



London Borough of Hackney

Food Law Enforcement Service Delivery Plan 2023/24



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 Climate, Homes and Economy 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 2023–2024, 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.

The service is introducing a new database. Arcus is the new system which the service is introducing. It is a scalable, responsive cloud solution built on the Salesforce platform. It will enable Officers to manage all aspects of their work including investigations, monitoring and enforcement through reusable core components such as workflow and alerts for managing inspections, providing advice, recording investigations and managing evidence. It will store details of consumer complaints, premises records and inspections records. Staff are currently being trained on using the new systems and there have been initial difficulties in populating the new system. The new database is due to go live at the end of June 2023. As such, it has presented challenges in making analysis of quantitative data stored on these systems. It has also affected the ability to answer Mayoral and other Member enquiries, and data requested under the Freedom of Information Act 2000. To conclude, the service was unable to calculate or provide detailed annual performance data due to the loss of access to the previous Civica APP database. The service has relied on the use of spreadsheets to store data whilst the new database is being implemented.

The 2022/2023 FLESP identified a staff resource deficit of 4.54 FTE at the beginning of the reporting period and this, coupled with long term staff sickness, has resulted in a considerable backlog of food hygiene and food standards inspections.

Following the Pandemic the Food Standards Agency introduced a Local Authority Delivery Plan to soften the impact of Covid-19 and slowly bring back the programmed inspection schedule as enshrined in the Food Law Code of Practice and this is no longer in place since April A023 .

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 sustain the challenges of the cost of living crisis.

In the 2022/23 FLESP it was estimated the Service would receive 600 registration forms; however, 831 were received as of 31st March 2023, an average of 69 per month and an increase of 231 registration forms. This is a 38.5% increase when compared to 2022/23 registrations received.

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.

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, these methods, based on spreadsheets, are becoming very difficult to maintain in the absence of an electronic database for over three years. The FSA has also expressed some concerns over this and highlighted this in correspondence following the regular temperature check on service delivery.

The FSA had recognised many local authorities have been unable to carry out their inspection programmes due to the pandemic and had 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 requisite information will need to be submitted to the FSA from the accumulated data during 2022/23. Manual extraction of this information will be difficult and time consuming.

The FSA have been notified and the Service has a new premises database. Ongoing issues have meant one of the Environmental Health Managers being seconded to work on the soft launch for approximately 6-7 weeks however, due to the nature of the ongoing issues it is envisaged more time will be required to ensure the service can use the database to its full potential. The secondent has also removed management resources from the Service which may have an impact on the delivery of the 2023/24 FLESP. However, the onboarding process is currently underway with a view to going live by the end of June 2023. It can be

confidently anticipated that the reinstatement of a functional Management Information System (MIS) shall lead to sustained recovery and the path of efficiency.

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 require bolstering to meet the demands placed on the service in the next two years. Especially when a new proposed Food Hygiene Delivery Model is scheduled to be implemented in 2024/25 which will be very resource intensive at the beginning of it being introduced by the Local Authorities.

It is predicted, due to the cyber attack and the pandemic, the service may not make a full recovery until the end of 2024/25 due to the work required to rebuild a food premises database, training officers in the new database, the delay in the launch of the database, inspecting all newly registered businesses within 28 days and inspecting overdue premises from 2022/23 with reduced resources. However, it is envisaged that Arcus will be implemented at the end of June enabling the service to accurately calculate overdue and due inspections for this financial year.

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. The current workarounds are labour intensive with both EHM's spending approximately 18-21 hours per week running internal audits to ensure all inspections are entered correctly, all post inspection paperwork is uploaded to the temporary drive and the FHRS is updated each week.

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.

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 requirement to find savings from the Service had a bearing on the effective delivery of this service and the previous restructuring of the Service resulted in the staffing resource being reduced by 20%.

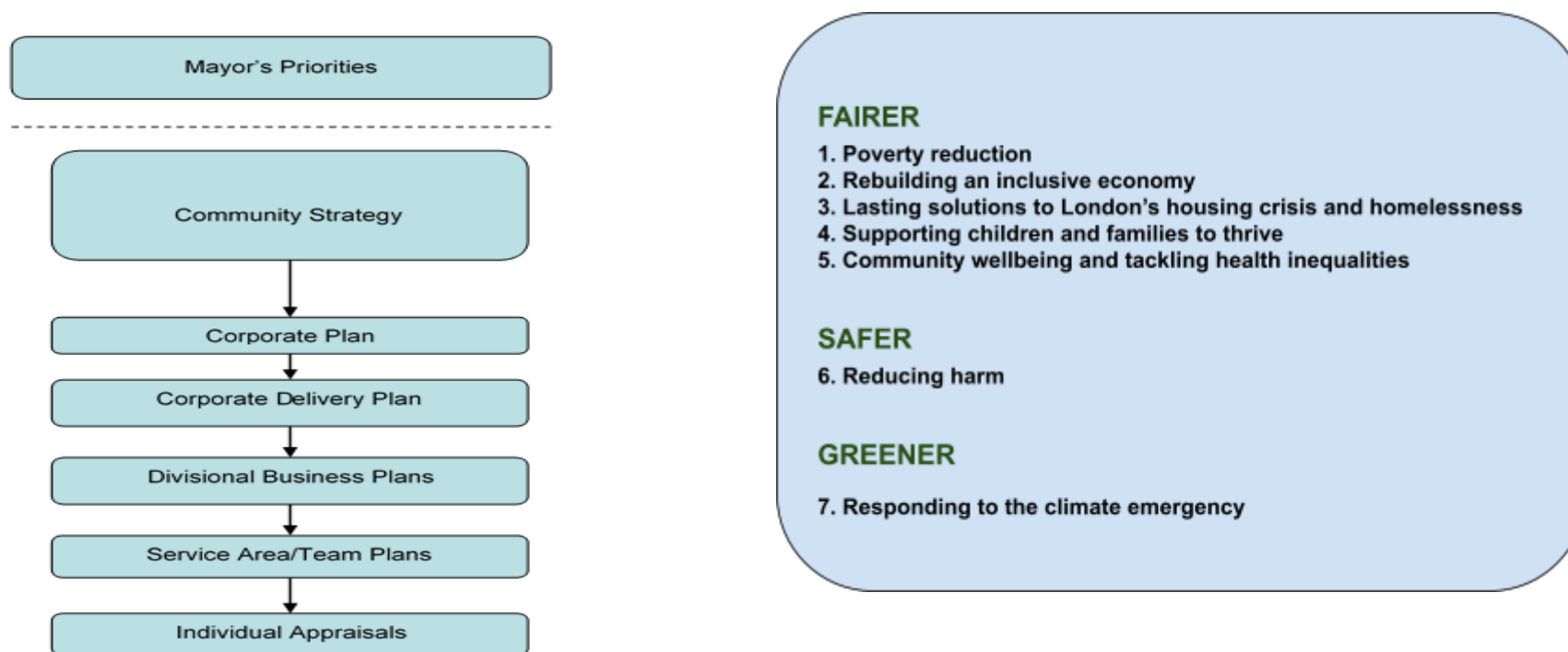
2. FOOD LAW SERVICE AIMS AND OBJECTIVES

2.1. Aims and Objectives

How the Service Links to Corporate Priorities

Hackney's Vision: A place for everyone

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

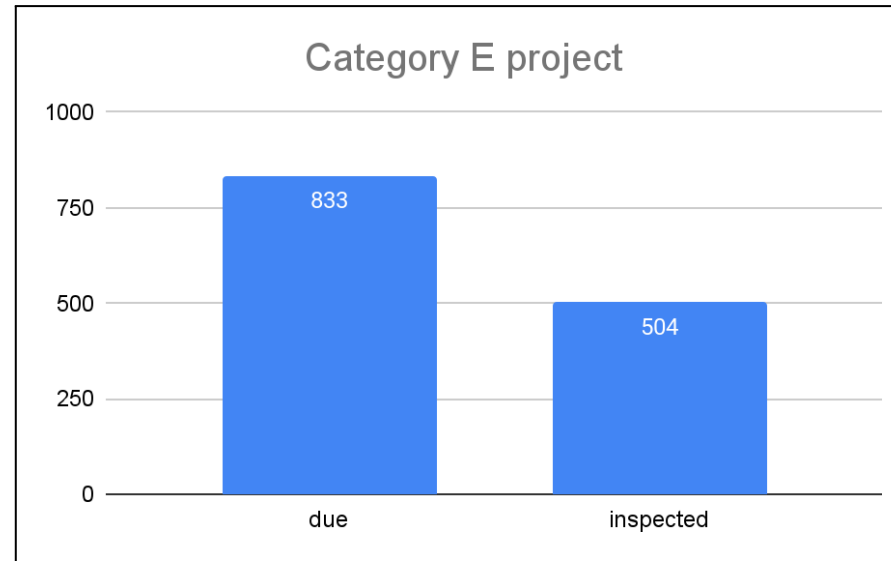
2.2. Food Safety Service Performance Indicators for 2022-23

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 31/03/2023)	Data Only PI	2023/24 Target
NH PRS 030	% of service requests/consumer complaints about food businesses actioned within 10 working days	Quarterly	Climate, Homes and Economy	95%	100%	No	100%
NH PRS 032	Percentage of category A and B (food hygiene) risk premises inspected within 28 days	Quarterly	Climate, Homes and Economy	100%	100%	No	100%
NH PRS 034	% of Broad Compliance for food hygiene (accumulative)	Quarterly	Climate, Homes and Economy	89%	95%	No	95%
NH PRS 036	Number of unrated food premises	Quarterly	Climate, Homes and Economy	Less than 70	742	Yes	

EHS 2020/2023 lookback at a glance:

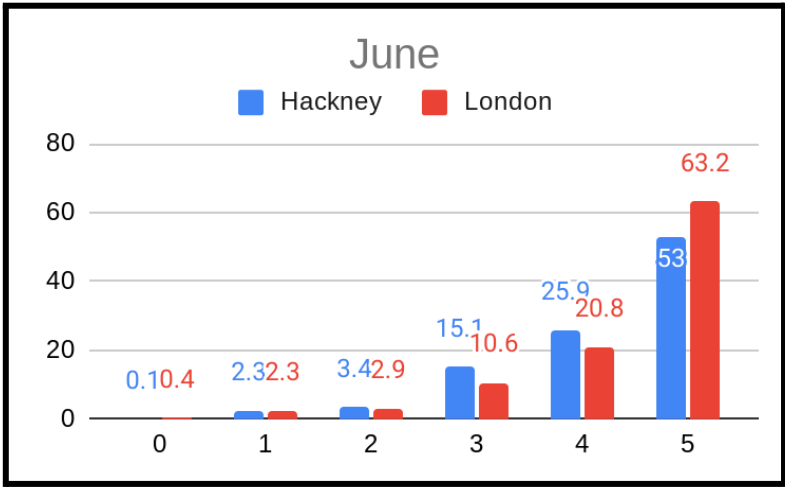
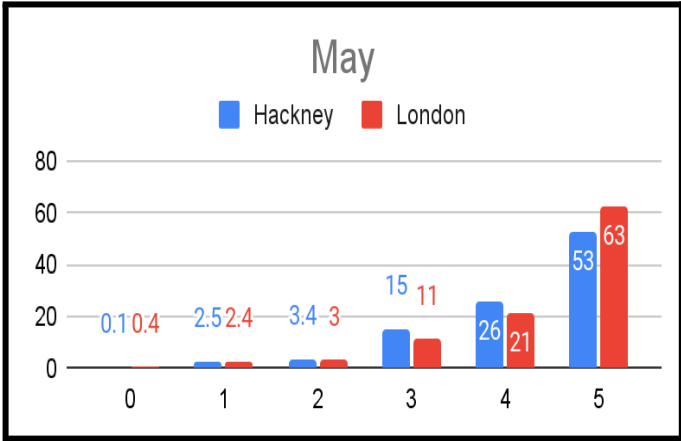
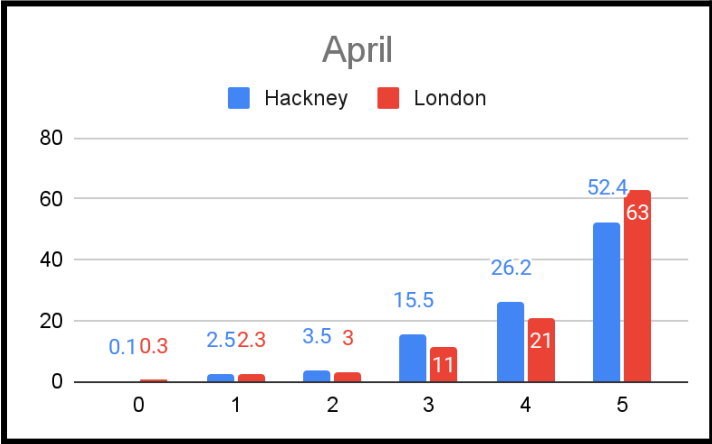
Category E project



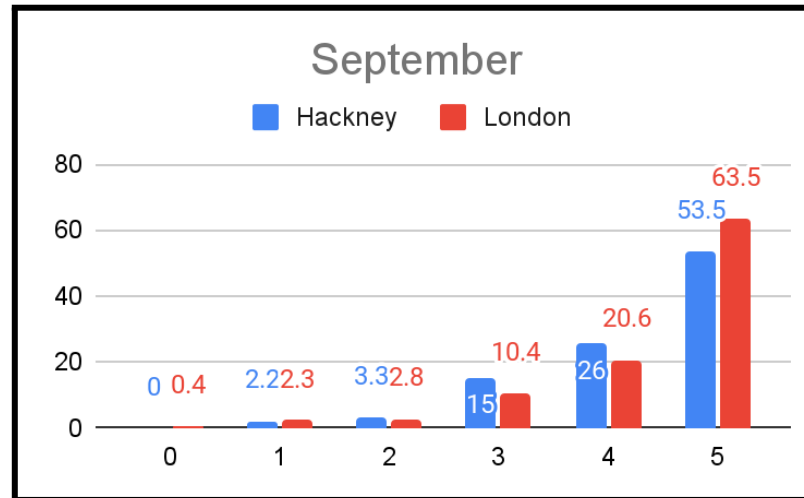
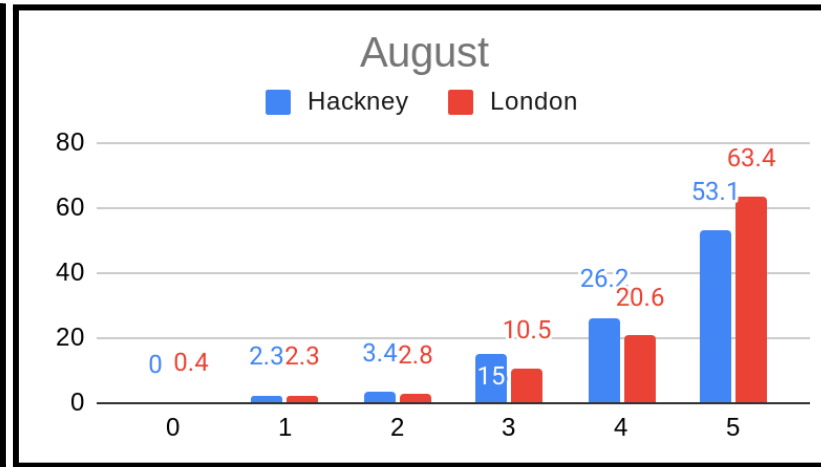
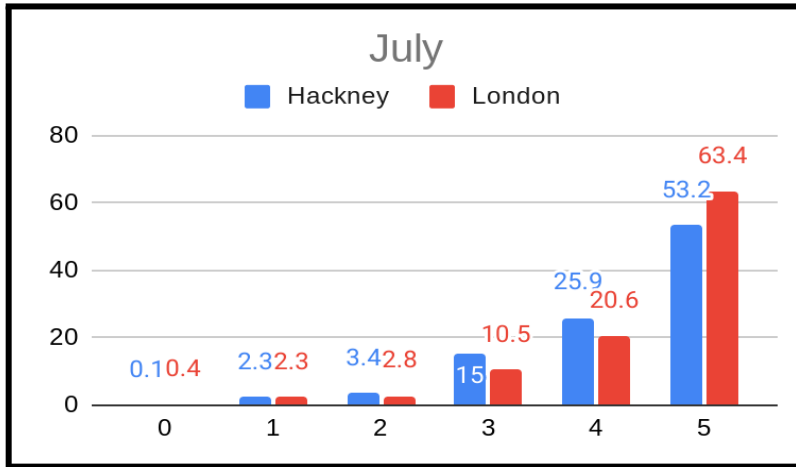
The chart above shows the total number of overdue category E inspections as of April and the overall reduction achieved over the year. The category E project was being implemented by two dedicated officers on a part-time basis (1 FTE). It was hoped that this strategy would considerably reduce the overdue inspections and free up the rest of the resources to concentrate on routine programmed inspections and the inspections of unrated businesses. However, the project was paused due to the need for diversion of resources to meet the EHS commitments towards the FSA's Recovery Plan, introduced in 2020/21 and ended on 31st March 2023.

Food Hygiene Rating Scheme Scores in Comparison with London

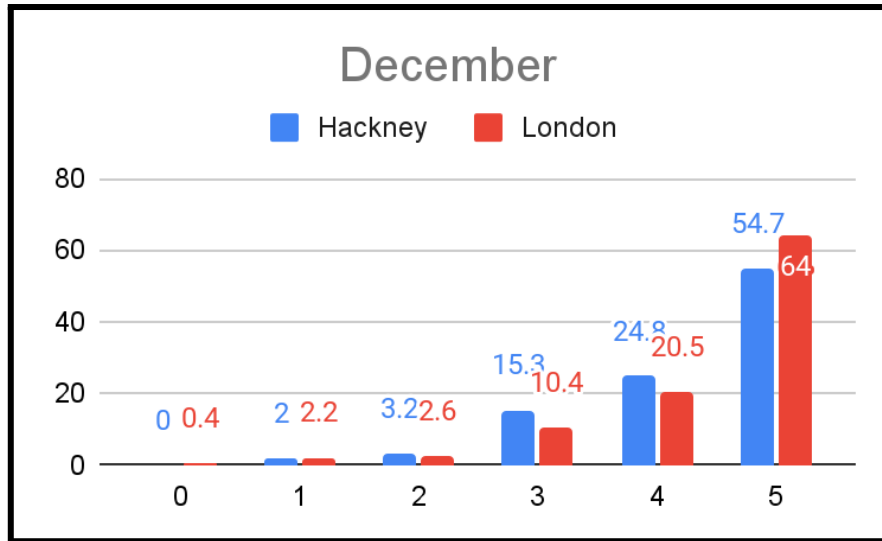
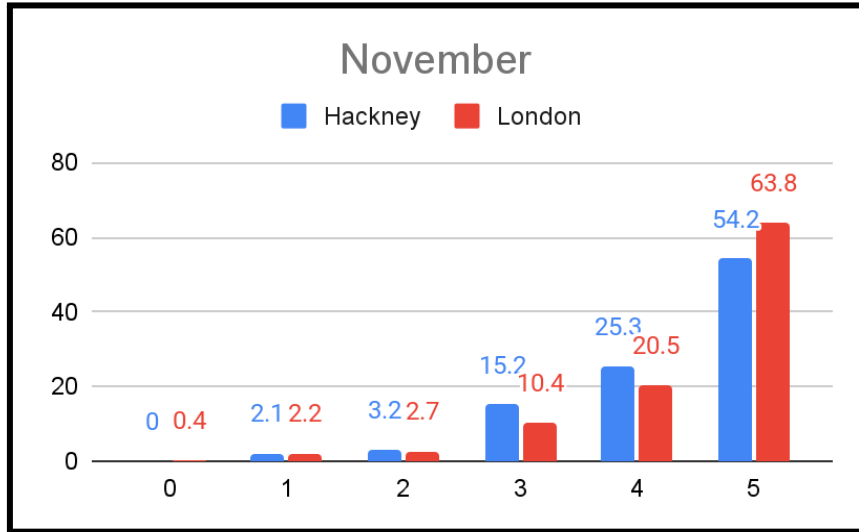
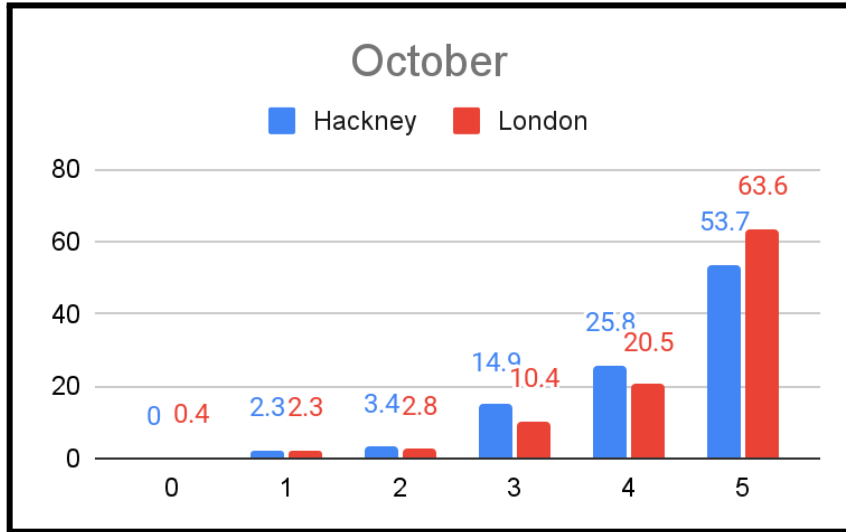
Quarter1



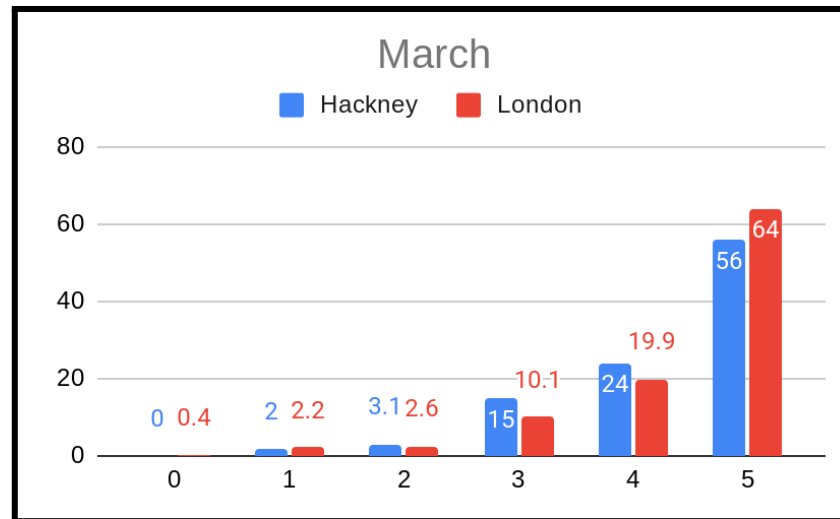
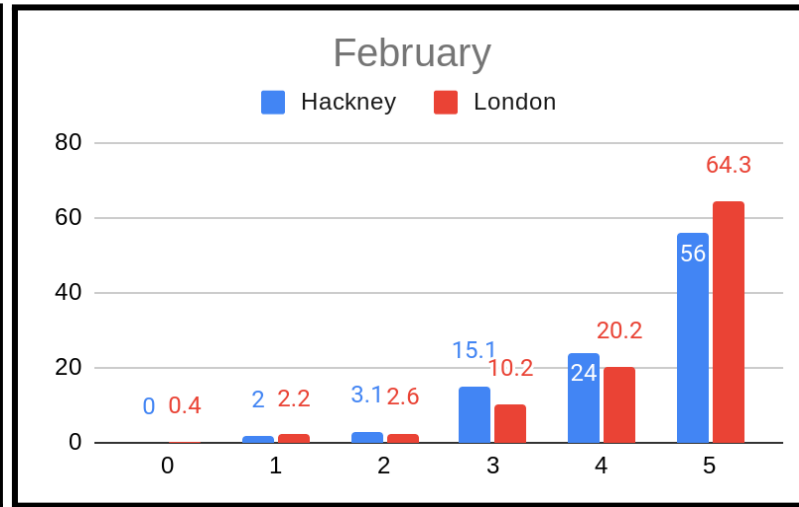
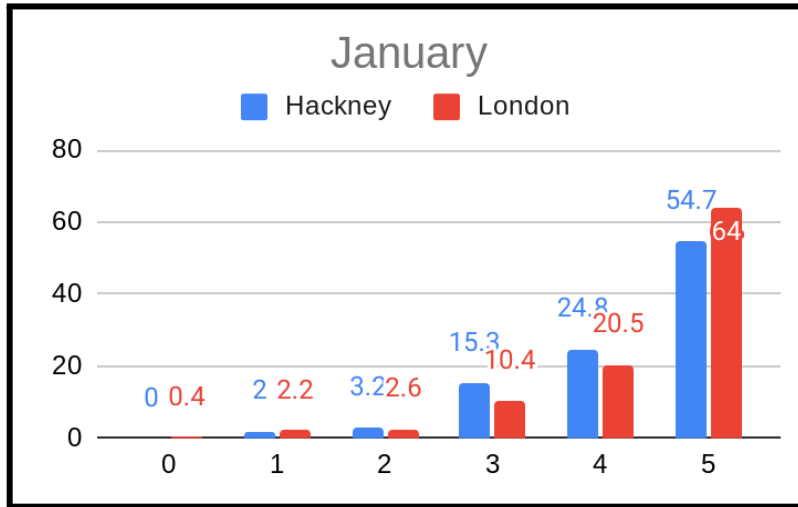
Quarter 2



Quarter 3

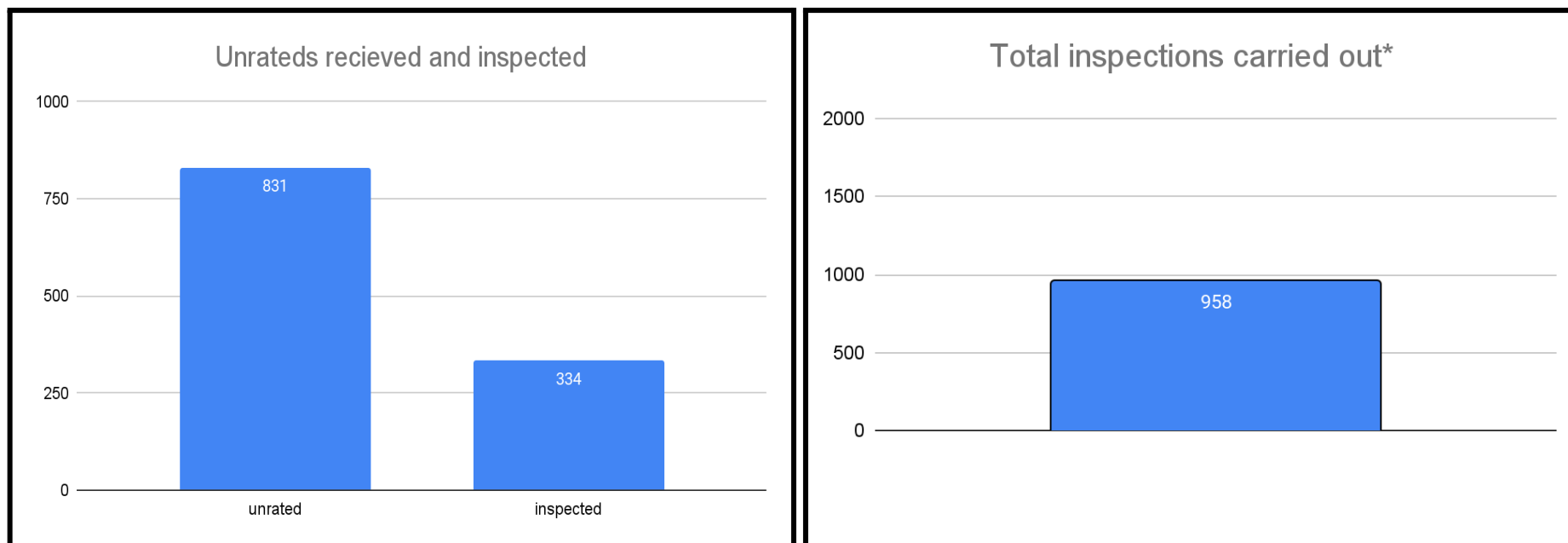


Quarter 4



The above quarterly comparison of FHR ratings of Hackney and London demonstrate Hackney is closely aligned with other London borough councils in respect of their ratings. This is largely due to the hard work of the team carrying out revisits and FHR inspections when requested.

Unrated and total inspections 2022/23



***includes 334 unrated inspections, 624 programmed routine inspections.**

Each financial year the service typically carries out 800 routine food hygiene and standards inspections; however last year the Service carried out 958 more than usual which is testament to the dedication and hard work by the team. The two projects initiated by the Service, the unrated/AWI and overdue category E premises project will seek to reduce the number currently on record by contacting all businesses to establish whether they are trading, if so they will receive an inspection, if not they will be removed from our temporary database. To date there are currently 497 unrated premises carried over from 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 2023 there were approximately 3,852 food businesses registered within Hackney, an increase of 412 from 2022/23 (3,440), an increase of 12%. 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 3,852. In 2022/2023 the service received a significant number of new food registrations. It is estimated the Service will receive approximately 800 food business registration forms in 2023/24, 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. However, as the rate of fee for re-inspection has not changed for the last 5 years a benchmark exercise with the neighbouring borough was carried out leading to a substantial change (£300 from the existing £170). This change may lead to reduced re-inspection requests but indirectly may contribute to businesses being more compliant with the relevant legislation.

3.2.6. Food Hygiene and Food Standards Delivery Model

The FSA recently launched a consultation on the modernisation of the Food Hygiene Delivery Model (FHDM) and Food Standards Delivery Model (FSDM) in ENgland, Wales and Northern Ireland. The FSA wants to develop a model that is fit for the future and ensure that the Food Hygiene Rating Scheme (FHRS) continues to operate successfully and maintains consumer confidence.

he proposed modernisation of the FHDM includes:

- a modernised food hygiene intervention rating scheme, including a decision matrix, to determine the appropriate frequency of food hygiene controls based on the risk posed by a food business establishment
- an updated risk-based approach to the timescales for initial official controls of new food establishments, and for undertaking due official controls
- increased flexibility as to the methods and techniques of official controls that can be used to risk rate an establishment, including the appropriate use of remote assessment

- extending the activities that officers, such as Regulatory Support Officers, who do not hold a 'suitable qualification' for food hygiene can, if competent, undertake.

The fundamental changes to the delivery model increases the inspection frequency of high risk premises with lower risk premises being inspected, on average, every 5 to 10 years, the use of remote inspections (depending on the nature of the business, confidence in management and previous inspection type) and the use of regulatory/graduate Environmental Health officers to discharge low risk duties (in accordance with the Food Law Code of Practice).

This is a fundamental change to the way in which EHO's have discharged their statutory duties for over three decades since the current regulatory framework was introduced. If these proposals are granted by Parliament, this will have a direct impact on human resources and the current compliance landscape in Hackney.

The current consultation period ends on 30th June and Local authorities are encouraged to volunteer for the pilot studies scheduled early 2024.

The FSA has formally informed all local authorities that the 'Recovery Plan' devised as a result of the Covid Pandemic is over and the local authorities are expected to perform at the same level as pre pandemic level. Additionally, all Local authorities have been written to remind about this expectation so that appropriate resources can be put in place.

3.2.7. Broad Compliance with Food Safety Legislation

The broadly compliant businesses are mainly those businesses which have achieved an FHRS rating of '3' or above, but a few businesses with a rating of '3' can be considered non-broadly compliant if one of the three components, which collectively determine the overall rating, is less than satisfactory. In the absence of an 'information management system', the figure for the broadly compliant could not be determined accurately. The Service had to continue depending on a workaround system, based on multiple spreadsheets, making it a very difficult and time consuming task to accurately determine the broadly compliant figures. However, taking the data from the FSA's portal for the FHRS ratings, which is dynamically accurate, consistently showed that businesses which received an inspection 2022/23 over 94%, of those were awarded ratings of '3' or above. The figure for businesses 'awaiting inspections' (AWI) which are considered non-compliant, rose because of the shortage of staff, and this in turn negatively impacted on the 'broadly compliant' figures. It is envisaged that in 2023/24 broadly compliant figures as a percentage will be higher.

3.2.8. 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. 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.

3.2.9. 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 role is fully funded by Hackney & City's Public Health team. 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 March 202 60 businesses have signed up to HCC.

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 which funds one full time Officer 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.

3.2.10. 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.

3.2.11. 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 2023/24 at which time we will review whether training is provided internally or outsourced.

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. 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.

4.1.4. 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.

4.1.5. 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.

4.1.6. 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.

4.1.7. In accordance with the Food Law Code of Practice, the Food Safety Service aims to inspect all food hygiene businesses due for inspection in 2023/24. 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.

4.1.8. 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 compliant figure.

4.1.9. 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 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.

4.4. Complaints and Service Requests

4.4.1. 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.

4.4.2. 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.

4.4.3. In 2022/23 464 service requests were received; based on this an increased number of service requests in 2023/24 are expected.

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

4.5. Advice and Training to Businesses

4.5.1. 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.

4.6. Food Sampling

4.6.1. 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.

4.6.2. The food sampling programme for 2023/24 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. The extent of the sampling programme will depend on the availability of resources.

4.6.3. 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).

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

4.7.1. 356 infection disease notifications were received in 2022/23 which were all triaged and followed up with obtaining faecal samples when necessary.

4.7.2. 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.

4.7.3. 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.

4.7.4. There have been no contingency resources identified for dealing with any outbreaks for 2023/24

4.8. Food Safety Incidents

4.8.1. 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.

4.8.2. 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.

4.9. 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>2023/24 - 2024/25</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 inspections for food hygiene and food standards interventions.</p>	<p>To ensure good food safety standards in food premises in the district to reduce the likelihood of food poisoning incidents.</p>	<p>2023/24 - 2024/25</p> <p>Targets to be reviewed and set each quarter</p>
<p>Adopt and Implement new premises database.</p>	<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>	<p>2023/24 - 2024/25</p>
<p>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>	<p>Devise procedures lost to ensure all businesses received a graduated enforcement approach where necessary.</p>	<p>2023/24 - 2024/25</p>

	Ensure officers are aware of LBH enforcement policy.	
Effective partnership working	To support the work of FSA, PHE, DEFRA, HMRC, the Police, Immigration and other relevant internal and external partners.	2023/24 - 2024/25
	To improve the consultation process for licensing applications for new and change of use premises.	2023/24 - 2024/25
	To improve joint working and intelligence sharing within Regulatory Services.	2023/24 - 2024/25
Promote the Food Hygiene Rating Scheme	To allow consumers make informed choices, and driving up standards and the economy: Encourage the display of ratings.	2023/24 - 2024/25

5. RESOURCES

5.1 Resources for 2023/24 - 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 (36 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	209 days
1 FTE	209 days (1505 hours)

5.1.3 Programmed Inspections

Premises due category A (4), B (130), C (461), D (315), E (2) = 951. Based on the 2022/23 figures it is assumed that approximately 800 new premises will have registered in the year 2023/24 (based on 69 registrations, on average, received in 2022/23) and there are 497 cumulative unrated premises which will be carried over from 2022/2023 (AWI). Three hundred and twenty nine (329) historical category E from 2022/23. It is also expected that around 500 premises will have ceased trading, reducing the numbers of inspection due for inspection. Therefore, total estimated food hygiene inspection required to be carried out would be = 2,077 (951+800+497+329-500) due at 7.0 hours per inspection (including paperwork, notices and 30 minutes journey) = 14,539 hours (9.7 FTE).

Therefore, total Food Hygiene and Food Standards inspection time: 14,539 hours (9.7 FTE) [not included in the final total].

Whilst this level of resourcing may not be 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 and D in 202/25.

It has been decided to reduce the resource requirement by pausing overdue category E inspection (329) till next financial year: saving requirement by 1.53 FTE.

Therefore, total Food Hygiene and Food Standards inspection requirement will be: 9.7 FTE - 1.53 FTE: (12,236 hours) **8.17 FTE**.

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 2022-23. 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)

Total resource required for re-visits = 400 hours (0.26 FTE)

5.1.5 Re-inspections requests following programmed inspections (chargeable)

Based on the 2022/23 figures there will be approximately 60 requests to carry out re-inspection primarily to improve the Food Hygiene Ratings. All re-inspection requests now have to be paid for. The re-inspection charge will be increased substantially as the current rate of £170.00 has not changed for the last five years; benchmarking suggested that this rate needs to increase to £320.00 in 2023/24 . As a result of the introduction of new rates there may be a less demand for re-inspection but equally this may drive up compliance as the delivery platforms normally do not let the businesses to avail their services unless they have attained '3' or above ratings

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 2022/23 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 550 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. It is anticipated that during 2023/24 there will be at least two outbreaks requiring extensive investigation and actions. Investigation of any additional outbreaks will considerably reduce resources available in other areas. In accordance with the Memorandum of Understanding agreed with UKHSA, 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 (86 cases) (based on a total of 283 cases for 2022/23) @ (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 = 86 + 21= 58 hours (0.07 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

No 'action days' were carried out in 2022/23 due to pressures of achieving milestones enshrined in the FSA's Delivery Plans. However, it is envisaged that at least 2 intelligence led actions days will be organised in areas where there are known problems and it is a focused way of ensuring businesses are compliant. Each action days (covering approximately 20 premises) 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 2023. Two officers attend per event, for approximately 6 hours each. Preparation time for each event equates to four 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: 60 hours (0.04 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 : 1.95 FTE*

* this comprises of Re-visits following programmed inspections 0.26 FTE, Re-inspections requests following programmed inspections (chargeable) 0.28 FTE, Service requests and complaints 0.37 FTE, Infectious Diseases and Outbreak Control 0.07 FTE, Food Sampling 0.48 FTE), Proactive Action Days and Food Safety 0.05 FTE, Outdoor Events/Markets 0.04 FTE and Enforcement/Prosecution/Legal work (including

Hygiene Improvement Notices, seizures, closures) 0.40 FTE.

5.1.12 Administration

Prior to the pandemic the Technical Business Support team were 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. These functions have now fallen to the EHM's, some of which are now automated through the new database which can only be carried out by the EHM's) = 0.75 FTE.

Total staffing resources (excluding TBS support) required to carry out FLESP: 11.28 FTE

5.1.13 Technical Business Support

The technical Business Support team had previously been responsible for supporting officers which has now been curtailed. This support was equivalent to 1.5 FTE. The EHMs will absorb half of this support leaving a 0.75 FTE shortfall.

in their activities and for maintaining land registry searches, processing purchasing orders, corporate complaints and FOIs etc. = 0.075 FTE.

5.1.14 Resource allocation by Activity

Activity	FTE
Programmed Inspections due 2023/24	13.9
Re-visits following programmed inspections	0.26
Re-inspections requests following programmed inspections	0.28
Service Requests and Complaints	0.37
Infectious Diseases and Outbreak Control	0.07

Food Sampling	0.48
Proactive Action Days	0.05
Outdoor Events/ Markets (including Carnival)	0.04
Enforcement/Prosecution/Legal work	0.40
Administration	0.75
Approximate total <u>EHS</u> resources required to fulfil the plan for 2023/24	13.9
Technical Business Support	0.75
Resources available for this plan	4.8
Deficit	<u>6.07 FTE</u>

5.1.15 The staffing for food safety and health and safety function for 2023-24 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 (field officers) = 6.0 FTE (including 0.5 FTE temporary Agency staff)
- Staffing resource allocated for Health & Safety functions: 1.2 FTE
- Total staffing resources available to deliver this plan: 4.80 FTE
- Total resources required for programmed inspections excluding overdues: 8.17 FTE
- Total resources required for non programmed inspections, including admin work: 2.70 FTE
- Staffing resource required to deliver the FLESP $8.17 + 2.70 = \mathbf{10.87 FTE}$
- Deficit of staff required to deliver 2023/24 food service plan: $10.87 FTE - 4.80 FTE = \mathbf{6.07 FTE}$
(Unless additional resources are made available many aspects of this plan will not be delivered)

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 2023/24 is approximately 13.9 FTE. The total resource available is 4.8 FTE: a deficit of 9.1 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 2023/24 and this will have a knock on effect for 2024/25 when we will have a backlog of inspections accumulated from this financial year.

The overdue inspections arose due to our premises management database being inaccessible as a result of 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 2023/24 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 2023/24, 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.