

Food Law Enforcement Service Delivery Plan 2022/23



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 Standards 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.

It sets out the aims and objectives of the direction for the delivery of food safety in Hackney for 2022 – 2023, in line with the Mayoral and Corporate priorities.

In 2020 two major incidents had a substantial impact on the delivery of the Services objectives set out in the 2020/2021 Food Law Service Enforcement Plan (FLSEP), the emergence of Coronavirus (Covid-19) and the cyber attack on the council's network systems which continue to have an impact on service delivery in 2021/22.

The 2021/2022 FLESP identified a staff resource deficit of 2.3 FTE at the beginning of the reporting period and this, coupled with long term staff sickness (some related to covid-19) and the relevant inactivity during the lockdown periods, due in the main to the direction issued by the Regulators, has resulted in a considerable backlog of food hygiene and food standards inspections.

The FSA obtained government permission to temporarily deviate from the inspection programme and suspend all routine food hygiene inspections to reduce footfall within food businesses permitted to remain open. This decision was also taken to recognise local authority environmental health departments may need to divert human resources to public health functions to cope with the demands of the pandemic.

The suspension of the inspection programme enabled local authorities to prioritise demands on their service however, it should be recognised LBH is one of the few local authorities where Food Safety and Health and Safety functions are combined, as such the pandemic placed a substantial demand on the service resulting in the need for staff in Environmental Health to be disaggregated and form the Covid Response Team CRT) .

The Covid Response Team (CRT) was formed to investigate complaints received regarding breaches of covid legislations in commercial businesses.

Directions issued by the FSA placed emphasis on three key priority areas:

High priority

- Ongoing surveillance to identify businesses trading and change of ownership or activities
- Interventions of establishments with a known history of non compliance
- Urgent reactive work including food incidences, food poisoning outbreaks, serious complaint investigations
- Overdue enforcement visits (service of Hygiene Improvement Notice, follow ups of Hygiene Emergency Prohibition Notices etc)

Medium priority

- All category A, B and non complaint category C rated premises
- Newly registered food businesses
- Establishments applying social distancing which may impact food safety or the ability for LA to conduct a physical visit (care homes, voluntary organisations).

Low risk

- Compliant category C, all D and E for hygiene
- Category B or C/ medium or low risk for standards
- overdue/due interventions not already captured above

The FSA stipulated that Officers were permitted to carry out remote inspections; however, they were prohibited from risk rating and scoring.

To comply with the FSA issued directions officers initially carried out remote inspections; however, the risk rating remained unchanged as the FSA stipulated ratings could not be awarded via remote inspection.

As a result of the cyber attack the service had approximately 800 overdue category A-E inspections, as of September 2020. All historical Food Standards intervention data was lost. As a result of the cyber attack the Service is unable to accurately calculate the exact overdue figures going forward.

The overdue inspection figures will be updated at the end of the financial year once the annual inspection programme has been completed.

Local authorities across the North East Sector have seen a substantial increase in newly registered businesses aiming to diversify their businesses' model and establish domestic catering businesses in a bid to remain open during government restrictions on businesses permitted to trade.

In the 2020/21 FLESP it was estimated the Service would receive 600 registration forms; however, 699 were received as of February 2022, an average of 58 per month.

The influx of registration forms is largely due to the conflicting advice issued by the government regarding the definition of essential and non-essential businesses permitted to remain open during lockdowns. Businesses with main activities which did not meet the loose definition of essential aimed to diversify to meet the criteria.

The cyber attack had devastating consequences on EHS ability to deliver an effective Service during the pandemic and for a short time after which was compounded by the loss of all our policies, procedures, premises database and premises history being unavailable, the service was at a standstill and still continues to suffer the consequences.

This also had far reaching consequences on food businesses permitted to remain open during government restrictions as many attempted to register with online delivery platforms and were subsequently rejected as their Food Hygiene rating schemes scores were removed from the Food Hygiene Rating Scheme website. The Service worked closely with the FSA to find an interim workaround enabling the uploading of scores to the FHRS website, permitting businesses to register with online delivery platforms.

However, the service continues to suffer as a result of the data breach, losing all premises history and information will require all businesses being reinspected in order to rebuild our premises database, being unable to respond to FOI's and being unable to submit our annual statutory returns, Local Authority Enforcement Monitoring System (LAEMS).

At the end of each financial year each local authority is legally required to submit a summary of their food law enforcement activities at food establishments including a summary of statistics on the numbers of inspections conducted and their outcomes. Due to the data breach the Service has developed temporary methods of recording interventions carried out; however, the

information gathered was too limited to submit a full LAEMS return; additionally missing figures for Q1 and Q2 in 2020/21 resulted in an incomplete return.

The FSA has recognised many local authorities have been unable to carry out their inspection programs due to the pandemic and have suspended LAEMS submission however, each local authority is required to report the number of inspections completed in each category, the number of service requests completed and the number of overdue inspections.

The FSA have been notified and the Service has a new premises database. The onboarding process is currently underway with a view to going live on the 1st July 2022.

It should also be noted that due to the cyber attack the Service has been unable to accurately calculate due/overdue inspections which subsequently has had an impact on the FTE calculations. However, it is evident the current staffing levels required bolstering to meet the demands placed on the service in the next two years.

It is predicted, due to the cyber attack and the pandemic, the service may not make a full recovery until 2023/24 due to the work required to rebuild a food premises database, inspect all newly registered businesses within 28 days and inspecting overdue premises from 2019/20 & 2020/21 with reduced resources.

The Service will have a number of challenges in 2022/23 and over the following two years, managing the very different and growing demands of Government agencies and changes in central government financing of local authorities and the fallout of Covid 19 with regards to planned inspections, enhanced health and safety inspection in relation to social distancing and risk assessments and the backlog of inspection from Q1 in 2021/22. 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.

The rate at which the Service recovers is largely dependent on the efficiency of a new premises management database, its provision for mobile working and the continued hard work and dedication of the EH team.

Throughout the pandemic EHS officers quickly and continually adapted to changes in legislation, guidance and new ways of working. All offices adapted to working from home, working remotely and utilising new technology to carry out routine inspections, revisits, investigation of service requests, infectious disease and accidents.

Due to the dedication and hard work from the team and seconded officers from Environmental Protection the service was able to complete 325 more than the typical number of inspections usually carried out in addition to clearing the backlog of overdue category D inspections totalling in 1,225 inspections.

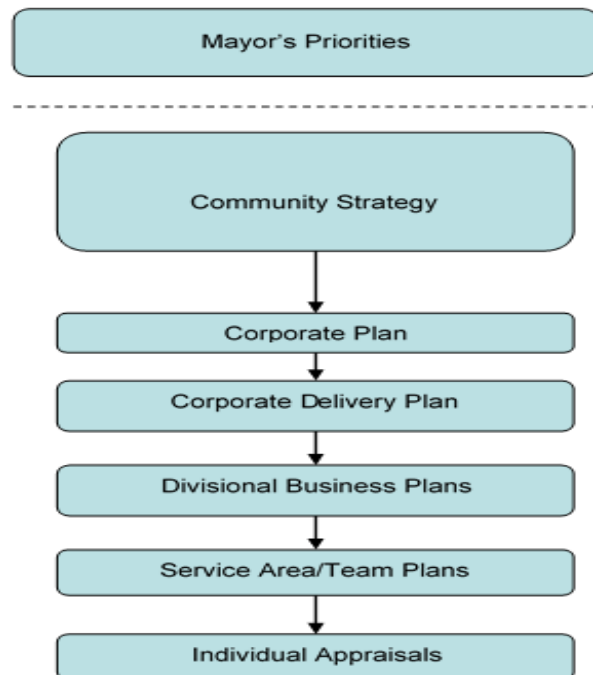
Along with the cross cutting review and local priorities the service will be challenged to ensure the provision of safe food, evaluating how to use resources differently and deliver the work innovatively and collaboratively in order to maintain and increase inspection levels. Better use of more focussed 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 continued need to find savings from the Service will also have a bearing on the effective delivery of this service and previous restructuring of the Service the staffing resource was reduced by 20%.

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

FAIRER

1. Poverty reduction
2. Building an inclusive economy
3. A lasting solution to the housing crisis
4. Supporting children and young people to thrive
5. Enable community wellbeing and tackling health inequalities

SAFER

6. Reducing harm

GREENER

7. Responding to the climate emergency

The corporate plan refresh document can be found at the following link: <https://hackney.gov.uk/corporate-plan>.

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 food sampling work.

- Ensure all the backlog of newly registered businesses during the pandemic have received a physical inspection.
- 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 and the Covid Response Team 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.

- 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 2022-23

The service has 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 2022/2023	Achieved (as of 31/03/22)	Data Only PI	2022/23 Target
NH PRS 030	% of service requests/consumer complaints about food businesses actioned within 10 working days	Quarterly	Neighbourhoods & Housing	95%**	100%	No	100%
NH PRS 032	Percentage of category A and B (food hygiene) risk premises inspected within 28 days	Quarterly	Neighbourhoods & Housing	100%**	*	No	100%

NH PRS 034	% of Broad Compliance for food hygiene (accumulative)	Quarterly	Neighbourhoods & Housing	89%	*	No	TBC****
NH PRS 036	Number of unrated food premises	Quarterly	Neighbourhoods & Housing	Less than 70	840	Yes	Less than 200****

*due to the cyber attack and the pandemic we have been unable to calculate our 2022/2023 annual target.

**due to the cyber attack and the pandemic we have been unable to reach our 2020/2021 targets.

****unable to predict as unrated premises greatly reduce BC figure. Unable to calculate without a database.

*****as of March 2022 unrated premises remain unrated. Aims to reduce this to <200 in Q1 and Q2. Unrateds will be allocated for inspection in Q1 and Q2 of 2022/23

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 investigation 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), now UKHSA;
- 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;
- 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.); and
- 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 Weight 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 March 31st 2022 there were approximately 3,440 food businesses registered within Hackney, an increase of 501 from 2021/22 and an increase of 17%. Due to the pandemic we have seen an exponential increase in domestic catering, public houses and retail establishments in efforts to diversify their business model to fit in with the government's restrictions on premises permitted to remain open for trade.

Historically 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 which are likely to increase as a result of the EU Exit.

However, due to the pandemic we may see a shift in these percentages as businesses have been financially unable to continue trading and we move to more domestic/take away catering establishments to future proof their businesses.

3.2.2. Outdoor Events

Historically the Borough hosted a large number of annual festivals and other outdoor events which attracts community caterers and a large number of temporary caterers, pop-ups and food producers, all of which require vetting and inspecting as necessary. These ranged 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. However, due to the pandemic all outdoor events were prohibited in 2020/2021. They have since resumed.

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 currently imported from countries outside of the European Union) however this has changed since the EU Exit: now all EU countries are treated as third countries'. As a result, as food from the EU will be deemed imported from

'third countries', and all imported/exported foods must comply with the laws, regulations and other legal and administrative procedures of the importing country.

Similarly, there have been changes for businesses supplying food to EU member states in terms of labelling requirements and export requirements. Since Hackney has a number of exportation manufacturers we will be required to provide health certification for exports and provide support and guidance to businesses regarding changes post-EU exit.

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 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. This has led to increased related work activities such as sampling and surveillance activities.

3.2.4. New Businesses

The number of food businesses in the Borough, subject to food hygiene control, stands at 3,440. In 2021/2022 the service received a significant number of new food registrations.

This is a departure from the usual annual increase in new businesses which is largely attributed to commercial and domestic businesses diversifying to continue trading during the pandemic.

It is estimated the Service will receive approximately 600 food business registration forms in 2022/23, this figure is largely dependent on domestic businesses no longer trading and people returning to their normal jobs.

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 after the EU exit transition period.

Following an inspection, a business can be given one of the following FHRS ratings and uploaded on the National FHRS 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. Since the introduction of the re-rating charging scheme requests for re-ratings have increased by 253% from 15 requests in 2018/19 to 53 requests in 2019/20. Unfortunately, due to FSA directions, the Service was unable to carry out re-ratings until government restrictions were lifted. In 2021/22 we received 29 requests.

Many businesses permitted to trade during the initial restrictions imposed on them in 2020 attempted to register their businesses with online delivery platforms such as Deliveroo and UberEats. Unfortunately, due to the cyber attack Hackney were unable to upload scores to the Food Hygiene Rating Scheme website which subsequently led to businesses being removed from online delivery platforms. The service has since been able to upload scores weekly.

3.2.6. Broad Compliance with Food Safety Legislation

Unfortunately we have been unable to calculate our broadly compliance figure since August 2020 which stood at 88%. It is envisaged that the broadly complaint figure will decrease in line with the significant increase of newly registered businesses; however, 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

Allergy awareness has received widespread media attention in the last few years due to the tragic deaths of customers exposed to allergen; as such the Government has tightened the controls on allergen labelling for non-prepacked 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, a specific project is being 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 once they have resumed.

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-services 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 Safety Advisory Group (HSAG) and the Queen Elizabeth Olympic Park Safety Advisory Group (QEOP SAG); 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 programmed inspections and will require additional staffing resources. However, market traders registered outside the borough will not receive an inspection unless instructed by their home authority as per The Food Law Code of Practice. 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.

As of May 2022 40 businesses have signed up to HCC,. There would have been more but 24 businesses have closed due to the pandemic..

The most noticeable recent trend has been businesses' interest in sustainability with regards to eco packaging and food waste. This is a positive step towards sustainability with the London Food Plan discussing the possibility of incorporating a sustainability aspect to the HCC scheme to encourage businesses to start thinking about making small changes they can easily implement.

In Hackney, the project is being delivered by Environmental Health with financial 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

Due to the pandemic the training centre ceased due to the lack of resources and ICT support to continue remotely. It is unlikely the training centre will resume until the service has fully recovered and Arucs has been fully implemented. The service will review the need for a training centre in 2022/23 at which time we will review whether training is provided internally or outsourced.

Due to the pandemic the training centre has ceased, due to lack of resources and ICT support we were unable to hold training remotely. It is unlikely these services will resume in 2022/2023 due to the new priorities on the service with overdue inspections. The loss of revenue is estimated at £2,600.

3.3. Enforcement Policy

3.3.1. The Food Safety Service recognises that whilst businesses look to maintain their reputation and wish to maximise 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 Enforcement Policy, which follows a graduated approach, outlines all enforcement actions to be carried out by officers in relation to food safety legislation, and 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 Enforcement Policy, which was approved by Cabinet on 21 January 2019 and remains highly relevant, 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).

4.0 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 controls (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 including 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 Regulators' 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) and always within 28 days of the date due for inspection.

4.1.2. Food hygiene inspections are given priority in accordance with the 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.

4.1.3. 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. As a result of the coronavirus lockdown, a backlog of inspections has inevitably arisen in addition to the predicted backlog of lower risk C and D categories of businesses which remained due during 2019/20. Therefore, given the existing constrained staffing resources, it may not be possible to carry out all inspections due, including the backlogs. Unless additional resources are made available the numbers of the backlog of inspection will increase.

4.2.4. Partial inspections will be conducted on broadly compliant category C and D premises, in line with 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.

4.1.5. Due to the cyber attack we have been unable to identify the exact number of due and overdue inspections for 2021/22. These businesses are usually tagged on the premises database, however this is currently unavailable. We have been working closely with ICT to develop a temporary method of identifying and tagging premises due for inspection in 2022/23.

4.1.6. In accordance with the Food Law Code of Practice, the Food Safety Service aims to inspect all food hygiene businesses due for inspection in 2022/23. Due and overdue category A and B premises, all unrated/new premises and not broadly compliant C premises will be inspected as a priority in the months for which they are due. Because of the FSA's directions, in response to the

coronavirus crisis, inspection of missed high risk and unrated food businesses will be re-prioritised in accordance with the guidance provided by the FSA.

4.1.7. 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.

4.1.8. Any complaint, received against a premises risk rated C, D or E may also 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. Food Standards Inspection Programme

4.2.1. Unfortunately due to the cyber attack we have been unable to identify food standards inspections due in 2022/23. In order to remedy this, Officers will inspect food standards in addition to food hygiene to build up a premises profile for food standards within the borough.

4.3. Secondary visits (Re-visits)

4.3.1. 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 activities. Additionally, all chargeable re- inspection requests will be inspected on average within 2 weeks of receiving the request.

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

4.3.3. 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 depending on guidance issued by the FSA with respect to the pandemic.

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. We are unable to calculate the total number of service requests due to the cyber attack however, from 2nd November 2020 to 12th March 2021, 213 service requests were received and it is anticipated that we will continue to receive an increased number of service requests in 2022/23.

Given the increased number of services requested, 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 will be undertaken to further improve the website information 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. See Annex 1

4.6. Advice and Training to Businesses

4.6.1. 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. Food Sampling

4.7.1. 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.

4.7.2. The food sampling programme for 2022/23 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.

4.7.3. 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).

4.8. Control and Investigation of Outbreaks and Food Related Infectious Diseases

4.8.1. In response to the pandemic and the influx of Covid related complaints to the service the team was split into two effectively forming a separate Food Safety Team and Covid Response Team. The CRT pooled resources from Trading Standards, Protection and the Enforcement service. The team was led by one Team leader and two Senior Environmental Health Officers, six officers in total. The team worked closely with LBH Public Health, Test, Track and Trace and a number of external agencies to investigate incidents of non-compliance with covid restrictions.

Dependent on resources available to the department and further government guidance/restrictions it is envisaged CRT duties will be absorbed in the Service with the addition of two Rapid Responders on call to investigate covid related incidences out of hours. These posts will be funded by LBH Public Health.

4.8.2. 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.

4.8.3. 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.

4.8.4. There have been no contingency resources identified for dealing with any outbreaks for 2022/23

4.9. Food Safety Incidents

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

4.9.2. 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.

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

What we will do	Purpose	when
<p>Clear backlog of unrated premises and reduce to <70 per month.</p> <p>Inspect all unrated premises within 28 days of operating for food hygiene and food standards.</p>	<p>Ensure good food safety standards in all unrated premises to reduce the likelihood.</p> <p>Improve overall broadly compliant figures.</p>	<p>2022/23 - 2023/24</p> <p>Targets to be reviewed and set each quarter</p>
<p>Delivery of a risk-based approach for all A, B, non broadly compliant C overdue from 2022/2023</p>	<p>To ensure good food safety standards in food premises in the district to reduce the likelihood of food poisoning incidents.</p>	<p>2022/23 - 2023/24</p> <p>Targets to be reviewed and set each quarter</p>

inspections for food hygiene and food standards interventions.		
Adopt and Implement new premises database.	<p>Comply with statutory requirements to implement and maintain a food business database with up-to-date and accurate information.</p> <p>Integrate Arcus Global as the new service database</p> <p>Roll out mobile working solutions.</p>	2022/23 - 2023/24
Develop new procedures and processes lost in the cyber attack to ensure consistency with NESFLG and Food Law Code of practice graduated enforcement approach.	<p>Devise procedures lost to ensure all businesses received a graduated enforcement approach where necessary.</p> <p>Ensure officers are aware of LBH enforcement policy.</p>	2021/22 -2022/23
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

Effective partnership working	To support the work of FSA, PHE, DEFRA, HMRC, the Police, Immigration and other relevant internal and external partners.	2021/22 -2022/23
	To improve the consultation process for licensing applications for new and change of use premises.	2021/22 -2022/23
	To improve joint working and intelligence sharing within Regulatory Services.	2021/22 -2022/23
Promote the Food Hygiene Rating Scheme	To allow consumers make informed choices, and driving up standards and the economy: Encourage the display of ratings.	2021/22 -2022/23

5. RESOURCES

5.1 Resources for 2022/23 - Staffing Allocations

5.1.2 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 (27)*
Number of working days	210 days
1 FTE	210 days (1512 hours)

*Due to the coronavirus crisis it is estimated that approximately 27 weeks will be available to carry out programmed inspections.

** increased travel time to permit social distancing on public transport

5.1.3 Programmed Inspections

- Premises due category A (24), B (116), C (100), D (1), E (833) (assume 200 new premises, and 316 unrated premises carried over from 2020/2021) = 1,074 inspections due at 7.0 hours per inspection (including paperwork, notices and 30 minutes journey) . (Due Food Standards inspections will be carried out at the same time) = 9,905 hours (6.55 FTE).

Due to the cyber attack the service has been unable to separately calculate due Food Standards inspections thus the figures for Food Standards and Food Hygiene inspections are the same. All food standards inspections will be carried out alongside food hygiene inspections thus additional inspection hours and FTE have been included in the Food Hygiene calculations.

Therefore, total Food Hygiene and Food Standards inspection time: **9,905 hours (6.55 FTE)**.

- Programmed inspections overdue from 2021/2022*
181 category C
Total 181

Total resources required hours **1,267 hours (0.83 FTE)**

The total staffing resource required for carrying programmed inspections including overdues = **11,172hours (7.38 FTE)**

The total staffing resource required for carrying programmed excluding overdues inspections = 9,905 hours (6.55 FTE).*

Whilst this level of resourcing is not possible, difficult decisions will need to be made regarding the inspection programme. It is envisaged that the Service will concentrate resources on the highest risk activities (unrateds, A, B and overdue non-broadly compliant C). Unfortunately this will lead to a backlog of compliant C, D and E inspections from 2020/21 and 2021/22 going forward into 2022/23.

5.1.4 Re-visits 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 2021-22. For both food hygiene and food standards, it is estimated that there will be 200 re-visits @ 2 hours each (including paperwork and 30 minutes journey time) plus 10% follow-up visit = 39 @ 2 hrs = 848 hours.

Total resource required for re-inspections = **400 hours (0.26 FTE)**.

5.1.5 Re-inspections requests following programmed inspections (chargeable and non-chargeable)

Based on the 2019/20 figures there will be approximately 60 requests to carry out re-inspection primarily to improve the Food Hygiene Ratings. The figure for reinspection requests in 2021/22 stood at 29 in February 2022. The low number of requests were due to the FSA directions stating reinspection requests were not deemed a priority during lockdown hence EHS did not provide this service. The low numbers are also attributed to businesses closing due to the pandemic.

Total resource required for re-inspections = 60 @ 7 hours = **420 hours (0.28 FTE)**.

5.1.6 Service requests and complaints

It is expected that approximately 550 (based on 2021/22 figures, as of March 2022?) 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 964 hrs will be required to deal with these.

Total resource required for Service Requests = **550 hours (0.37 FTE)**.

5.1.7 Infectious Diseases and Outbreak Control

The resource required to deal with an outbreak will depend on the size and complexity of the incident. Based on 2019/20 there will be at least two outbreaks in 2022/23 requiring extensive investigation and actions. Investigation of any additional outbreaks will considerably reduce resources available in other areas. In accordance with the Infectious Disease protocol agreed with 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 (28 cases) (based on a total of 110 cases for 2019-20) @ (1 hour each).

Resources required to investigate large outbreaks involving different areas will require at least 7 hours each, for two officers, to contain the outbreak and an additional 7 hours for administration = 21 hours (0.02 FTE)

Total resource required for Infectious disease = 28 + 21= **58 hours (0.03 FTE)**.

5.1.8 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)**

5.1.9 Proactive Action Days and Food Safety

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)**

5.1.10 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, requiring the similar resources as summer events.

Resource required for Outdoor events = 80 hours

Hackney Carnival (6 officers), approx 6 hours each with 4 hours preparation time = 60 hours

Total resource required for outdoor events including the resource for carnival: 140 hours (0.09 FTE)

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

Estimations of resource requirements for enforcement actions

Type of enforcement	Number estimated based on 2019-20	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)**

Total staff to carry out non-inspection and enforcement work : **1.68 FTE**

Total staffing resources (excluding TBS support) required to carry out FLESP: 9.34 FTE

5.1.12 The staffing for food safety and health and safety function for 2022-23 is as follows:

0.3 FTE x Regulatory Services Manager (RSM)

2.0 FTE x Environmental Health Manager (EHM)

5.0 FTE x Senior Environmental Health Officer (SEHO)

0.5 FTE x Senior Environmental Health Officer (SEHO)

0.5 FTE x Business Support Officer (BSO)

Total staffing 8.3 FTE

Total staffing resources available to carry out functions of EHS = 6 FTE field officers

Staffing resource allocated for Health & Safety functions: 1.2 FTE

Total staffing resources available to deliver this plan: 4.8 FTE

Total resources required for programmed inspections 6.55 FTE

Total resources required to carry out overdue inspections 0.83 FTE

Total estimated re-inspection requests (60) 0.28 FTE

Total non-inspection resources required for Environmental Health functions: 1.68 FTE

Staffing resource required to deliver the FLESP = 9.34 FTE

Deficit of 4.54 FTE staff required to deliver 2022/23 food service plan

5.1.13 Technical Business Support

The technical Business Support team is 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 databases, running reports for FOIs etc. = 1.5 FTE.

5.1.14 Resource allocation by Activity

Activity	FTE
Programmed Inspections due 2022/23	6.55
Overdue inspections	0.83
Re-inspections requests following programmed inspections	0.28
Re-visits following programmed inspections	0.26
Service Requests and Complaints	0.37
Infectious Diseases and Outbreak Control	0.03

Food Sampling	0.48
Proactive Action Days	0.05
Outdoor Events/ Markets (including Carnival)	0.09
Enforcement/Prosecution/Legal work	0.40
Approximate total <u>EHS</u> resources required to fulfil the plan for 2022/23	9.34
Technical Business Support *	(1.5)
Resources available for this plan	4.8
Deficit	<u>4.54 FTE</u>

*not counted towards service delivery

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 Regularly held check-in meetings, for all staff, take place every 4-6 weeks. During these regular meetings personal development needs are assessed and Identified needs and plans for developments are facilitated and progress monitored on a continual basis.

5.3.2 All staff complete a 'competency framework' questionnaire on a periodic basis (as Food Law Code of Practice) to ensure that the officers have acquired the updated knowledge, skills and competencies to perform statutory functions.

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),

5.4 Allocation of resources to deliver the plan

5.4.1 The resources required to fulfil the plan for 2022/23 is approximately **9.34 FTE**. The total resource available is 4.8 FTE: **a deficit of 4.54 FTE**. Unless additional resources are made available, significant numbers of unrated premises may not be inspected within 28 days, broadly compliant premises may remain un-inspected in 2022/23 and this will have a knock on effect for 2023/24 when we will have a backlog of inspections accumulated from this financial year.

However, with the team exceeding their annual inspection target in 2021/22, reallocation of resources may mean the service will not require additional resources to clear the backlog of inspections/influx of unrated businesses. This will be reviewed each quarter.

The overdue inspections arose due to our premises management database being inaccessible due to the cyber attack. Additionally directions issued by the FSA in response to the pandemic to reduce footfall in businesses and divert human resources to public health functions.

As such, the team will not be able to achieve 100% of the 2022/23 inspection programme with the current resources available and the demands placed on the service.

However, carrying out all statutory duties, as per the Food Law Code of Practice, will have to be prioritised as not doing so may result in the FSA carrying out another audit and potentially placing LBH under special measures.

5.4.2 The current inspection backlog for food hygiene which mainly arose due the diversion of resources to fulfilling our undertaking to the Food Standards Agency in clearing the overdue backlog as identified in the FSA audit in 2017 and due to Covid 19 Pandemic.

5.4.3 In calculating the FTE requirement for 2022/23, 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.

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 and 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.