS). The scheme is designed to give the public information about local food businesses so that they can make informed choices about where they eat locally (and nationally). As a result the

scheme allows for greater transparency for consumers and businesses due to work conducted by Hackney Food Safety Service. It also recognises those businesses that are operating to a good standard and aims to provide an incentive to those businesses that have not made food safety a priority.

However, the display of the rating sticker is still not mandatory in England but the Food Standards Agency is supportive of its introduction and additional legislation may be introduced post-Brexit.

Following an inspection, a business can be given one of the following FHS ratings and uploaded on the National FHS website (<http://ratings.food.gov.uk>) which can be accessed by businesses and consumers.



Businesses that obtain a rating of 0 to 2 are re-visited to ensure that they are compliant and they are encouraged to request a re-inspection to improve their rating. The Food Standards Agency has introduced changes to the scheme so that Councils can charge (on a cost recovery basis) for any re-rating inspections and businesses will no longer be restricted to a single re-rating request. A re-rating charging scheme has been introduced and disappointingly, the uptake rate has been low (as of 31/03/2019, 26 re-rating inspections have been carried out in 2018-19 compared with 53 in 2017-18).

3.2.6. Broad Compliance with Food Safety Legislation

At 31st March 2019, 89% of premises were found to be broadly compliant with food hygiene. This figure has increased from 85% in 2017-18 and this is part of a trend of increasing compliance which stood at 57% in April 2011. The most appropriate enforcement action will continue to be used to deal with premises that are non-compliant following a primary inspection as a means of driving up full compliance and delivering sustainable improvements.

3.2.7. Food Allergens

The recent tragic deaths of customers from exposure to allergens has received widespread media attention and the Government is proposing to tighten the controls on allergen labelling for non- pre-packed foods. Changes to the Food Law Code of Practice have incorporated allergen controls as a food safety issue and the Service has been placing greater emphasis on allergen controls at food businesses during routine inspections. Issues regarding a lack of staff knowledge, poor communication between kitchen and front of house staff and potential cross-contamination have been found. Test purchasing of foods has also been undertaken from take-away premises which have been analysed for a specified allergen. In order to ensure that catering premises in particular have robust systems in place to control allergens and can provide accurate information to customers, it is

proposed that a specific project is undertaken to address this aspect of food safety. A detailed assessment of allergen controls will be undertaken during routine food hygiene inspections of catering premises. Sampling (including test purchasing) will also be undertaken to assess controls based on inspection outcomes. Supporting information and guidance will be developed and provided to businesses and enforcement action will be taken where appropriate. Businesses will also be offered places on our Level 2 Food Allergen course.

3.2.8. Additional Priorities and Partnership Working

Joint working with other internal teams will improve following the recent re-organisation of Regulatory Services allowing the Food Safety service to take advantage of the Intelligence Hub and cross-team tasking arrangements to further improve efficiency of service delivery.

North East Sector Food Liaison Group: The authority participates in the North East Sector London Food Liaison Group, part of the Association of London Environmental Health Managers. Information is then exchanged with the London Food Coordinating group. General issues concerning policy, regulation and enforcement are discussed at this forum.

Events and partnership Group: The Food Safety Service participates in the Hackney Special Advisory Group (HSAG); and will continue to undertake joint working initiatives with Community Safety, Licensing, Events and Public Realm teams and other internal and external organisations including the Metropolitan Police to tackle emerging issues and regulatory non-compliance.

Mobile Vending Operators: The Food Safety Service will continue to monitor increases of such premises in Hackney via the food premises registration process, complaints, referrals and surveys. In the past year this Service has engaged with the new Markets Manager and both sides agree that a closer working partnership would be beneficial to increase compliance across the markets. The Service will continue to work closely with the Markets and Street Trading Services and deal with non-compliance through existing programmes and initiatives and by developing joint strategies. However, inspections of market traders are outside of the inspection programme and will require additional staffing resource. The Service will work with Markets and Street Trading to try and identify additional funding that will enable regular inspections, interventions and project work to be undertaken in relation to market and street traders.

Healthier Catering Commitment: this is a London-wide project supported by the Association of London Environmental Health Managers, the Chartered Institute of Environmental Health and the Greater London Authority to improve the nutritional quality of take away food across the capital. The project aims to encourage traders to provide healthier options to customers as part of an award scheme and businesses are assessed according to the measures taken to reduce overall calories, saturated fats, sugar and salt on their menus. In Hackney, the project is being delivered by Environmental Health with financial and strategic support from Public Health colleagues and forms a key part of the Council's obesity reduction strategy.

Liaisons with other Organisations: The Council actively participates in liaising with a number of other local authorities, agencies and professional organisations in order to facilitate consistent enforcement, share good practice and reduce duplication of work.

3.2.9. Promotional Campaigns

The Service will continue to publish information, to improve food hygiene and safety awareness within the food business community and the local consumer population and maintain a positive relationship with the media to raise the profile of the Food Safety Service.

The Food Safety Service will carry out food safety promotional work through participation in national and local campaigns and local projects, subject to available resources.

3.2.10. Training Centre

The continuation of the Training Centre will also improve food hygiene compliance as this facility will support businesses by making food training accessible to food businesses in the borough and particularly to those that are not compliant or are subject to enforcement action due to the serious risks of their food operation. The training is promoted to food businesses through the Council website and during routine inspections. As of 31/03/2019, 97 food handlers have attended our Level 2 training in Food Hygiene and Food Allergens.

In 2019/20, the service will continue to offer RSPH accredited Level 2 training in Food Hygiene and Food Allergens, the number of courses offered will depend on demand from businesses and other pressures on the Service.

3.3. Enforcement Policy

3.3.1. The Food Safety Service recognises that whilst businesses look to maintain their reputation and wish to maximize profits, they also seek in most instances to be on the right side of legal requirements without incurring excessive expenditure and administrative burdens. So, in considering enforcement action, the service will assist food businesses to meet their legal obligations without unnecessary expense, whilst taking firm action that may include prosecution or other formal action, where appropriate, against those who disregard the law or act irresponsibly.

3.3.2. The published Food Safety Enforcement Policy, which follows a graduated approach, outlines all enforcement action to be carried out by officers in relation to food safety legislation, seeks to ensure that formal enforcement is focused where there is a real risk to public health and that officers carry out actions in a fair, practical and consistent manner. All authorised officers will follow the Enforcement Policy when making enforcement decisions.

- 3.3.3. The Food Safety Enforcement Policy, takes account of the principles of the Enforcement Concordat, the Regulator's Code, FSA's guidance, and has regard to Crown Prosecution Service guidelines and Equality Impact issues. The Plan will allow the use of resources more effectively in assessing high risk activities whilst delivering benefits to low risk and compliant businesses.
- 3.3.4. The Service will generally seek to recover from businesses the costs associated with any additional official controls (such as emergency closures of food businesses).

4. SERVICE DELIVERY

4.1. Interventions at Food Establishments

- 4.1.1. The Food Safety Service will employ a full, partial or range of other official control (interventions) (as permitted by the Food Law Code of Practice) to assist in raising the compliance rate and achieve broad compliance in food premises. Interventions include sampling, monitoring, surveillance, education or verification visits should enable a lighter touch for compliant premises, and also enable additional resources to be targeted on non-compliant premises in line with the Regulator's Compliance Code.
- 4.1.2. Food hygiene inspections are the main driver for performance of the Food Safety Service, as a result of the priority setting and the scrutiny of the performance of the Service by the FSA, and local and national indicators. Inspections are allocated to officers who are appropriately qualified and authorised in accordance with the Food Law Code of Practice.
- 4.1.3. Following a primary inspection of each food business, a risk category is assigned based on the type of food business and the type of food it handles as well as the conditions found at the time of the inspection. Category 'A' and 'B' rated premises pose the greatest risk and these are therefore inspected at a greater frequency (6 and 12 months respectively).
- 4.1.4. In 2019-20, the Service will continue to prioritise the inspection of higher risk Category A and B premises due for inspection, along with the new and unrated premises and 'not' broadly compliant C rated premises. The FSA Food Law Code of Practice requires each food authority to achieve 100% of the inspections due in each financial year. This target has been included in this Service Plan and in order to try and achieve this target, greater use will need to be made of partial inspections and other interventions where possible for broadly compliant C category and D category businesses. An Alternative Enforcement Strategy has been used for E category premises that are in the lowest risk category. However, it has been decided that these premises will receive an inspection as this will provide more accurate and current information on the business's compliance and will allow the FHRS rating to be amended thereby providing more realistic information for the public. In relation to the programme of inspection for food standards, all A category premises will be inspected and inspections for food standards will be carried out at premises where the food hygiene inspection is also due. This does mean that there is likely to be a continuing backlog of lower risk food standards businesses

although the number will gradually reduce via the food hygiene programme.

4.2. Food Hygiene Inspection Programme

- 4.2.1. Food hygiene inspections are given priority in accordance with Food Law Code of Practice and associated Practice Guidance, issued by the FSA and in line with Hackney's Food Safety Service, Food Hygiene Inspections and Food Standards Procedures. Therefore, the majority of resources allocated to food safety are devoted to planned primary inspections for food hygiene purposes.
- 4.2.2. In accordance with the Food Law Code of Practice, the Service aims to inspect 100% of all food hygiene inspections due within the financial year. Priority will be given to the highest risk premises category A-B premises and all non-broadly compliant category C and category D premises that are due. In addition new and unrated premises will be inspected within the annual inspection cycle. The inspection of broadly compliant lower risk C, D and E category businesses will be given a lower priority within the programme. This should be achievable with current staffing resource but additional resource will be needed to address the significant backlog of lower risk D category businesses. The implications of failing to address the backlog has been highlighted in Section 1 above.
- 4.2.3. Partial inspections will be conducted on broadly compliant category C and D premises, in line with in the Food Law Code of Practice. This will reduce the burden on businesses and concentrate resources on the non-compliant businesses. However, a full inspection will be carried out if a compliant business is not in control of risks or a public health risk is identified.
- 4.2.4. Table 1 below identifies the food hygiene inspections due and overdue for 2019-20 (these are businesses that have been tagged on the premises database). The programme also includes 267 category E premises from last year's Alternative Enforcement Strategy where there was no response from the businesses which will be visited and inspected if the business is still trading. This will improve the accuracy of the database by removing businesses that have now ceased trading and will also identify any new replacement businesses.

Table 1. The number and types of food businesses and their risk rating planned for food hygiene inspections 2019-20

Inspection Rating	Number of food hygiene inspections due	The frequency of inspection is for Category: A: every 6 months (2 inspections a year) B: every 12 months C: every 18 months D: every 2 years E: every 3 years The category for premises classed as unrated is
A	8 x 2 = 16	
B	188	
C	374	
D	183	
E	101*	
New/Unrated premises carried over from 2018-19	32	
<i>Overdue category D premises</i>	590	
<i>Inspections of Category E from which AES</i>	267	

<i>Questionnaires were not received in 2018-19</i>		determined at the first visit and can be A-E. Category E premises may be dealt with using an alternative enforcement strategy (AES).
<i>New/Unrated premises estimated opening during the year (2019-20)</i>	300	
Total inspections due for 2019-20 (due A-E + unrated)	1,194	
Total Inspections due for 2019-20 (including overdue)	2,051	

*relates to those premises subject to non-official interventions

- 4.2.5. In accordance with the Food Law Code of Practice, the Food Safety Service aims to inspect all food hygiene businesses due for inspection in 2019-20. Category A and B premises, all unrated/new premises and not broadly compliant C and D premises will be inspected as a priority in the months for which they are due.
- 4.2.6. New premises will be added to the inspection programme as the service becomes aware of them, as these premises count against the overall broad compliance percentage and hygiene rating. Under the Food Hygiene Rating Scheme, new unrated businesses are deemed to be non-compliant until they are inspected. As such, not inspecting new businesses will reduce the overall broadly complaint figure.
- 4.2.7. At present, the following food hygiene inspections are overdue as of 31st March 2019:

590 category D.
- 4.2.8. Additional resources will be needed to tackle the inspection backlog as this cannot be addressed with current staffing resources.
- 4.2.9. Any complaint, received against a premises risk rated C, D or E may result in a Food Hygiene inspection. The decision to inspect will be based on the nature of the complaint and the officer's professional judgement.
- 4.2.10. The Service will utilise the tasking of Enforcement Officers within other Regulatory Service teams to identify whether premises overdue for inspection are still trading. This will contribute to improving the accuracy of the food register and database as well as remove closed premises from the inspection programme.

4.3. Food Standards Inspection Programme

4.3.1. **Table 2. The number and types of food businesses and their risk rating planned for food standards inspections 2019-20**

Inspection Rating	Number of food standards inspections due	The frequency of inspection for Category: A: every 12 months B: every 2 years C: every 5 years The category for premises classed as unrated is determined at the first visit and can be A-C. Category C premises may be dealt with using an alternative enforcement strategy (AES)
A	25	
B	197	
C	67*	
New/Unrated premises carried over from 2018-19	51	
<i>New/Unrated premises estimated opening during the year</i>	300	
Overdue category B	381	
Overdue category C	229	
Total Inspections due for 2019-20 (A-C + unrated)	640	
Total inspections due for 2019-20 (including overdue)	1,250	

*relates to those premises subject to non-official interventions

4.3.2. The actual premises due for inspection were identified at the beginning of April 2019 which have been accordingly tagged for inspection on the premises database.

4.3.3. All Category A premises will be inspected within the month for which they are due as they pose the highest risk.

4.3.4. Lower risk category B and C will be inspected at the same time as the planned food hygiene inspections.

4.3.5. Inspections of Category B and C premises may be undertaken (if the corresponding food hygiene inspection is not due) if a significant complaint is received. The decision to inspect will be based on the officer's professional judgement.

4.4. Secondary visits (Re-visits)

4.4.1. Officers will undertake additional visits to premises where follow-up/formal enforcement action is required as a result of serious contraventions found at the time of a primary (programmed) visit or where a contravention is not remedied through informal measures. A secondary visit will consist of one or more intervention activity.

4.4.2. Primary inspections resulting in advice to food business operators about minor technical contraventions will not receive a secondary visit.

- 4.4.3. Secondary visits will be carried out where significant breaches have been identified. It is anticipated that no more than 30% of planned inspections will result in a secondary visit.

4.5. Complaints and Service Requests

- 4.5.1. The Food Safety Service aims to investigate all food complaints concerning extraneous matter, chemical or microbiological contamination, unfitness and food alleged to have caused food poisoning, relating to food purchased within Hackney.
- 4.5.2. The Service will take receipt of all such complaints in accordance with its food and food premises policy and procedure and will pass on those that are the responsibility of other authorities to investigate.
- 4.5.3. A total of 784 food safety related service requests have been received as of 31st March 2019 and it is anticipated that a similar number will be received during 2019-20. Given the total number of service requests, a review will be undertaken to determine the type of complaints that the Service can continue to investigate given the reduction in resources available and the other demands on the Service. Consideration will be given to the provision of information to customers and the signposting to self-help and advice resources on the Council's and external websites. Work is currently being undertaken to improve the website design for businesses and the content will be reviewed and expanded to provide a better resource for both food businesses and the public. Improved access to relevant information and signposting should help to remove some of the demands on the Service.

4.6. Primary/Home Authority Principle

- 4.6.1. The Service is committed to the Primary/Home Authority Principle, i.e. the relationship between a food business and local authority where the decision making base (i.e. head office) of the company is located.
- 4.6.2. Currently, Hackney has three Primary Authority Partnership arrangements with three locally-based national food businesses and work will be undertaken in 2019-20 to consolidate and build the partnerships. The Service also continues to act in an informal capacity with a number of manufacturers, importers and wholesalers in the borough, as a Home Authority.
- 4.6.3. The principles of the Primary Authority Scheme are set out in the Regulatory Enforcement and Sanctions Act 2008, and are part of the Government's regulatory reform strategy led by the Hampton Report and Macrory Review that emphasised reducing burdens on businesses, and a focus on outcomes respectively.

4.7. Advice and Training to Businesses

- 4.7.1. The Food Safety Service has produced standards which along with the Food Safety Enforcement Policy outlines the Service's commitment to advising and supporting businesses to comply with the legal responsibilities and good food hygiene and food standard practices.

- 4.7.2. The Service will give assistance to food businesses when requested to help them to comply with the law and to encourage the use of best practice. The Service is also proactive in supporting businesses and will continue to:
- Provide advice during routine inspections to premises;
 - Provide regular Food Hygiene and Food Allergen Training courses for businesses to attend
 - Provide information on the Hackney.gov.uk website with the purpose of providing advice to food business operators and consumers. <http://www.hackney.gov.uk/e-env-environmental-health.htm>
 - Following the cuts made to the Service as a result of the re-organisation in 2017/18, the provision of a Business Consultancy service for the provision of in-depth support to businesses regarding food safety management systems, staff coaching and specialist technical advice is no longer possible.

4.8. Food Sampling

- 4.8.1. A programme of food sampling will be carried out based on national, regional and local, intelligence-led priorities. Sampling may also be carried out in response to complaints and referrals but also during or following a primary inspection. All sampling is carried out in accordance with the Food Sampling Policy and Procedure.
- 4.8.2. The food sampling programme for 2019-20 will be developed to include London Food Co-ordinating Group (LFCG), FSA and Public Health England (PHE) programmes, the North East London Food Sector Group projects and local issues.
- 4.8.3. The authority has access to two official food control laboratories, one for microbiological examination of food (Food Water and Environmental Microbiology Laboratory run by PHE) and one for food analysis (Public Analyst Scientific Services Ltd).

4.9. Control and Investigation of Outbreaks and Food Related infectious Diseases

- 4.9.1. The Food Safety Service will investigate all food poisoning outbreaks and notifications occurring in the borough in accordance with the Public Health England/Local Authority Joint Infectious Disease Protocol and internal procedures.
- 4.9.2. The Consultant in Communicable Disease Control (CCDC) at the North East (NE) and North Central (NC) London, Health Protection Team of Public Health England to act as Proper Officer for the purposes of control and management of infectious diseases.
- 4.9.3. There have been no contingency resources identified for dealing with any outbreaks for 2019-20.

4.10. Food Safety Incidents

4.10.1. The Food Safety Service has arrangements in place to ensure that it is able to implement the requirements Food Law Code of Practice in respect of Food Alerts.

4.10.2. A Food Alert 'for Action' will be issued by the FSA where intervention by enforcement authorities is required and is often issued in conjunction with a product withdrawal or recall by a manufacturer, retailer or distributor. All urgent food alerts receive immediate attention. Outside office hours the emergency contact arrangements will be used.

4.11. Key Areas for Improvement/Development for the next two years

What we will do	Purpose	when
Delivery of a targeted risk-based approach for all planned food hygiene and food standards interventions. To inspect 100% of food businesses that are due a food hygiene inspection in the financial year.	To ensure good food safety standards in food premises in the district to reduce the likelihood of food poisoning incidents.	Targets reviewed and set annually
Checks of food premises that at their last intervention were <i>ceased trading</i> and therefore recorded as <i>closed</i> . Contribution to a Service-wide ICT project to consolidate the property database to remove duplicated premises.	To ensure that the premises database is accurate and up to date and in readiness for the mobile working programme.	2019-20
Delivery of continued improvements on use of database and to identify efficiencies in processes in line with the Regulatory Services ICT strategy and associated road map	To contribute to the corporate ICT programmes, to improve the efficiency of the service delivery	2019-20
Review of procedures and quality monitoring processes of service activities and internal auditing against Standards and the FSA Framework agreement. Continue to implement recommendations from the Food Standards Agency audit in October 2017	To build capacity and ensure the delivery of the food service is 'fit for purpose', fair, practical and consistent and able to withstand a challenge	2019-20

Ramp-up follow-up on a range of interventions including formal enforcement activities in respect of not broadly compliant premises. Continue to promote re-inspection requests from businesses under the Food Hygiene Rating Scheme where improvements have been made.	To reduce the likelihood of food poisoning and significant risk of injury to public health; to improve the percentage of broadly compliant premises and achieve aspirational targets for food premises hygiene broad compliance	2019-2020
Deliver the Alternative Enforcement Strategy (AES) for low risk premises.	To monitor change of activities and maintain food safety compliance	Targets reviewed and set annually
Deliver the Healthy Catering Commitment in partnership with the Public Health team.	To deliver Hackney's Obesity Strategic Partnership plan and reduce health inequalities.	2019/20
Educate and support to businesses	To develop and deliver training courses to food businesses including market traders and mobile traders through the training centre	2019-20
	To continue to build on existing Primary Authority Partnerships with local food businesses and seek additional partnerships.	2019-20
Food hygiene registration	To ensure that all new food businesses are inspected in a timely manner to limit the negative impact on the broadly compliance figure and risk to public health. To implement the FSA's new food registration system.	2019-20
Effective partnership working	To support the work of FSA, PHE, DEFRA, HMRC, the Police, Immigration and other relevant internal and external partners.	2019-20
	To work with the relevant departments to establish indicators for human slavery and safeguarding that can be identified during inspections to food businesses.	2019-20

	To improve consultation process for licensing applications for new and change of use premises.	2019-20
	To improve joint working and intelligence sharing within Regulatory Services.	2019-20
Promote the Food Hygiene Rating Scheme	To allow consumers make informed choices, and driving up standards and the economy: Encourage the display of ratings.	2019-20

5. RESOURCES

5.1 Resources for 2019-20 - Staffing Allocations

5.1.1 The staffing for food safety function for 2018-19 was as follows:

0.3 FTE x Regulatory Services Manager

1.6 FTE x Principal Environmental Health Officer (PEHO)

4.0 FTE x Senior Environmental Health Officer (SEHO)

1.0 FTE x Business Support Officer (BSO)

1.5 FTE x Technical Business Support

2 FTE x Agency Environmental Health Officer (non-establishment)

Total staffing resources = 10.4 FTE

The staffing for food safety & health & safety function for 2019-20 is as follows:

0.3 FTE x Regulatory Services Manager

1.6 FTE x Principal Environmental Health Officer (PEHO)

5.0 FTE x Senior Environmental Health Officer (SEHO)

0.2 FTE x Business Support Officer (BSO)

1.0 FTE x Technical Business Support

1.6 FTE x Agency Environmental Health Officers (non-establishment)

Total staffing resources = 9.7 FTE

Approximate resource time is spent on Health & Safety (= 1.2 FTE)

Staffing resource available to deliver the Food Safety function = 8.5 FTE

Staffing resource required to deliver the 2019-20 plan = 8.21 FTE

Staffing resource to deliver the 2019-20 plan including the food hygiene inspection backlog = 10.48 FTE

(The Healthier Catering Commitment officer has not been included in the above resource as this post is dedicated to the delivery of HCC and is funded by Public Health).

5.2 Authorisation and Competencies in line with new requirements of CoP

5.2.1 All officers are authorised in accordance with the Authorisation, Induction and Training Procedure and their competencies assessed against the framework contained therein.

5.3 Staff Development Plan

- 5.3.1 There is a Corporate Staff Annual Appraisal and Development scheme, and at the start of the year all staff will have their own personal plan which comprises their main objectives for the year with targets and their own development plan.
- 5.3.2 All staff are appraised in accordance with the scheme, and their development needs assessed. Records of all identified training needs are recorded and incorporated into a training plan. In addition, staff also receive regular Check-In meetings whereby performance, competencies and development needs are discussed and assessed and adjustments are made to training plans where possible and appropriate.
- 5.3.3 All training records are maintained in accordance with the Authorisation, Induction and Training procedure.
- 5.3.4 Officers will be assisted in achieving 20 hours' Continual Professional Development (minimum 20 hours food law related), where resources permit.

5.4 Allocation of resources to deliver the plan

- 5.4.1 The resources required to fulfil the plan for 2019-20 is approximately 8.21 FTE. The total resource available is approximately 8.5 FTE. In addition, the funding for one of the contractors is limited to the end of October 2019 to cover maternity leave. The current resource available (including contractors) will be sufficient to meet the planned programme for 2019-20 and as such, the Team should be able to achieve 100% of all food hygiene inspections due in 2019-20.
- 5.4.2 The current inspection backlog for food hygiene is given in section 4.2.7 above and stands at 590 premises. However, the remaining overdue D category businesses will require an additional resource. In addition, there are 267 premises from the AES project in 2018-19 that require an intervention as there was no response from these businesses. The number of premises that are now overdue for inspection and the current resource available was highlighted as an issue by the Food Standards Agency during their audit in October 2017 and an action plan needs to be developed and implemented to address the inspection backlog. Steps were taken in 2018-19 to clear all of the overdue C category food hygiene inspections and to undertake an Alternative Enforcement Strategy to deal with the overdue category E premises. An additional resource of approximately 1.98 FTE will be needed to meet the remaining food hygiene inspection backlog.
- 5.4.3 In calculating the FTE requirement for 2019-20, an estimate of time allocation has been assessed on the previous years' outputs. The estimations make allowance for management time but not for the unplanned arising issues that are not possible to predict.

5.5 Resource Allocation per Activity

The table below is the estimation of a full time equivalent.

1 year	52 weeks (260 days)
Annual Leave / Bank holidays	7 weeks (35 days)
Training / briefings etc.	2 weeks (10 days)
Sick leave / dependency / special leave etc.	1 week (5 days)
Number of working weeks	42
Number of working days	210 days
1 FTE	210 days (1512 hours)

5.6 Programmed Inspections

- High risk Category A, B and all unrated premises, (assume 300 new premises, and 32 unrated premises carried over from 2018-19) = 536 inspections due at 7.0 hours per inspection (including paperwork, notices and 30 minutes journey time). (Due Food Standards inspections will be carried out at the same time) = 3752 hours (2.48 FTE)
- Carry out partial inspections on the C, D and E rated premises; 658 premises at 4.5 hours an inspection (including paperwork and 30 minutes journey time) = 2961 hours (1.96 FTE)

Therefore total Food Hygiene inspection time 6713 hours (4.44 FTE)

- Food Standards Inspections Category A (25) premises due for food standards only @ 4.0hrs each (including paperwork and 30 minutes journey time) = 100 hrs.

Total Food Standards interventions = 100 hrs (0.067 FTE)

The total resource for carrying programmed inspections = 6813 hours (4.51 FTE)

Overdue Inspections

Category D food hygiene = 590, category E (no response from AES for 2018-19) = 267

Total of 857 inspections @ 4 hours per inspection (including paperwork and 30 minutes journey time) = 3428 hours (2.27 FTE)

Total resource required for food hygiene inspection backlog = 3428 hours (2.27 FTE)

5.7 Re- inspections following programmed inspections

Re-visits will be carried out in premises that are not broadly compliant during their initial inspection, and often multiple re-visits are needed at the same address. Calculations are based on the average number of monthly re-visits undertaken in 2018-19 up to 31st March 2019.

For both food hygiene and food standards, it is estimated that there will be 385 re-visits @ 2hrs each (including paperwork and 30 minutes journey time) plus 10% follow-up visit = 39 @ 2 hrs = 848 hours.

Total resource required for re-inspections = 848 hours (0.56 FTE).

5.8 Service requests

It is expected that approximately 825 (based on 2018-19 figures) food safety related service requests will be received during the year. These include advice to businesses and members of the public. It is estimated that each will take an average of 1.0 hrs; therefore 825 hrs will be required to deal with these.

Total resource required for Service Requests = 825 hours (0.55 FTE).

5.9 Infectious Diseases and Outbreak Control

The resource required to deal with an outbreak will depend on the size and complexity of the incident. This is not included in the estimation, and any outbreak will reduce resources available in other areas. In accordance with the Infectious Disease protocol agreed with the Public Health England, certain infectious diseases are not actioned by the Local Authority. It is estimated that further action (investigation, questionnaires, potting etc.) will be required on approximately 25% of all cases notified (37 cases) (based on a total of 147 cases for 2018-19). (1 hour each).

Total resource required for Infectious disease = 37 hours (0.025 FTE).

5.10 **Food Sampling**

Sampling will be based on the Sampling Programme – which consists of a number of projects co-ordinated by either: FSA, PHE, LFCG or the NE Sector Liaison Group, plus a number of local projects and home authority sampling.

- 150 samples @ average 4 hours per sample (including paperwork and 30 minutes journey time) = 600 hours
- Follow up to adverse results (20% approx.); 30 @ 4 hours per sample = 120 hours.

Total resource required for Food Sampling = 720 hours (0.48 FTE)

5.11 **Proactive Action Days**

Action days are taken in areas where there are known problems and it is a focused way of ensuring businesses are compliant. We expect to carry out at least 2 action days (minimum 20 premises visits) throughout the year for project and collaborative operations.

Each action days involves approx. 8 officers (5 hours per day) = 40 hours per action day

Total resource required for Proactive Action days = 80 hours (0.05 FTE)

5.12 **Food Safety Promotion**

Activities during Food Safety Week in June are estimated to take around 4 days of officer time (including maintaining the food safety web-pages on the Hackney website)

Total resource required for Food Safety Promotion = 28.8 hours (0.02 FTE)

5.13 **Food Hygiene Training to businesses.**

The Training Centre is scheduled to carry out 4 x training days in Level 2 Food Hygiene plus 4 x Food Allergens courses. It is estimated that each course currently takes 10 hours of officer time, and over the course of the year 10 hours' management time.

Total resource required for Food Hygiene Training = 90 hours (0.06 FTE)

5.14 **Outdoor Events/Markets**

These can occur almost every weekend during the summer months. The Service aims to undertake inspections at approximately 3 events during May to September. Two officers attend per event, for approximately 6 hours each. Preparation time for each event equates to four hours.

Additionally winter/Christmas themed events may occur during November to December. The service aims to undertake inspections at approximately 2 events during this time.

Total resource required for Outdoor events = 64 hours (0.05 FTE)

5.15 Enforcement/Prosecution/Legal work (including Hygiene Improvement Notices, seizures, closures).

Estimations of resource requirements for enforcement actions

Type of enforcement	Number estimated based on 2018-19	Estimate of hours	Total hours
Hygiene Improvement Notices	30	1 hour/notice	30
Hygiene Emergency Prohibition Notices/Orders	5 anticipated	18 hours	90
Voluntary Closures	10	10 hours	100
Seizures and detentions	5	18 hours	90
Simple Cautions	2 anticipated	72 hours	144
Prosecutions	2 anticipated	72 hours	144
Total estimated time			598

Total resource required for enforcement work = 598 hours (0.40 FTE).

5.16 Technical Business Support

The technical Business Support team are responsible for supporting officers in their activities and for maintaining back-up systems and specific items of equipment and other resources, managing training courses, maintaining premises database, running reports for FOIs etc. = **1.5 FTE.**

5.17 Resource allocation by Activity

<u>Activity</u>	<u>FTE</u>
Programmed Inspections	4.51

Re-inspections, re-visits	0.56
Service Requests	0.55
Infectious Diseases and Outbreak Control	0.025
Food Sampling	0.48
Proactive Action Days	0.05
Food Safety Promotion	0.02
Food Hygiene Training	0.06
Outdoor Events	0.05
Enforcement/Prosecution/Legal work	0.40
Technical Business Support	1.5
Approximate total resources required to fulfil the plan for 2019-20	8.21
Resource required to address Food Hygiene inspection backlog	2.27
Total	10.48

6 QUALITY ASSESSMENT

6.1 Internal Arrangement

6.1.1 Arrangements include:

- Monitoring arrangements to assess the quality of food enforcement work and compliance with the Food Law Code of Practice internal procedures.
- 6 weekly team meetings (minuted)
- Development needs assessments and training plan
- Cascade training and team briefings
- Accompanied/validation inspections
- 4-6 weekly Check-In meetings

6.2 External Arrangements

6.2.1 The service will submit an annual return to the FSA - Local Authority Enforcement Monitoring System (LAEMS), as required by the Food Standards Agency.

6.2.2 Hackney's FHRS data is uploaded to the FSA's National platform on a fortnightly basis.

- 6.2.3 The service participates in activities with other North East London Sector Food Liaison Group to share good practices. Lessons learned will be used to develop a consistent approach across the sector.
- 6.2.4 The service participates in programmes devised by the FSA, Public Health England, the London Food Co-Ordinating Group, and the Chartered Institute of Environmental Health Officers.