

Document Control

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Public Protection

Food Safety Division

Food and Feed Law Service Plan 2017/2018

“Food we can trust”

Preamble

This document summarises the work of Havering’s Food Safety Division.

These first few pages provide an overview of the routine and non-routine work carried out during the last financial year 2016/2017 and the planned work and in progress work for the current year 2017/2018

The statutory ‘Food Law Code of Practice’ requires an up to date documented Food and Feed Service plan is available to consumers and food businesses which covers food and feed services and is reviewed on a regular basis. The ‘Framework Agreement on Official Food and Feed Controls by Local Authorities’ provides guidance on what the Food Standards Agency expects from authorities in their delivery of official controls on food and feed law.

The aims and objectives of the food division are outlined and these are linked to the Council’s Corporate Plan and set against the background of the Authority’s profile of food and feed businesses. The Council is responsible for enforcing the provisions of the Food Safety and Hygiene (England) Regulations 2013, associated European Community regulations made under the European Communities Act 1972, the Food Safety Act 1990 and associated regulations.

An overview of the range and scope of work of the division is provided together with the resources available to complete the task, this includes tables and graphs for comparison with previous years

An enforcement policy detailing the options and methods available to deal with non-compliance using a risk based approach is provided in full at Appendix 1.

Achievements for 2016/2017

No	Project	Status
1	Competency -To implement the new competency requirements of food law code of practice and authorise officers according to the code and implement personal development identified.	Completed and ongoing. Linked to continual professional development, Performance Development Review and training requirements.
2	Quality Monitoring -Implement a programme of quality monitoring of interventions to feed into competence assessments, training and development of officers and contractors.	Implemented and used to enhance information used for competency assessments.
3	Alternative Enforcement Strategy – Target a set number of low risk premises for an intervention using a student project. In addition, The Council’s licensing officers will receive training to allow them to participate in alternative enforcement strategy information, guidance and intelligence gathering visits.	Completed June 2016
4	Data Base Cleansing – Unrated Premises – To create new procedures and initiate a process of reviewing the status of “Unrated” premises on a monthly basis to ensure the data held is current and premises are inspected on a risk basis.	Completed January 2017
5	Inspection Program -Allocate resource from within existing service budgets to complete the full program of interventions due. Where there is suspicion of other public health concerns other departments and agencies will be contacted to share intelligence with a view to joint visits, especially but not exclusively during non-office hours working.	Completed inspection program for year. Best ever results. 99% of Hygiene program completed all high risk food standards completed see table 13. 16 unrated premises carried over into 2017/18 program and 2 compliant premises that

		trade on a seasonal basis and could not be contacted to inspect. Equivalent of 1.4 additional FTEs were required to achieve this result.
6	New Inspection Aide Memoire - To introduce a new aide memoire which reflects E-coli and other current guidance issued by the Food Standards Agency.	Completed and ongoing as required.
7	FHRS Consistency Training – To participate in FSA Training on the FHRS scheme. An online based training scenario where the whole food team discuss the scenario and agree a FHRS score and upload in real time to a secure FSA web page. Scores from all participating Local Authorities are then to be compared by the FSA.	Completed. Team result matched results expected by Food standards Agency.
8	FHRS Training - Continue FHRS training at monthly meetings and ensure that all staff have attended the low cost Food Standards Agency consistency courses	Completed at monthly team meetings
9	Food Quality Manual Procedures – to update the Food Quality Manual Procedures which provide guidance on operational matters to Food Team members	Not completed, transfer to 2017/18
10	New Resources Facility for Food Business – To create within the Havering website environment food safety management resources for food businesses to download and utilise. The objective is to improve food safety generally within the Borough.	Not completed, to be reviewed in line with broadly compliant outsourcing project and the FSAs regulating our future program to prevent duplication.
11	Develop Health & Safety Competency - To improve the competency of Food Team officers in health & safety to support the Health & Safety and Licensing Team.	Not completed, to be transferred to 2017/18
12	Review of Enforcement Policy – To review the Food Safety Division Enforcement Policy.	Completed
13	Student Project – To undertake a project using students to carry out an intelligence gathering and advice and information project to support food businesses within the Borough.	Completed June 2016
14	D & E Rated Food Premises Project – To undertake a project to update the Council's data base in relation to food	Completed June 2016

	businesses rated as low risk, and to provide advice and guidance where necessary as part of the Council's enforcement strategy.	
15	Vacant Premises -Introduce vacant premises protocol to confirm that food premises that close are not reopened without our knowledge.	Completed April 2016
16	Non office hours Inspection Programme – To carry out early morning, evening and night interventions where necessary for operational reasons and to carry out a series of interventions at weekends at food businesses involved in offering Sunday Roast and Carvery Menus. This is to ensure that we look at food business controls at all times and to ensure that those premises that only trade during those times are also checked. The latter is in response to findings arising from the Railway Hotel prosecution.	Completed, involvement in task enforcement group projects and planned interventions
17	Feed Inspection Programme – To participate in a Food Standards Agency funded project to use Environmental Health staff to undertake inspections of supermarkets sending foodstuffs for processing for use as animal feed.	Completed by participating in the FSA funded Association of London Environmental Health Managers regional project for London.
18	Havering Catering Services (HCS) - Review HACCP for school meals.	Completed, report sent to HCS, Managers from HCS presented updates to Food safety team meeting 17.12.16
19	Child Minders -Inspect all child minders as requested by FSA audit	Completed. A small number that did not respond to communications have been reported to Children's services as not trading and removed from the register.
20	Information Technology Review – To examine potential opportunities for using information technology to reduce further post inspection data entry times and improve	Ongoing and now included as part of

	communication with food businesses.	regulatory services review
21	Primary Authority - Sign up the food premises that have expressed an interest in Havering becoming their primary authority, and manage the relationship.	Two businesses signed up to this initiative. To be included in 2017/18 as growth expectation.
22	Primary authority Implement training for senior managers across the service.	Completed. managers attended training organised and delivered at the Council Offices, by Regulatory Delivery, to save time and expense of travelling to London. 17.6.16
23	Promotion -Participate in the 12 days of Christmas in town centre.	Not completed, resource implications
24	Interventions -Complete the full program of interventions for food safety and food standards including all premises from the backlog from previous years underperformance.	Completed and explained in item 5.
25	Vacancy -Advertise and fill EHO vacancy, ratify new ways of working and consider restructure to allocate resource if required.	Advertised vacancy in June 16, no suitable candidates. Re advertised following retirement and further resignation. Successfully appointed two qualified Environmental Health Officers who started in May 2017. 1 Vacancy to be left unfilled to fund project to outsource compliant interventions

		and free up time for officers to concentrate on non-broadly compliant premises.
26	<p>In year objectives not specified at the outset that impacted significantly on capacity.</p> <p>1. Became an early adopter for charging for requested FHRS rerating visits. Calculate a non-profit cost in line with FSA and financial requirements, set up internal systems and protocols for receipt of applications and for payments, training of administrative staff and officers, produce executive decision report and obtain agreement from legal, finance, HR and equalities and diversity, report to FSA as early adopter, change safeguarding forms, publish information on website, change online forms to match new charges.</p> <p>2. Changes to feed law authorisations for ALEHM regional project.</p> <p>3. Meetings and discussions with managers and employees, regarding corporate employment terms and conditions. Prepare appeals for affected posts explaining potential impact.</p> <p>4. Amend fees and charges for export certificates and new charges for FHRS requested rerating inspections.</p> <p>5. Confidential preliminary discussions regarding transfer of substantial primary authority partnership.</p>	

Plans for 2017/18

1	Deliver inspection program for 2017/18. Implement a new regime for officers to tackle the high number of premises that fail broad compliance when inspected.	
2	Using underspends from a vacant post, fund a contract to outsource 500 broadly complaint inspections and 100 unrated inspections, designed to free up capacity for officers to concentrate on advising and enforcing compliance at food businesses that fail broad compliance with food law. Write to FBOs in the inspection program to inform them that they are due for unannounced inspection this year. Monitor results to establish if this has an impact upon compliance.	
3	Review protocols and procedures, prioritise those that require amendment.	
4	Implement a set of performance measures to monitor success of 1 and 2 and 3	
5	Highlight clearly major non-compliance for food business operators so that they can rectify by risk.	
6	Update competence profiles and link to continual professional	

	development requirements and training plan development at personal development reviews. (PDRs)	
7	Arrange FOI training for officers	
8	Progress prosecutions cases started last financial year.	
9	Participate in FHRs consistency training national and local, update officer food law competencies and provide training where required.	
10	Primary authority, invoice partner companies for 2017/18. Meet and set objectives and milestones for partnerships. Develop a governance strategy and arrange training for officers to encourage new partnerships. Add details to local authorities seeking partnerships in primary authority register. Attend an organised business event in Havering to promote partnerships. Continue to develop scheme and look for other partner businesses to join.	
11	Develop a model for offering consultancy services for food safety that can be offered to new and existing business.	
12	Monitor and review development of FHRs charging and introduce improvements identified if required.	
13	Deliver feed interventions via ALEHM partnership	
14	Monitor developments in the FSAs regulating our future (ROF) program and implications for food safety in Havering.	
15	Prepare strategy to introduce food safety information via social media. Tweet when we find a premises that receives a zero, 1 or 2 for FHRs. Look into a monthly tweet which shows number of premises inspected and FHRs results.	
16	Continue to examine potential opportunities for using information technology to reduce further pre and post inspection data entry times and improve communication with food businesses.	
17	Maintain links with Havering Catering Services (HCS) arrange 6 monthly meetings.	
18	Carry out early morning, evening and night interventions where necessary and carry out a series of interventions at weekends at food businesses to verify compliance with food law especially temperature control requirements during busy periods.	
19	Appoint lead sampling officer and develop and deliver a sampling program that identifies manufacturers and wholesalers, produce report at end of program that specifies the next years program based on its findings.	
20	Appoint lead officer for health and safety at work in food premises to advise all staff on implementation of section 18 guidance	
21	Produce an in house training program for officer competence in offering advice to business on health and safety at work. Training for officers slips trips falls, golden hour manual handling.	
22	Gather data monthly and report performance indicators for 2017/18	
23	Upload food hygiene rating data to national website on a weekly basis to ensure real time accuracy of information.	
24	Attend North East Sector liaison meetings and London	

	Coordinating meetings to contribute to consistency of enforcement and comply with requirements of food law code of practice.	
25	Participate in FHRS national consistency exercise and continue with monthly training at team meetings.	
26	Advise and participate in development of food court at Romford market.	



Havering

LONDON BOROUGH

Public Protection

Food and Feed Law Service Plan 2017/2018

This plan conforms to the guidance set out in 'The Framework Agreement on Official Feed and Food Controls by Local Authorities' Version Amendment 5, April 2010

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Aims and Objectives

- **Aim 1:** “To promote, through education and enforcement, the sale and/or production of food which is fit for human consumption and without risk to health, to protect the interest of consumers and allow them to make informed choices in relation to the food that they consume, in particular to prevent fraudulent or deceptive practices, the adulteration of food and any other practice which may mislead or harm the consumer”.
- **Objective 1** “To register food and animal feed businesses in accordance with the relevant European Community regulations.
- **Objective 2** “To undertake a risk-based programme of official controls in registered food & feed premises in accordance with the current Food Standards Agency statutory food law and feed law codes of practice and practice guides”.
- **Objective 3:** “To undertake a programme of official controls in food businesses not required to register in the Borough but operate within the Borough. (mobile traders such as ice cream sellers and vendors at shows and markets etc.)”.
- **Objective 4:** “To approve all food and feed business establishments operating within the Borough that are placing products of animal origin on the market under the relevant European Community regulations and implement a series of risk based interventions in accordance with the Food Standards Agency Food Law Code of Practice”.
- **Objective 5** “To ensure all food business operators are fully compliant with the relevant European Community regulation on microbiological criteria for food stuffs” and 1169/2011 food information for consumers.
- **Objective 6** “To undertake a programme of official controls in feed business establishments within the Borough to ensure compliance with the relevant European Community regulation for feed law (food for livestock at primary production and waste human food to be used as feed (feed material))”.

- **Aim 2:** “To prevent and control the spread of food borne illness through education and enforcement and to ensure food complies with compositional standards and is correctly labelled”.
- **Objective 7:** “To provide a risk-based response to all notifications of food related illness or suspected illness in order to mitigate effects on the community”.
- **Objective 8** “To carry out pro-active and re-active sampling in accordance with nationally and locally set programmes”.
- **Objective 9** “To identify and investigate suspected food fraud in conjunction with other Government agencies and the Police.”
- **Objective 10** “To provide information, advice and education on food safety and standards issues to businesses and consumers.”
- **Objective 11** “To investigate complaints from consumers relating to food safety and food standards where food products have been purchased within the Borough and to redirect complaints to other enforcing authorities where the offence has been committed elsewhere. To deal with enquiries from

enforcing authorities about food manufactured in this Borough or where the importer is or should be registered in this Borough.”

Havering Vision

Communities

We want to help our residents to make positive lifestyle choices and ensure a good start for every child to reach their full potential. We will support families and communities look after themselves and each other, with a particular emphasis on our most vulnerable residents.

Places

We will work to achieve a clean, safe environment for all. This will be secured through working with residents to improve our award-winning parks and continuing to invest in our housing stock, ensuring decent, safe and high standard properties. Our residents will have access to vibrant culture and leisure facilities, as well as thriving town centres.

Opportunities

We will provide first-class business opportunities by supporting the commercial development of companies within the borough. We will ensure sustainable economic growth that generates local wealth and opportunities, as well as securing investment in high-quality skills and careers.

Connections

We want to capitalise on our location with fast and accessible transport links both to central London and within the borough. Likewise, we will continue to make Havering a digitally-enabled borough that is connected to residents and businesses. Enhancing our connections will strengthen the borough's offer as a Greater London hub for business.

Ensuring food safety is an essential element in achieving the Council's stated vision and contributes to the first 3 stated aims.

Communities, Places, opportunities links

Communities: Interventions identified in this plan will help protect residents from the implications of poor food hygiene in food premises, rogue traders and scams intended to mislead the consumer.

An integral element of food safety intervention is the **opportunity** to educate food business operators by providing face to face information, often on a one to one basis or directing them to sources of information or educational courses to improve knowledge of food safety. This helps to reduce the potential risk of food poisonings and production of unsafe foods. The service is often the only contact a small business has with regulators and the only access to accurate technical advice.

The service advises consumers of their rights and the outcomes of investigations. This assists them to do the right thing, the food hygiene rating scheme allows people to make lifestyle choices about the places they eat food from.

We ensure that we offer consistent advice and enforcement, so that no food or feed business can gain a competitive advantage over another by failing to comply with legislation designed to protect consumers.

Places: Food and feed safety interventions help to ensure that businesses within the Borough operate from premises that are structurally sound and well maintained and ensure that they identify the specific risks in their business and implement management systems to control the risk to an acceptable level. It is accepted by Central Government that interventions of this nature contribute to a reduction in food poisoning and a reduction in adulteration of food and creates improvements in information for consumers and control of infectious diseases. *(although this outcome cannot be measured directly as too many other public and private sector health interventions and controls also contribute to the outcomes)*

Connections; internal liaison with other departments, regional and national liaison with other local authorities and Government departments.

Primary authority and traded consultancy services help business comply with food law and in so doing help them to prosper.

Background

Authority Profile

Havering is the third largest London Borough, covering some 43 square miles. It is located on the northeast boundary of Greater London. To the North and East the Borough is bordered by the Essex countryside, to the south by a three mile River Thames frontage, and to the west by the neighbouring London Boroughs of Redbridge and Barking & Dagenham. The new vision, 'Havering – making a Greater London', is about embracing the best of what Havering has to offer, and how the borough can play an active role in the success of the whole of London

The most recent estimates from the Office of National Statistics (ONS) show that 252,783 people live in Havering.

The population is growing, and although estimates vary, it is predicted to grow to around 261,000 by 2019.

Recent data indicated that Havering's ethnic minority resident communities have doubled, giving Havering the highest percentage increase in diverse communities of all London Boroughs. Figures taken from the 2001 and the 2011 census show, the following ethnic groups seeing the highest increase:

- Black or Black British: African
- White Other, and
- Asian/ Asian British: Indian.

A significantly higher number of people in the 65 to 84 and 84+ age groups are residing in Havering compared to the London and England averages.

There is also significant growth in the number of children and young people living within the Borough.

There are over 5,000 commercial premises in the Borough, of which just over 1900 are registered food businesses.

Currently 9 establishments have been approved for the manufacture or storage of products of animal origin that fall within the enhanced criteria set out in the relevant EC Regulations.

Two manufacturers in the borough are approved and regulated by the Food standards Agency directly for food hygiene requirements but still fall to Havering as competent authority for food standards requirements.

There are manufacturers in the Borough that fall outside the scope of approval criteria. These are manufacturers handling composite products of animal and plant origin. They are excluded from approval regulations but still have to comply with general regulations and often require additional intervention because of the risks involved with the manufacturing process. The largest of these manufacturers is Tilda Rice which operates from two sites in Ferry Lane. They have their own dock for the

delivery of rice by boat from India and good road links to the rest of the country via the A13 (to the port at Felixstowe for exporting to the EU, America, Australia, Israel, UAE, Lebanon and Martinique).

Tilda is also a registered feed business establishment supplying waste food for animal feed [feed material] for livestock consumption.

We provide "Health Certificates" to allow food manufactured in the Borough to be exported to non EU countries for which a charge is made. In the 2016/17 period 131 health certificates were issued generating an income of £4,585. Income is based on cost recovery only. There is no requirement for the Council to certify food manufactured in the Borough for trade within the EU as being safe for human consumption, beyond ensuring compliance with current legislation relating to safe food as the competent authority for that purpose.

In March 2011 the number of registered food businesses in the Borough was 1,586 and on the 31st March 2016 this figure had increased by 14% to 1,813. On the 31st March 2017 this figure was 1858 a further 2 % increase. Contributing factors to this continuous rise has been the development of the Thames Gateway along the A13 corridor, current Borough strategies to increase businesses and keep businesses within the Borough. Unknown factors may come to light in the future to further explain the increase. We will continue to allocate resources to ensure that the registration process is properly followed to ensure that this figure is as accurate as it can be. The increases in capacity has been managed by a combination of improved efficiency measures and the use of food inspectors supplied on an agency basis.

Table 1. Premises Profile

Figures in brackets are 2016/17 for comparison

Primary Producers	Manufacturer Packers	Import/Export	Distributor/Transporter	Retailers	Restaurants/Caterers
9 (11)	20 (24)	9 (13)	26 (33)	494(510)	1300 (1222)

Organisational Structure

The constitution of the Council, published annually on the Councils website, confirms the designation of all authorised and proper officer functions for food law enforcement.

In accordance with the statutory Food Law Code of Practice the appointed lead Environmental Health Officer for Food Safety and Food Standards is the Food Safety Divisional Manager. The lead Officer for Feed Safety is appointed via the association of London Environmental Health Managers and is competent to advise on the technical aspects of enforcement. (Currently the cost of outsourcing the lead feed responsibility is covered by the FSA grant funding, this may change in the future if FSA grant funding is reduced.

The Division has permanent establishment of one Specialist Food Safety Officer and six Environmental Health Officers, making up a total compliment (including the Food Safety Divisional Manager) of 8 FTEs. Their work is divided between food hygiene,

food standards and labelling, infectious disease control and health and safety at work (proactive and reactive) in food premises and some statutory nuisance functions and planning consultations relating to food premises. Last year an additional 2.84 FTEs were employed on a temporary basis to deliver the program. (1.4 permanent FTE posts were vacant for the whole of that year, a post was advertised but no suitable candidates applied. In total 9.44 FTEs were funded to deliver the program, with an additional 1 FTE employed in an administrative capacity to support the 0.5 FTE already allocated. The employment of the administrative officer increased the efficiency of officers allowing them more time in the field in contact with food businesses instead of inputting data following inspections. This allowed us to inspect 99% of food premises due to be inspected for that year.

Using the underspends from a vacant food safety post we will trial a project to outsource 500 of the lowest risk premises that are due for inspection and 100 unrated premises. This method has proved effective in other boroughs and will allow officers to concentrate attention on those premises that are failing broad compliance with food law. Those businesses will receive multiple visits over and above those specified in the code of practice to encourage and eventually if advice and encouragement fails to take formal action in the form of notice service and prosecution or both. It is envisaged that we can deliver the full program within existing budgets using this method. All premises that are rated zero, one and two for Food Hygiene Rating Scheme (FHRS) will be offered additional advice on compliance, one to one training and shared learning where appropriate.

Specialist service providers; in accordance with the Food Safety (Sampling and Qualifications) (England) Regulations 2013

- The Council's authorised Food Examiners (FE) are located at the Food, Water & Environmental Microbiology Laboratory, London, Public Health England, 61 Colindale Avenue, London NW9 5EQ.
- The Council's authorised Public Analysts (PA) are at Public Analyst Scientific Services Limited, 28-32 Brunel Road London W3 7XT to provide an analytical service. These appointments and authorisations are pursuant to the Food Safety (Sampling and Qualifications) Regulations 1990 for analysis of food labelling and compositional samples.
- The PA and FE provide a courier service to collect samples.

Enforcement within local authority run establishments; *Please refer to the enforcement policy section of this plan.*

Infectious Disease Control

The Food Safety Division is responsible for dealing with food and non-food related infectious disease control.

The Public Health (Control of Disease) Act 1984 places a statutory duty on registered medical practitioners (RMPs) to notify the 'proper officer' at their local Council or local Health Protection Team (HPT) of suspected cases of certain infectious diseases. This function has been delegated to the Consultant in Communicable Disease (CCD) or the Consultant in Public Health Medicine (CPHM) of Public Health England (PHE).

Notifiable diseases are specified in the Health Protection (Notification) Regulations 2010. There are currently over 30 notifiable infectious diseases including plague, cholera, tuberculosis and measles. Suspect food poisoning and confirmed bacterial food poisonings are notifiable diseases.

When a laboratory analyses a sample (mostly faecal) submitted by a patient via their Doctor, the laboratory has a statutory duty to notify PHE directly with details if they identify a prescribed disease. PHE then liaise with the Food Safety Division to decide on the course of action. Risk based protocols are in place to guide decision making and direct the type and extent of the investigation. Only duly authorised officers of the Council have the powers to investigate such cases within the Borough, these powers allow us to take along other experts as required. Investigations can range from a telephone conversation and the completion of a questionnaire to an extended detailed visit to gather evidence, take samples, give advice and potentially take enforcement action. In some cases, taking formal samples or closure of premises to prevent further spread of a disease may be required. Confirmed and suspect cases of infectious disease are investigated in accordance with protocols agreed with the PHE and Food Standards Agency (FSA) to ensure that any risk of spread is controlled.

Faecal and other clinical specimens associated with infectious disease control are analysed in Cambridge. A new DNA technique [polymerase chain reaction] (PCR) has been developed which has greatly reduced the time taken to identify food poisoning organisms and viruses. This was developed to cope with the possible problems of controlling infectious diseases during the London Olympic and Paralympic games and is now in general use. This process enhances the ability to control outbreaks quickly.

Public Health England London –North East and North Central Health Protection team, Ground Floor, South Wing, Fleetbank House, 2-6 Salisbury Square. London, EC4Y 8JX provide emergency advice and support when dealing with infectious disease outbreaks or suspected food poisonings.

Scope of the Food Service

“food we can trust” from farm to fork

Food should be safe and should be what it says it is. Everyone should have access to a healthy diet, and be able to make informed choices about what they eat. The Council, through the Food Safety Division, is responsible as the competent authority for all food and feed safety, food and feed standards and associated public health matters throughout the Borough. This extends from food production on farms, which includes crops grown as feed to be given to livestock, to food provided to the final consumer from retail shops, restaurants and takeaways and all manufacturing and distribution in between.

The food hygiene functions at a slaughterhouse within the Borough and a separate meat cutting plant are the responsibility of the operations division of the FSA. The council is still responsible for enforcement of food standards at these premises.

Although not part of this plan the Food Safety Division is also responsible for the enforcement of diseases of animals and transport of animal's legislation at the slaughterhouse and at other farms in the borough.

General overview of work undertaken by the Division;

- Act as competent authority for food and feed law by employing officers suitably qualified to develop and implement the program. Ensure sufficient funding is available to maintain systems and procedures and to check and maintain competence of officers.
- Prepare and deliver a program of interventions in accordance with criteria set out in the food and feed law codes of practice.
- Report annually to the FSA on all food and feed safety interventions undertaken each year via the Local Authority Enforcement Monitoring System (LAEMS).
- Maintain a database of enforcement activity to accomplish the above reporting requirement. Maintain the database and keep records in an accessible format for 6 years.
- Operate the FSA Food Hygiene Rating Scheme (FHRS) in accordance with the brand standard.
- Implement a quality assurance (QA) system to ensure that officers operate consistently and in accordance with the food law code of practice and the FHRS brand standard.
- Determine appeals made against FHRS scores using the agreed protocol from the brand standard and published on the Councils website.
- Work with colleagues within the Council and our partners, the Food Standards Agency, Regional and local NHS commissioning groups, Public Health England (PHE), DEFRA, liaise with other local authorities and their Food Safety Divisions, supporting enforcement and promotional initiatives.
- Provide advice to potential and existing food business operators on all aspects of food and feed law, and give advice and enforcement if necessary and applicable related to health, safety and welfare at work.
- Identify premises processing, handling and storing foods of animal origin and issue approval under the relevant EU Regulations, ensuring that the businesses comply with the additional requirements set out by those regulations.
- Identify premises that require registration or approval under the relevant feed hygiene EU Regulations
- Implement the requirements of the food information regulations, and the microbiological safety of food regulations.
- Carry out official risk based controls in food and feed businesses for compliance with food/feed safety & food/feed standards.
- Handle intelligence received and investigate where necessary (using a risk based protocol) food purchased and or manufactured within the Borough, unhygienic premises and practices in food premises within the Borough.
- Report suspect food fraud via 5 x 5 x 5 reports to the Food Crime Unit of the FSA and work with them on any investigations which may arise.

- Take appropriate, proportional, risk based enforcement whilst having regard to the Council's enforcement policy and in accordance with the adopted principles of The Code of Crown Prosecutors, Enforcement Concordat and the Regulatory Enforcement and Sanctions Act to maintain essential protection to society whilst keeping the burden of regulatory control upon business to a minimum.
- Maintain electronic systems to receive and act upon all food hazard warnings issued by the Food Standards Agency.
- Implement a food and feed sampling programme for microbiological and chemical safety and compositional standards. Liaise with the North East Sector and London Food Coordinating Group and other relevant national bodies such as the FSA, regional and local trading standards organisations and departments, Public Analyst and food examiner.
- Maintain budgets for and systems to implement the sampling program of monitoring food and feed stuffs, testing for compliance with food and feed law, statutory labelling, presentation and compositional requirements (the relevant EU Regulation for information for consumers). Maintain and use the United Kingdom Food Surveillance System (UKFSS) for sending (electronically) details of food samples and materials in contact with food to be analysed by the public analyst and food examiner and receiving results once analysed. Maintain systems to ensure that this database communicates with the Council's database to prevent duplication of data input.
- Issue export certificates to enable manufacturers in the Borough to export consignments of food and other products of animal origin to non EU member states (third countries). This may require additional visits to these premises prior to certification.
- Consult with Planning and Development Control in Havering to assess the potential impact that a food business may have in relation to odour nuisance from ventilation extract systems.
- Promote and raise awareness of the importance of food / feed safety and food / feed standards through enforcement and advice and the promotion of food and feed safety training.
- Investigate complaints concerning food related disease, incidents of food poisoning and infectious disease, advise and enforce where necessary on precautions and controls.
- Implement legislation to control animal diseases that affect people and control specific animal diseases (e.g. Foot and Mouth Disease and avian flu). (Only in times of officially declared outbreaks)
- Advise business on the implementation of food and feed legislation, codes of practice and guidance.
- Maintain up to date information on the Council's web site.
- Develop and maintain home authority and primary authority arrangements.
- Ensure that officer potential is developed and that officers are competent in their areas of work and able to deal with the ever increasing complexities of food/feed law enforcement.

The Pareto principle (80/20) rule can be applied to the food safety function in that 20% of the food businesses in the Borough create 80% of the workload.

Businesses falling within this category include those which open without complying with food business registration requirements. They are found during routine intelligence gathering, by accident when passing by or when carrying out a planned intervention and are found to be non-compliant with food law (attracting a Food Hygiene Rating of 2 or less) In such cases escalating enforcement action is required in the form of revisits, notice service, formal closure and prosecution to ensure public safety.

There are also businesses that make little or no profit. These businesses are often sold or close down and reopen with a new owner. These businesses are categorised by the enforcement community as “churn”. As a general rule these businesses are often badly sited, purchased by inexperienced food business operators (FBOs) and difficult to make profitable without a significant cash injection and or change of marketing approach and strategy. There are very few examples where this type of business has been turned around to become a profitable business. Often the location, lack of investment in the structure and or marketing of the business are influencing factors.

Owners of these premises (Landlords who themselves are not food business operators) rent or lease space on weekly or monthly basis often on cash only terms. When the Food Safety Division find the business operating, and enters into dialogue with the FBO and starts the process of escalating action, the food business operators [who are operating on low profit margins] move out to avoid enforcement action. The Landlord then finds another FBO on similar terms and the whole process starts again. There are no legal sanctions available to discourage a landlord from this practice.

The Enforcement Policy (See Appendix 1) has been developed to try and take account of this and where possible, we will direct these types of business to information and help that might improve compliance and profitability.

The UK FSA are reviewing official controls and there is growing impetus for charging for interventions especially in those businesses found to be none complaint and requiring further intervention over and above the initial official controls. Charging is currently outlawed, although, charging for controls in non-compliant premises already occurs in the UK for Health and safety reasons known as “the fee for fault regime”. (costs are directed to those businesses that are causing the most problems leaving compliant business to carry on operating safely without incurring costs for interventions).

A change to food law in 2006 made it a legal requirement for all food business operators to produce and document food safety management controls in their business based upon risk. For more than 10 years some level of opening checks, corrective actions, training, traceability and monitoring of systems is required of all but the very lowest risk food and feed businesses.

Risk in these circumstances is defined by the range of food handled the processes the food is subjected to, the consequences of errors and the degree of organisation required. Risks have to be identified and decisions made by the business, detailing how those risks are to be controlled. Records of monitoring checks and verifications must be kept by law (for at least the lifetime of the food concerned). This information

must be produced on demand when required by an authorised officer. Documented management controls are produced using the process known as 'Hazard Analysis Critical Control Points' (HACCP). Although HACCP can be complex it is a process food business must use to try and ensure that food is kept safe throughout its journey to the consumer whilst it is in the control of FBOs.

HACCP involves the business identifying those things that could make food unsafe for customers.

To carry out a HACCP based food risk assessment businesses should:

- Identify each step in the chain of their operation, from food purchase to service to the customer;
- Identify the hazards present at each individual step in the chain which must be prevented, eliminated or reduced to acceptable levels;
- Identify any critical control limits for the hazards identified (e.g. absence of contamination and temperature levels);
- Identify the controls and precautions in place for the hazards identified; and
- Identify how the controls will be monitored and any further corrective actions necessary will be carried out.

A basic pack called "Safer Food Better Business" (SFBB) has been produced to assist smaller businesses in complying with the legislative requirement and it can be downloaded from the FSA website free of charge or purchased from sites such as eBay and Amazon. .

Officers promote food hygiene training during routine interventions. In recent years' officers have directed enquiries to external trainers. Arrangements have been made in the past to deliver courses using translators in languages including French, Bengali and Cantonese and where it is known that neighbouring Local Authorities offer courses; candidates have been directed towards this training.

Glevum management Ltd provide locally based food hygiene courses at a reasonable cost, although the council have approved this nationally recognised course there is no obligation upon the food business operator to take these course over other courses of a similar nature. Details of dates and the venue of these courses are posted on the Councils website to help food businesses fulfil their obligation to train food handlers.

Emergency food safety issues are currently directed to a 24 hour communication centre and a senior officer may be contacted as required. No formal arrangements currently exist to cover this service. Whilst this has not caused problems for the Council in the past, there has been concern expressed by Government agencies that their contingency planning relies upon them being able to contact and if necessary mobilise competent officers in an emergency. The cost of introducing proper cover is prohibitive and no changes are proposed to the current regime.

The Council's website, www.havering.gov.uk is used to provide information about food safety services for consumers and business with links to other sites.

Demands on the Food Service

New businesses are continuing to open as development within the Borough continues. Last year 300 changes were made to the premises register. This involved new businesses opening, closing for good, closing and re-opening and changing ownership whilst continuing to trade. As of the 31st March 2017 the Borough had 1858 food businesses registered on its database. An increase of 2% from last years' figure.

The Council has initiatives to encourage business to the area, to encourage employment and add to the business rate revenue. Any increase in food businesses in the Borough will impose extra requirement for interventions. Encouraging only responsible business will in the long term have less impact upon resources. Over the past 5 years the trend is for the number of registered food businesses within the Borough to increase and this looks set to continue in the future.

Legal Proceedings: - Escalating action and preparing prosecutions may in some circumstances be time consuming and there may be considerable delay from the discovery of an offence to prosecution due to the complexity of the case. Under food law, in some instances investigations are allowed to extend for a year from the discovery of the offence and action can be taken up to three years after the commission of an offence. This period takes no account of the time required for courts to plan in hearings and for defendants to be allowed time to question evidence and prepare their defence.

A prosecution case which was for offences occurring from a food poisoning outbreak at Christmas 2012 completed in October 2014 Assistance relating to the case was requested by the coroner in January 2016. This case illustrates an example of how a prosecution case can require significant resources of officers to deal with an investigation. Although a Government grant was received to assist with the financial cost of the case it did not cover the whole cost of the investigation and prosecution.

An increase in the older population of the Borough (aged 65+) is likely to result in an increase in care home provision within the Borough. As a general rule young people and older people are more susceptible to certain infectious disease. Generic risk assessments take regard of this fact and require additional intervention when catering for these vulnerable groups. We will continue to monitor this situation in the Borough as it may require an increase in resources to protect residents and fulfil this statutory duty. Catering for vulnerable groups requires enhanced intervention, usually on an annual basis regardless of the controls implemented.

Animal Feed

There are an increasing number of premises registering in the Borough as feed businesses, most supply feed material in the form of waste food which will eventually be used to feed livestock (animals we eventually will consume). The registered business has an obligation to ensure that this material is handled properly to ensure that diseases such as foot and mouth are not passed on and that toxins and other

pathogens are not found as residues that the consumer will eat. Checks on these businesses now form part of the feed element of this plan.

An increase in reported pathogens such as *Campylobacter* and *Listeria monocytogenes* is creating more work investigating the possible causes. *Listeria* is a hardy food poisoning bacterium, which is able to grow at low temperatures. It can be found in refrigerators and can cross contaminate food in refrigerators, it has a low infective dose rate. The case fatality rate for people with a severe *Listeria* infection may approach 25% and there is a fivefold (five times more likely) risk of cancer patients developing *Listeria* infection. During pregnancy women are advised to avoid certain foods because of the risk of *Listeria* infection causing miscarriage or stillbirth. See NHS choices website for food to avoid during pregnancy and more information <http://www.nhs.uk/chn/Pages/917.aspx>

Salmonella has a mortality rate estimated at less than of 1% in humans. Up to one million cases of food-borne illness are reported each year in the UK. Approximately 20,000 of those people are hospitalised and 500 die as a direct or indirect result. Global travel is still the most commonly reported cause of *Salmonella* infection. People who are suffering with these illnesses are restricted from working in high risk sectors (for example catering, manufacturing food, child care, care for the elderly) to prevent the spread of infection.

Salmonella enterica, Serotype Typhi with Non classical Quinolone Resistance Phenotype (NQRP) is an emerging pathogen which may cause problems in the future.

E.coli O157 cannot be associated with a particular type of business; since 2006 there have been 8 outbreaks at caterers, 4 at retailers and 3 at butchers in England and Wales.. However, these figures do not reflect the scale of the issue, with around 1,400 cases of *E.coli* O157 reported in the UK in 2009, leading to 554 hospitalisations and 32 deaths. A new strain of *E coli* non O157 causing Haemolytic Urea Syndrome has been reported recently in Germany. Petting zoos at garden centres and farms can also be a source of infection.

The report of the enquiry into the *E.coli* O157 outbreak in Wales and requirement to review service provision to take account of lessons learned, has resulted in changes to guidance issued by the FSA with regard to control of cross contamination in food premises handling raw and ready to eat foods. This guidance affects the wider food industry where previous guidance was specifically for butchers. Increasingly we are having to advise and take enforcement action where businesses are offering rare burgers and other less than thoroughly cooked products which are considered a "gourmet offering". These products can be prepared safely but the controls required are extremely difficult to reproduce consistently in a busy kitchen and present a significant risk to the consumer if controls fail.

Clostridium perfringens (caused by inadequate cooling and reheating of foods) is one of the most common causes of food poisoning but is under reported, probably because the symptoms (vomiting followed by diarrhoea) occur quickly and clear up quickly in most cases. *Campylobacter* is still the most commonly confirmed cause of food poisoning, mainly caused by cross contamination of raw chicken to ready to eat

foods. It has a relatively low infective dose, with a long incubation period (1 to 11 days usually 2 to 5 days), duration of illness 2 to 10 days. Most cases occur as isolated events and not part of a recognised outbreak. The Food Standards agency has made the reduction in food poisoning caused by campylobacter one of its top priorities.

Effective targeting of resources ensures that areas of most risk take priority but in turn this puts pressure on officers who cannot then undertake other work.

Programmed intervention frequencies are risk based and take into account previous compliance with food law. We measure the percentage of food businesses that are broadly compliant with food law as an outcome. Premises that are rated 3 or above in the Food Hygiene Rating Scheme (FHRS) are deemed to be broadly compliant with food law and do not incur follow up visits to check compliance. (FHRS is explained in more detail later on). To identify where improvement is occurring we can also measure the level of improvement within the 3 areas that make up the indicator.

The Local Authority Enforcement Monitoring Scheme (LAEMS) is the means by which enforcement data is provided to the FSA. Data is captured from our database and reported via an upload to the FSA; multiple requests from different parts of the FSA are infrequent, saving time and money for the authority. Accuracy of the database is critical. Changes to procedures following an FSA audit has resulted in a reintroduction of data input by Business Support Officers. This has increased accuracy of the database and allows officers more time on the district resulting in an increase in interventions. This has also led to reduced training costs for database input and reduced costs of monitoring the database.

Intensification of use can create problems with drainage in multiple use developments (mixed commercial and residential) which should be addressed by correct application of the planning process.

We have also discovered that facilities are being shared in an attempt to improve profits. Sharing of commercial kitchens especially in public houses, where trade for food in the evenings is let out to takeaway businesses. This can create its own problems for the businesses involved and it requires multiple inspections at the same premises at different times and on different days so that officers can inspect all operations as they are occurring.

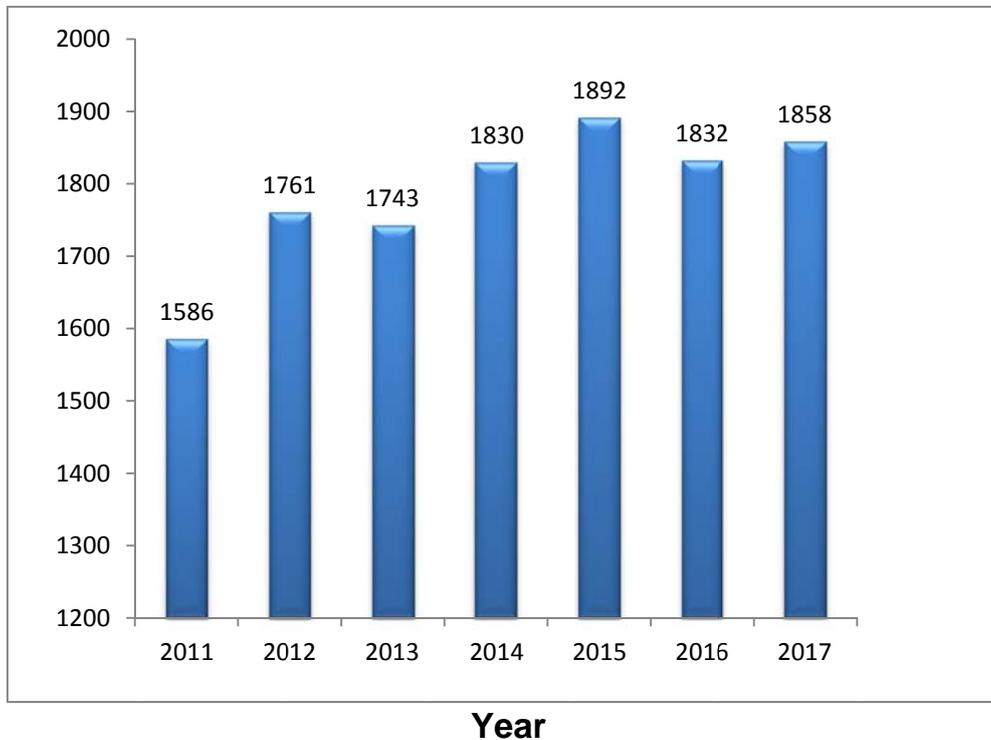
Freedom of information requests continue to add to the work of the Division, responses are now coordinated centrally within the division which has improved efficiency and reduced the time needed to respond to this ever increasing workload.

Promotion of healthy eating nutrition and health was scaled back in 2012. In the current climate it is not possible to make resources available for healthy eating promotions currently being implemented by other London Boroughs.

Food premises as at March 31st each year.

The following table details the total number of registered food businesses within the Borough as at 31st March for each of the past 7 years (total number of premises shown above bars).

Table 2



Registration: The Council is not allowed to charge or refuse registration. Once registered, until inspected, premises are considered unrated, and will show on the national database as “Awaiting inspection”. For reporting purposes, they are classed as “not broadly compliant with food law” until inspected. This adds to the percentage of premises that fail broad compliance. It should also be noted that Food Business Operators often fail to give the correct notifications of changes which adds to the work of the service. An attempt has been made to address this issue in the enforcement policy and the monitoring of registrations has been stepped up to ensure that as far as possible all FBOs operating within the Borough comply with the requirement to register 28 days in advance of operating a business. The system of registration is under review by the FSA in their 3 year plan which if on target will commence implementation by 2019.

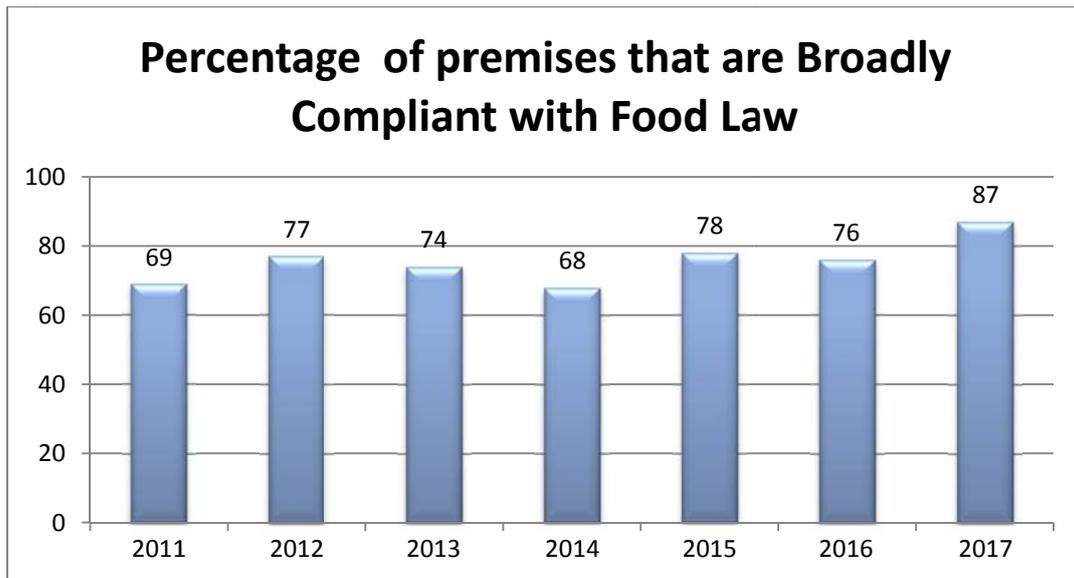
Broad Compliance

The following table provides details of the total number of premises within the Borough achieving Broad Compliance for food hygiene matters as at 31st March for each of the past 6 years.

For food hygiene matters “Broadly Compliant” means a food hygiene rating of 3 or more. A rating of 2 or less fails broad compliance with food law.

For food standards “Broadly Compliant” means where a risk assessment score of 10 or less has been awarded in each area assessed following the requirements of the Food Law Code of Practice.

Table 3 Number of premises in the Borough achieving Broad Compliance for Hygiene.

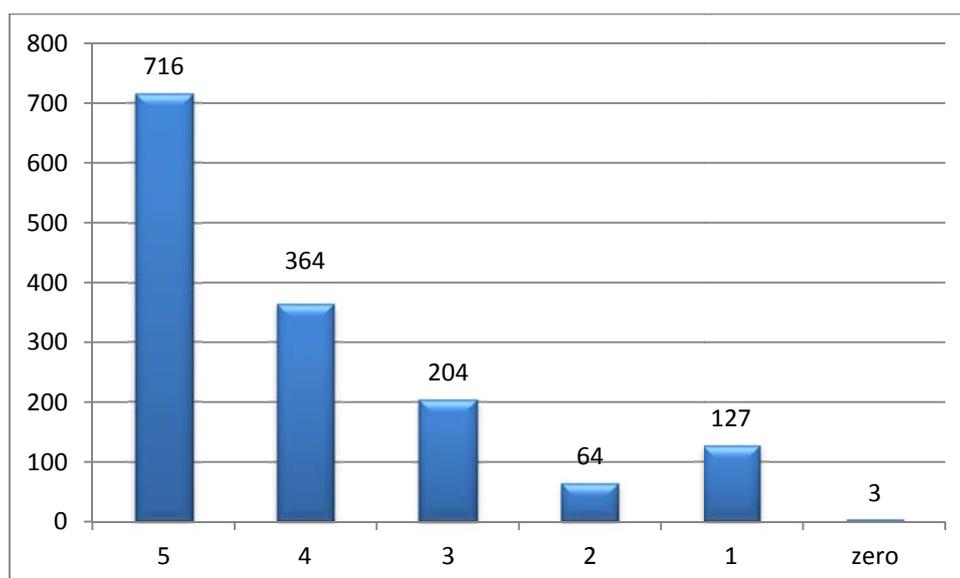


2017 figure is based upon 99% of inspection program completed 2016/17.

Food Hygiene Rating Scheme (FHRS)

The following table provides details of the total number of premises in each Food Hygiene Rating category. There has been a year on year increase of ratings of 5 but there has also been an increase in premises rated 2,1 and zero. It is not possible to simplify the reasons for this non-compliance. An increase in interventions in 2015 may be highlighting a problem that already existed. Training officers may have improved consistency in scoring. A higher percentage of premises in the borough are independently owned and may have difficulty complying with management systems required which influences the rating. Premises rated as 1 have usually achieved this rating because of a lack of documented safety management systems. There is a weighting built into the equation used to rate premises which penalises premises with inadequate safety management systems and drops premises automatically into a rating of 1. It has been a requirement for business to have some form of management system “based upon risk” for 10 years. Even though the simplest form of system for use by retailers and small caterers is available as a free download from the FSA website. Compliance with this requirement is also under review in the FSAs 3 year plan. In January 2017 Havering became an early adopter of charging for requested FHRS re-rating inspections. A charge of £195 per inspection is now charged. From January to March 2017 4 businesses requested a re-rating and the cost recovery income from this service totalled £780

Table 4 Total numbers of premises included in Food Hygiene Rating Scheme by rating (figures correct on 18.5.17)



Premises with a rating of 2 or less have failed broad compliance with food law.

FSA Category type

The following table provides details of the specific numbers of each category of business present in the Borough as at 31st March for each of the past 5 years, showing the increases and decreases in specific categories. The decrease in retail and increase in restaurants can be explained partly by activity from this division in improving data base accuracy rather than a downturn in the economy of the Borough.

Table 5 FSA food premises category type

FOOD PREMISES CATEGORY	March 31st 2013	March 31st 2014	March 31st 2015	March 31st 2016	March 31st 2017
Producers	3	4	5	11	9
Manufacturers/Processors/Packers	29	28	33	24	20
Importers/ Exporters	8	7	8	13	9
Distributors	28	30	30	33	26
Retailers	511	525	534	510	494
Restaurants and Caterers	1164	1236	1282	1222	1300
TOTAL	1743	1830	1892	1813	1858

Enforcement Policy

The Divisions' policy sets out what businesses being regulated can expect from the service. The Policy includes;

- the approach we will adopt;
- practical arrangements for putting the policy into effect'
- how we will endeavour to ensure the quality of the service; and
- the policy is included in full at Appendix 1.

Service Delivery

Categories of Intervention

Intervention types are identified in the FSA's Food Law Code of Practice. The Food Safety Division will carry out its duties in accordance with that code at all times.

LBH's duties as a food authority fall under the following statutorily defined headings:

- **Official controls** are interventions in food premises within the Borough to ensure compliance with food law. These are defined in order of intensity and detail of information gathered, as Inspections - audits - monitoring - verification - sampling for analysis.
- **Investigation of complaints** from members of the public (consumers) about alleged unsatisfactory food or unhygienic food premises.
- **Sampling for analysis** of food manufactured in the Borough or imported into the Borough and intended for sale or further processing in the Borough to ensure it meets EU microbiological and compositional and imported food standards.
- **Investigation of notifiable infectious diseases** and or food poisoning thought to be associated with food premises and other high risk premises eg: nursing homes, hospitals, schools and nurseries. People associated with these premises are considered at higher risk of injury or death if food poisoning occurred and are defined as vulnerable groups. These premises are often susceptible to non-food related viral outbreaks of infectious disease, Public Health England (PHE) ask for the divisions expertise to investigate and advise on controls to limit the spread of the outbreak. Powers of entry and investigation are invested in the division and not PHE.
- **Non Official Control** education, advice, coaching, information and intelligence gathering. (LBH's alternative enforcement strategy falls within this category)
- **Food Standards Interventions** are part of a system for ensuring that food complies with laws controlling presentation, labelling and advertising, compositional standards and levels of additives contaminants and residues in or on food.
- **Food Hygiene Interventions** are part of a system to control hazards and ensure fitness for human consumption of a foodstuff. To ensure that food law relating to hygiene of premises and microbiological quality of food at all stages of production is complied with.

Table 6. Risk rating category and required control intervention

Food Standards	Food Safety	Official Control
A	A	Inspection/ Audit every 6 months
	B	Inspection Audit every 12 months
Non Compliant B	Non Compliant C	Inspection Audit every 18 months
Compliant B	Compliant C	Alternate between Inspection /Audit and other official control every 18 months
C	D	Alternate between Official control and non official control
	E	Alternative Enforcement Strategy verify every 3 years.

- **Feed Hygiene/ Standards Interventions** are part of a system to control hazards and ensure fitness for consumption of animal feed. To ensure that nothing in the feed may remain as a residue in the food which might then transfer to the people consuming it. Feed law relating to hygiene of premises and microbiological quality of feed at all stages of primary production. The food standards agency has offered regional grants to help local authorities to employ competent officers to undertake this work, as it has not been cost effective in the past to employ individuals directly for these interventions. Havering will take advantage of the regional grant to implement its feed hygiene obligations in relation to the respectively small number of premises in the Borough registered as feed businesses.

Performance relating to official controls.

Interventions carried out last year 2016/2017 as reported to Food Standards Agency via LAEMS official return (These figures are reported to the EU along with all other member states).

Table 7

	Primary producer	Manufacturer	Import/export	Distributors	Retailers	Restaurants	Totals
Inspections and audits	1	17	3	9	111	795	936
Verification and surveillance	0	3	3	2	74	400	482
Sampling	0	0	0	0	2	11	13
Advice and education	0	0	0	1	0	231	239
Information and intelligence gathering	4	1	1	5	11	175	328
Total premises subject to official control	1	15	4	9	130	763	922

18 inspections were carried forward from last years 16/17 program and 55 revisits of premises that failed broad compliance were also carried forward, which consisted of 1 compliant C rated premises, 1 compliant D rated premises and 15 unrated

premises. None of which could be contacted in the fiscal year that they should have been inspected. This may have been because they were not trading when an officer visited, or failed to reply to correspondence or attempts to contact them failed. Further attempts will be made to contact these businesses before removing them from the Councils register and from the food hygiene rating scheme.

The following table summarises the official controls due for 2017/18 rated pre intervention. It is intended to inspect all premises due this year. A significant number of food standards interventions will be completed at the same time as the food hygiene intervention, but not all standards are due in the same premises as hygiene interventions due. Improved productivity as well as salary underspends from vacant posts will be used to implement the target.

Table 8

Category Hygiene		Category Standards	
A (non compliant)	6 (12 visits)	A (Non Compliant)	8
B (Non Compliant)	58	B (Non Compliant)	53
B (Complaint)	59	B (Complaint)	349
C (Non compliant)	34	C (Non compliant)	139
C (Compliant)	269	C (Compliant)	
D	276		
E	41		
U	18	U	55
Revisits carried forward	55		0
Revisits that will be required from <u>this</u> years program*	250		50
Rerating inspections*	20		
Total	1,017	Total	654

*estimate

A food standards inspection will be carried out at the same time as a scheduled food hygiene inspection apart from non-compliant A and B food standards inspections because the frequencies between high risk standards and low risk hygiene do not match. Annual capacity for proactive interventions when fully staffed is complex to calculate and is further complicated by the the outsourcing of low risk inspections this year. In last year plan it was predicted that an additional 2 FTEs was required to complete the program. The actual increase in establishment was finally calculated to 1.4 additional professional FTEs and 1 FTE technical administrative post to input data following inspections and undertake other administrative duties that freed up officer time to carry out inspections.(this took into account a vacancy half way through the year and a long term sickness absence and retirement).

This year 1 vacant post will be left unfilled in 2017/18 to fund the outsourcing project which will also allow officers to concentrate on the business in the Borough that are failing broad compliance with food law when inspected. It is anticipated that the plan can be delivered within the budget allocated for 8 FTEs using this approach.

The overall trend is that improvements in overall compliance are seen in premises that are regularly inspected. It is not possible at this stage to determine what effect the FHRS scheme is having on compliance. All research prior to implementation indicated that it would drive up compliance. In Wales and Northern Ireland where display is mandatory it has improved compliance drastically.

If business is not regularly inspected, they fail to maintain standards and it has been found that they drop back to non-compliance.

Follow up interventions are required by the code of practice and undertaken in premises that fail broad compliance FHRS rated 2 or less. (See enforcement policy) Enforcement actions are escalated when continuing non-compliance is found in accordance with the enforcement policy. On average 250 verification visits will be required in addition to the proactive interventions in the programme. To comply with requirements of the Brand Standard for FHRS, premises will not be re-rated at these inspections.

Capacity has been based upon average figures for other reactive work (which is also a projected figure and can change up or down), giving more or less capacity for proactive work. Capacity is also affected by unquantifiable enforcement work in non-compliant premises such as verification visits and formal actions for example; service of notice and follow up work such as emergency closures.

A percentage of premises do not open until lunchtime or not at all during the day, some premises are seasonal in nature and others close for holidays, for example schools canteens. These factors make it extremely difficult to apply conventional capacity management principles without having to assume a large degree of error in the results obtained.

Official controls are carried out in accordance with the Food Standards Agency Food Law Code of Practice; special emphasis is placed on the level of compliance with requirements for documented control systems and hygiene training. Unannounced visits are required during the working day.

The intervention rating scheme is complex and is used to determine the minimum frequency and type of intervention required.

Service Performance

The growing demands on the service are highlighted above in Section 2.4.

A shortfall in capacity was highlighted in December 2015 by a Food Standards Agency Audit which found that, *“Due to the significant amount of overdue interventions (with a number being overdue for several years), Havering is unable to give sufficient assurance that the Service is delivering official controls effectively in relation to food hygiene at all relevant establishments in the area.*

This could pose a significant risk to consumer protection and the reputation of the authority, with 66% of the food premises being overdue an intervention.”

At the time of the audit there were 1,257 interventions overdue. There were also 242 unrated businesses.

Measures introduced following the Audit

- (a) A new method of working was introduced in January 2016 which reduces the amount of time professional officers have to spend on data input and administration. This has been reviewed and will continue this year.
- (b) Additional funding was taken from existing service budgets to employ suitably qualified contractors to ensure that the whole programme will be delivered.
- (c) This year the new project will be trialled to determine if it drives up compliance and reduces costs.

Food Standards Intervention Programme

Food standards interventions are part of the system for ensuring that food meets the requirements of Food Standards Law, including proper presentation, labelling and advertising so as not to confuse or mislead, compliance with compositional and bacteriological standards, and the absence of non-permitted or excessive levels of additives, contaminants and residues.

Official controls are carried out by the Council in accordance with the Food Standards Agency Food Law Code of Practice.

The Council's intervention strategy for food standards activities is to undertake food standards inspections at the same time as food hygiene inspections unless a more frequent inspection interval is required under the intervention rating system detailed in the table on page 31. At each inspection the food standards risk assessment is completed and recorded.

Food standards matters are also included in the Council's Alternative Enforcement Strategy.

Feed Standards Intervention Programme

Feed means food intended for animals that are kept by humans to be eaten for food (food animals). The intervention program requires Havering to inspect producers of animal feed and feed material that makes up animal feed. As well as hygiene requirements for production storage and handling, and ensuring that no products of animal origin are fed to food animals. There is a requirement to check that labelling and advertising does not confuse or mislead, and to check compliance with compositional and bacteriological standards, and to ensure the absence of non-permitted or excessive levels of additives, contaminants and residues.

There are a number of farms registered that grow food intended for food animals and premises such as large supermarkets and bakeries that save waste food that is then sent as “feed material” for further processing. Following changes to the feed law code of practice Havering along with most other London Boroughs does not currently employ any officers with the relevant qualifications to lead on feed standards or to inspect feed premises. The FSA are aware of this situation and have offered regional grants to support local authorities fulfil their obligations. Last year the grant was awarded to the association of London Environmental Health managers. Havering authorised a qualified inspector employed by ALEHM to offer advice and inspect 10 premises that were due for inspection in 2016/17. It is envisaged, but not confirmed, that a similar grant will be allocated to ALEHM in 2017/18 and Havering will take advantage of the grant to ensure that premises due for inspection in 2017/18 are inspected. Because of a change to the competency requirements the lead feed officer is also provided by the ALEHM contract. if advice on enforcement is required.

Alternative Enforcement Strategy

The Council follows an Alternative Enforcement Strategy which is specified as an acceptable method of dealing with very low risk businesses instead of carrying out inspections. A sample of premises is contacted to assess compliance. This strategy utilises information, guidance and intelligence gathering methodologies for delivering interventions. The strategy is only employed for establishments that have previously received a full inspection and been given an intervention rating of Category E for Food Hygiene. These establishments will be subject to an intervention by the Council not less than once every three years for food hygiene.

In the period covered by this service plan it is intended that these premises will receive an intervention by letter and questionnaire based upon examples of good practice provided by the Food Standards Agency.

In the longer term it is planned that a selected number of these premises will receive a targeted intervention.

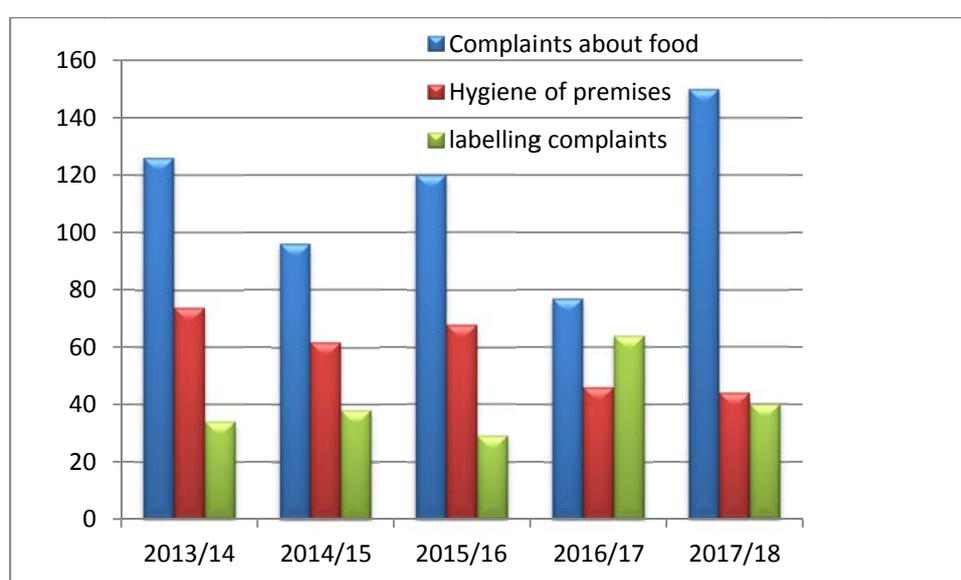
The Alternative Enforcement Strategy will not preclude full inspection, partial inspection or audit if the Council deems it necessary in individual circumstances.

Food Complaints /Requests for service

The Food Safety Division responds to all intelligence and complaints about food or food premises made to the Council. Last year a total of 1068 requests for service were logged. Requests included complaints about hygiene of premises and labelling but also includes requests for information about starting a business, and requests for export certification and freedom of information requests.

The following table summarises the numbers of complaints received in the past 4 years about hygiene of premises, food served from premises and labelling and composition of food.

Table 9. Complaints received in the past five years



Infectious Disease Control Investigations

All formal and informal notifications are recorded on the service database (APP). Subsequent investigations are based on the type of organism, the number of confirmed or suspect cases and are carried out in accordance with Department of Health Guidance. A Memorandum of Understanding (MOU) has been agreed with Public Health England and follows the principles established in a countywide procedural document. Note that the MOU requires the provision of 24 hour cover for outbreak investigation which has been mentioned above in "Emergency Food Safety Issues".

Control and Investigation of Outbreaks and Food Related Infectious Disease:

Table 10

2012/13	2013/14	2014/15	2015/16	2016/17
8 suspected	5 suspected	7 suspected	4 suspected	1 suspected

food poisonings	food poisonings	food poisonings	food poisoning	food poisoning
108 Food poisonings reported and investigated	177 Food poisonings reported and investigated	169 Food poisonings reported and investigated	141 Food poisonings reported	145 Food poisonings reported

Home Authority Principle

The Local Government Regulation (LG regulation) Home Authority Principle and legal definitions aim to ensure that consistency issues for food businesses are dealt with by one authority, assisting in their legal compliance. The scheme recognises two functions for food businesses operating nationally or internationally, home authority (where the head office of an organisation is within the Borough) and enforcing authority (where a company has a manufacturing unit in the Borough or a product has been sold in the borough) Sometimes the head office and a manufacturing unit is within the same Borough, in which case both home and enforcing functions apply. Officers use the scheme when investigating food complaints relating to food sold within the Borough and manufactured / supplied from premises outside of the Borough.

Primary Authority (PA)

The Home Authority principle has been extended by part 2 of the Regulatory Enforcement and Sanctions Act 2008 which came into force on the 6th of April 2009. PA is intended to expand the role of home authorities offering assured advice to business and setting up structures to allow local authorities to charge for this advice, without affecting their role as independent regulators. The effect of PA should allow redirection of resources where intervention programmes are developed by the PA. Officers all over the country must check a national data base in advance of an intervention to see if a partnership exists (if it does and there is an inspection plan) this must be followed, unless permission is obtained in advance to deviate from the plan. It is also necessary to obtain permission from the PA before taking any formal action apart from emergency action. Havering currently has two PA partnerships in operation at a very early stage. It is hope to expand the scheme further in the food safety division and in other departments. This initiative complies with the Borough's regeneration policies for business.

Advice to Business

Successful business = a successful Borough

The Authority is committed to improving food safety and standards and with it the general economy, through education and enforcement. Advice is provided to businesses in the following ways;

- During inspections and as part of follow up documentation;

- Via the Council's web site;
- Leaflets produced internally or externally;
- Start-up advice;
- Self-assessment advice; and
- Distribution of relevant food safety material to food businesses.

Food Inspection and Sampling

The horse meat scandal that broke at the beginning of 2013 has shown that we cannot be complacent where food safety and adulteration is concerned. Sampling of food is co-ordinated with the North East Sector Food Liaison Group in partnership with the Food Examiner and the Public Analysts. The programme covers local, regional, national and when required European and non EU sampling objectives. A system of credits is allocated by Public Health England to regions for microbiological sample analysis. Separate budgets are maintained for compositional analysis, labelling and procurement of samples. Samples can be obtained without payment but this power is only exercised during formal sampling because of the impact upon the business.

Once a sample has been taken the food business is notified as soon as results are received from the analyst. If the results are unsatisfactory there is a follow up intervention to determine the cause and advise on measures to implement to prevent a recurrence. This may result in formal action depending upon the non-compliance.

Food Safety Incidents

The responsibility for ensuring safe food is produced, distributed, and sold lies firmly with the Food Business Operator (FBO), this principle applies to the withdrawing of unsafe or incorrectly labelled food.

The EU operates a rapid alert system for food and feed (RASFF) and the FSA and local authorities play a significant part in its successful operation. Food alerts for action and/or information are received by secure email from FSA.

The result of industry improved compliance has meant that most notifications are for information only and require no further action. Some alerts do require immediate action. The food alert warning procedure for food incidents recognises that such issues are required to be dealt with quickly in accordance with the categories on each food alert. Specific actions and audit trails following the receipt of an alert are required.

Liaison with other Organisations

Consistency is a key feature in all of the Authority's regulatory functions. With regard to food safety, this is achieved by:

- Attendance and active participation by a Senior Officer at the London Food Coordinating group, The Approvals and Manufacturing Group, North East Sector Food Liaison Group and PHE Infectious Disease Control each hold regular liaison meetings to ensure co-ordinated approaches and minimal duplication of effort.
- Director of Public Health (DPH) links to the Primary Care commissioning group and the Strategic Partnership. Public Health England and the Food Standards Agency attend regional coordinating meetings.
- Attendance at these meetings ensures that food safety risks affecting the region are identified quickly and that criminal activity is not allowed to move from Borough to Borough without being detected. For operational security reasons no further details are provided regarding liaison and intelligence gathering.

Food Safety Promotion

Educational and promotional activities are an important aspect in the delivery of a comprehensive food safety service.

Promotion of food safety is achieved in the following ways;

- Food information available directly from the Food Safety section of the Council website.
- Targeted advice/information sent to relevant groups on issues of regional or national significance.
- Particular initiatives include promotion of Food Safety Week
- Food Hygiene Courses provided through our partnership with Glevum Management.

Resources

Budget

Table 11

Staffing A01.A26220.611000	£ 429,940
Staff Training A01.A26220.611480	£ 4,000
Travel costs A01.A26220.631220/631260	£ 5,300
Administration A01.A26210.611000*	£ 35,500
Investment in IT A01.A26220.681100/642220	£ 8,500
Food Sampling A01.A26220.641640	£ 19,000
Total	£ 502,240

*Non food cost centre

Staffing

Table 12

	Full Time Equivalents: FTE	Current Posts Filled
Food Safety Divisional Manager	1	1
Food Safety Specialist	1	1
Environmental Health Officer	6	4.6
Administration Support	0.5	0.5
Sub Total	8.5	7.6
Minus Health and safety at work and nuisance investigation undertaken by Food Safety Division.	0.5	
Total resource available for food safety and food standards	8.0	1.4 Vacancies

Staff Development

The officers within the Food Safety Division follow a programme of continuing professional development.

New competence assessments were introduced in the food law code of practice 2015 which require detailed assessment to be carried out annually and in year when changes to legislation or practices require it. All Officers involved in food law enforcement have to achieve 20 hours of continual professional development (CPD) per year. Chartered Environmental Health practitioners have to achieve 30 hours CPD per year. A minimum of 180 hours per year not including traveling have to be found to accommodate this essential training. Personal Development Review interviews are held on a 6 monthly basis as part of the corporate staff development plan. ABC Food Training provide an on line training package, relevant and appropriate training courses may be identified which are allocated based upon business need and available resources. Cascade training is facilitated at food safety division team meetings and other ad hoc training sessions when required to keep costs down and consistency levels high.

The food standards agency recently announced that it would be stopping its low cost training in favour of on line training. There are obvious financial benefits to this method of training, however there are also disadvantages, the London region is considering providing feedback in relation to this.

Quality Assessment and Monitoring

The provision of quality services is one of the Council's guiding principles and food safety is no exception. With regard to food safety the quality agenda is pursued via a number of methods. The main method is the quality manual which specifies standard operational protocols for food safety work.

The quality management procedure specifies relevant monitoring arrangements be in place for the checking of reports and correspondence, notices and joint consistency visits. Complaints against the service are monitored on a Service and Corporate basis. All documents are used through the database and fully controlled. The quality manual guides officers through policy issues. Regular training and use of the database ensure a consistency of approach. Further consistency training is provided annually for FHRS and 100% monitoring is taking place of scores allocated.

Food Standards Agency (FSA)

The Service is required to submit returns to the FSA detailing official controls and types of interventions, enforcement and educational activities undertaken and outcomes. The Authority's performance is closely monitored to ensure compliance with the Framework Agreement. A Local Authority Enforcement Monitoring Scheme (LAEMS) is in place for annual electronic returns. Data is uploaded to a secure FSA server and analysed. Data is collected from all local authorities in the country in this fashion and it is then collated and reported to the European Food Standards Agency. The FSA sets standards and monitors local authority food law enforcement services using powers in the Food Standards Act 1999.

The FSA has a program of audits of Local Authority performance. Audits include the following key elements;

- Staff interviews;
- Organisation/management of the food safety service;
- Sampling and complaints;
- Internal monitoring;
- Data handling and access to historical data;
- 3rd party audits and reviews;
- Random check of premises files and reality checks on premises in the Borough; and
- Formal/voluntary action including service of notices and prosecutions.

Inter Authority Audit (IAA)

From time to time audits between East London Boroughs take place, non were arranged for 2016/17.

Review Process

The Divisional Manager will review key performance measures and service improvements contained in the plan on an annual basis and publish results in the following plan.

Service performance indicators are as follows:

Total number of food businesses requiring regulation.

Food establishments over- due for inspection

Percentage of establishments that are broadly compliant with food law.

Food establishments rated zero for food hygiene rating

Food establishments rated 1 for food hygiene rating.

Total number of intervention achieved as a percentage of those due.

Benchmarking with other Boroughs will be undertaken using the above information for comparisons.

Achievements

This table summarises the total numbers of routine interventions undertaken by the Division as at 31st March for each of the past 7 years.

Table 13 all figures correct at 31st March of each year

Food Hygiene	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17
Total number of premises on 31 st March	1586	1761	1743	1830	1892	1813	1858
Total Interventions achieved	579	1083	855	915	755	1030	936
Due interventions Outstanding	910	195	420	1117	1232	597	18
Percentage of broadly compliant premises (Hygiene)	69%	77%	74%	68%	77%	76%	87%
Service requests - Food	92	111	126	96	120	77	150
Service requests - Hygiene of premises	43	42	74	62	68	46	44
Written warnings issued	482	516	389	404	423	919	874
Hygiene Improvement Notices served	11	15	7	11	12	10	16
Emergency prohibition (including voluntary)	0	1	2	0	1	0	0
Prosecutions concluded	3	0	0	3	1	1	2
Remedial action notices	0	1	0	1	0	0	0
Seizure or detention of food	0	0	1	0	0	1	0
Microbiological Samples	40	65	73	24	13	0	28
Food Poisoning notifications (suspect and confirmed)	102	121	108	177	176	165	145
All Food requests for service & information	724	837	1058	923	848	898	1068
Export certificates issued	52	35	307	48	59	143	131

Table 14

Food Standards	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17
Total number of premises as at 31 st March	1570	1746	1736	1825	1892	1810	1856
Total Interventions achieved	479	701	520	472	634	968	889
Due interventions Outstanding	652	223	413	997	1032	683	245
Percentage of broadly compliant premises	68%	79%	70%	62%	73%	74%	86%
Service requests for labelling and composition	42	36	35	38	27	64	40
Written warnings issued	67	140	85	141	173	164	763
Improvement notices served	0	1	1	0	0	0	0
Prosecutions concluded	0	0	0	2	3	0	0
Samples for labelling and composition	17	108	70	50	43	23	27

Pressure on service delivery

After a long period of stability in relation to staff resources there have been a number of resignations and a retirement of an officer. At the writing of this plan there was one FTE vacancy in the Division that could not be filled at the last recruitment round in November 2016. A further resignation has been received, and the post will be vacant from July 2017. This vacancy has been advertised on a temporary contract pending a service review and we are awaiting applications. The underspend from one post is being used to fund a project to contract out lower risk inspections for 2017/18. Two newly appointed officers are in post from the recruitment process held in January 2017. These posts were not filled until May 2017 and contractors were employed to undertake work required whilst waiting for new starters to work their notice and commence employment with Havering. There is a national shortage of food safety qualified staff, which has set off a round of movement of staff between London Boroughs which occurred in the 1990s when a similar shortage occurred. A shortage in directly employed staff impacts in a number of ways; rotas for reactive

work have to be adjusted and staff have to spend more time on this work leaving less time for proactive work. Knowledge of the Borough is lost and knowledge of systems and procedures are affected, new employees have to be trained and capacity in the form of time and other officer time allocated for this.

Appendix 1

Enforcement Policy

This policy has been designed to fulfill the requirement contained in the Food Standard Agency's (FSA) Food and Feed Law Codes of Practice (England) for the Council as a "competent authority" to have an up-to-date, documented enforcement policy which is readily available to food and feed business operators (FBOs) and consumers. The Policy encompasses all areas of food and feed law that LBH has a duty to enforce and includes criteria for the use of all the enforcement options that are available.

The Regulator's Code (April 2014) has been applied in drafting this plan. The principles of the code are as follows;

- 1) Regulators should carry out their activities in a way that supports those they regulate to comply and grow;
- 2) Regulators should provide simple and straightforward ways to engage with those they regulate and hear their views;
- 3) Regulators should base their regulatory activities on risk;
- 4) Regulators should share information about compliance and risk;
- 5) Regulators should ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply; and
- 6) Regulators should ensure that their approach to their regulatory activities is transparent.

This policy along with the Public Protection Food and Feed Safety Service Plan will be published on the Council's website, any comments received during its lifetime will be considered during the review process.

General Overview of Enforcement Principles

The protection of public health will be the paramount consideration in LBH's approach to the enforcement of food law.

This policy aims to protect public health by targeting resources towards persistently non-compliant businesses using a risk-based proportionate approach.

Enforcement at persistently seriously non-compliant businesses is time consuming and costly to the council tax payer. Permitting non-compliance with food law to continue is not fair to businesses that are compliant and act responsibly. It is potentially dangerous and or misleading to the consumer if an irresponsible business is allowed to operate unchecked.

It should be noted that non-compliance with food and feed law is a criminal offence. In this policy "enforcement" includes any action aimed at ensuring that individuals or businesses comply with the law. It is not limited to formal enforcement action such as prosecution, but includes a range of interventions that seek to achieve compliance with food law.

In undertaking all its food law enforcement responsibilities LBH will strive to ensure that:

All enforcement action taken is reasonable, proportionate, risk-based and consistent with good practice.

In every circumstance the full range of enforcement options will be considered. This includes educating FBOs, giving advice and guidance, informal action, sampling, detaining and seizing food, serving hygiene improvement notices/improvement notices, remedial action notices, hygiene prohibition procedures/prohibition procedures and prosecution (*some names seem similar but are made under different legislation*).

A “risk based hierarchical enforcement approach” specified in the food law code of practice and practice guide will be used. Advice, education and informal action will be considered as a first option and used wherever possible, taking into account risk and competitive advantage, before more formal action is considered.

We will consider escalating action towards food businesses where there is evidence that there is:

a blatant or deliberate contravention of the law,
a history of non-compliance,
a history of non-cooperation,
obstruction,
a low risk to public health but a high competitive advantage (e.g. large volumes of misleadingly described food).

We will use immediate formal enforcement action where there is evidence of a serious or imminent risk to public health.

Service of notices is a civil procedure, non compliance with notices is a criminal offence.

Where a Primary Authority partnership exists we will attempt to resolve non-compliance by liaising with the Primary Authority where appropriate.

In considering whether to initiate enforcement action, we will take account of the following:

This enforcement policy;
The Code for Crown Prosecutors;
The Regulators Code;
Guidance from FSA; and
Intelligence from other enforcement bodies.

It is not possible to discuss every eventuality in this policy. There may be occasions where decisions deviate from the policy. If this occurs the reasons for the deviation will be explained, so far as is reasonable, without declaring sensitive or confidential information or revealing investigation techniques that might prejudice current or

future cases. A confidential record will be made of all such decisions that deviate from the code.

An equalities impact assessment has been completed to identify areas where the policy might impact inadvertently on disadvantage groups within the community.

The overall equalities and social inclusion impacts and risks of the regime were considered at a national and European level at the time of inception of the regulator regime of food premises risk rating. The implementation of this years' service plan aims to continue to ensure that people who live, work or visit the Borough or purchase food produced in the Borough have access to safe unadulterated food, thereby, improving their general lifestyles, health and wellbeing.

It is envisaged that there will be a net positive impact on all sections of the community across all protected characteristics. Children and young people and older people, vulnerable children and adults are amongst the groups that will potentially benefit the most as they are more susceptible to food poisoning.

Conduct of Officers

All LBH Food Safety Officers will:

be courteous at all times,

be competent in food safety matters,

have regard to this policy when carrying out their assigned duties,

always identify themselves to the FBO and show official LBH identification, unless carrying out covert operations.

Conduct of Food Business Operators

Officers will expect the same level of courtesy they give to FBOs and their staff to be given to them in return. Any form of abuse is unacceptable. If abuse, either verbal or physical, occurs then the Council's procedures for reporting and dealing with such incidents will be followed.

It is an offence to obstruct an officer in the execution of their duties. Any form of obstruction will be considered when assessing the premises risk rating and food hygiene rating and can be considered in the confidence in management element of the Food Hygiene rating scheme. .

Any abuse of an officer physically or verbally may be reported to the police and/or the Council's legal services for further action.

Operational Implementation

The following sections relate to specific enforcement issues in the Council's food safety work and are included to ensure compliance with the Framework Agreement.

New Food Businesses

Potential food businesses will be signposted to advice and guidance located on Havering and FSA websites. A pre-inspection visit will be offered to any business that registers their business 28 days in advance of opening for business.

Taking into account the impact upon the Council and fairness to other businesses we will provide information online and signpost them to sources of advice but will stop short of becoming unpaid consultants. (This service is currently under review and may be offered as an improvement to service delivery for a fee).

Where appropriate, we will also advise on other environmental issues such as odour and noise nuisance that may arise from the proposed activity.

In some circumstances advice may be required from other Council Departments and we will refer the business to the relevant department as appropriate.

Registration of Food Business

It is a legal requirement for a food business to register 28 days in advance of opening to the public. Food businesses that fail to do this will not be afforded access to the usual escalating enforcement action regime. In such cases any non-compliance matters found during an initial visit may result in immediate service of notice and/or prosecution.

Registration cannot be refused, although it would be beneficial for all concerned for the Food Division to inspect in advance of opening this cannot currently be enforced. Formal action for failure to comply with the 28 days' notice period in the absence of other non-compliance has been considered over burdensome by the courts. There is an obligation upon the competent authority to inspect and rate the premises when it is found trading or notifies in advance of opening. Regardless of the timing of notifications the food business is still fully responsible for compliance. Ignorance of the law is not an acceptable defence. Non-compliance found will be dealt with taking regard to any advance notice given by the business or lack of it and be proportionate to risk to public health found.

Premises that have completed an application to register but are not yet trading will not be placed on the Councils register of food businesses. They will be allocated a "not yet trading" category and we will contact them on a monthly basis to establish when they intend to start trading so that they can be formerly registered and inspected and rated for FHRS purposes.

There are a number of scenarios where a premises ceases trading, closes temporarily but fails to contact this division to inform us of the situation and in a small number of cases some businesses fail to respond to reasonable requests for us to visit, this may be when a mobile trader trades away from the borough and is rarely home for an inspector to visit, during normal or outside of office hours. In these instances after reasonable efforts have been made to establish contact, the premises will be removed from the Councils register and the business operator

informed. They will also be removed from the FHRs national database at the same time.

Commercial premises can be entered (by an *authorised officer) at all reasonable times to undertake official controls. This option will be used where a business is failing to cooperate but is suspected of still trading as a business. If the business is operating from a domestic premises 24 hours notice must be given before entering. In certain circumstances a warrant to enter premises will be obtained where it is suspected that giving notice would negate the reason for entry.

Operation of the Food Hygiene Rating Scheme (FHRs)

The FSA's Food Hygiene Rating Scheme is operated by local authorities in England and Wales. It provides consumers with information about the hygiene standards in food businesses by rating them on a scale of 0 to 5. A rating of 0 indicates that urgent improvements are necessary while a rating of 5 indicates very good hygiene standards.

The FSA provides complex and detailed guidance on the implementation of the scheme in a document known as the "Brand Standard".

The Council will operate the FSA's food hygiene rating scheme in accordance with the FSA's "Brand Standard".

In summary, a rating is given to the premises from 0 to 5 taking into account scores for compliance with hygiene and safety, structure and cleanliness and confidence in management. The practical application of the rating scheme scoring method is complex and requires detailed reference to the Food Law Code of Practice, Practice Guidance and Brand Standard every time a business is inspected.

A business will be informed of their food hygiene rating at the closing meeting following a full or partial inspection. Ratings are monitored and checked for accuracy and consistency on a random basis. If this monitoring identifies anomalies the FBO will be notified, the rating will be withdrawn and a new rating allocated. The appeals procedure will start from the point that the new rating is notified.

Food Business Operators must put in place, implement and maintain a permanent procedure or procedures based on the Hazard Analysis of Critical Control Points (HACCP) principle. HACCP involves the business identifying those things (cooking, cooling, cleaning and cross contamination) that could make food unsafe for customers.

To carry out a HACCP based food risk assessment businesses should:

- identify each step in the chain of their operation, from food purchase to service to the customer;
- identify the hazards present at each individual step in the chain which must be prevented, eliminated or reduced to acceptable levels;
- identify any critical control limits for the hazards identified (e.g. absence of contamination and temperature levels);
- identify the controls and precautions in place for the hazards identified; and

identify how the controls will be monitored and any further corrective actions necessary carried out.

A basic pack called Safer Food Better Business (SFBB) has been produced to assist smaller businesses comply with the legislative requirement and It can be downloaded from the FSA website free of charge.

If a food business has documented food safety procedures but they are not being implemented then this will be reflected in the score awarded in the “confidence in management” category.

As a general rule, if a business has not been maintaining appropriate monitoring documentation, including for example, opening and closing check records, where appropriate food temperature records and other critical control point monitoring documentation, cleaning records etc. for a period of four weeks or more then this will be taken as evidence that the food safety management system, if it exists, is not being implemented. In such cases a score of 20 will be awarded in the “confidence in management” category which will lead to a maximum potential overall rating of 1 or 0.

A door sticker is provided confirming the rating given [display is voluntary in England and compulsory in Wales and Northern Ireland. A key strategic aim of the FSA is to put through legislation for mandatory display in England. The sticker belongs to the Council and is not the property of the FBO. The sticker remains the property of the London Borough of Havering and can be removed at any time by an *authorised officer of the Council for any reason specified in the “Brand Standard”.

An appeals procedure will operate and details are provided to the FBO following inspection which can be found on the Councils website.

Businesses can now request a rerating visit for which there is now a charge of £195 where we will assess works completed following our original inspection and issue a new rating based on the new findings. This could mean that the rating goes down rather than up. A requirement of the standard is that a full inspection is carried out not just a review of the items of non-compliance that resulted in the original rating. Businesses can apply for a rerating visit at any time following the initial intervention but before the next scheduled intervention. The visit will be unannounced and will occur within 3 months of payment. There are specific terms and conditions that must be met that are specified on the safeguarding leaflet given out after every inspection and also available on the Councils website.

Checks will be made in year on premises that have been inspected following a rerating request to ensure that improvements have been maintained. We will concentrate these checks on those premises that were failing broad compliance but improved following intervention from us and then applied for a rerating. If there are significant failures found during these checks we may carry out a full or partial official control and rerate the business showing the true rating found. We will also carry out random checks on premise that were rated 5 on the first visit. *(This regime will give the public, food businesses and the inspectorate confidence that paying for a rerating is not a paper exercise)*

The rating is uploaded to the FSA's database and published on the national website. There are controls in place to ensure that appeal periods are met before publication.

Information on all ratings awarded is available for the consumer from the FSA's website and mobile device apps.

Havering will be tweeting information about premises that fail broad compliance and are given a rating of 2 or less. and in future to help consumers decide where to eat.

LBH's officers receive both internal and external training on the operation of the scheme to ensure consistent application of ratings. Quality monitoring of decisions is undertaken regularly. Peer review and inter authority auditing and challenge testing exercises will also take place from time to time.

Routine Inspection and re-visit Procedure

All food businesses due for inspection will be notified that they are due for an inspection in the next three months. The exact date and time will not be divulged.

At the time of the inspection officers will explain the purpose of the intervention.

A hand written visit report will be provided to the FBO at the closing meeting at the end of the inspection summarising the main issues discussed and any works required to comply with legal requirements. A food hygiene rating will also be calculated and given at the same time. Visit reports will clearly identify legal requirements with timescales for completion where appropriate. These will be distinguished from any recommendations which will be separate and clearly indicated.

It may be necessary depending upon the severity of the non-compliance found to return to the office to produce a full report. This will be sent by post within 10 working days of the initial visit, in these cases the appeal period for FHRS will start from the date on the report rather than from the date of the inspection even though a provisional rating will have been given at the initial inspection.

A premises that achieves a rating of zero 1 or 2 is deemed to be non-compliant with food law and will automatically generate multiple revisits within the year to check that non-compliance has been rectified and improvements are maintained. None of these visits will form part of a FHRS re-rating inspection.

Official control intervention visits will not be made by appointment. Officers are given discretion to work outside of this general rule where there is an obvious difficulty incurred by the food business in complying with this practice. If a food business states that it is inconvenient to carry out an inspection a valid reason must be given to the officer who will consider the request. Where the reason is accepted as valid the officer will note the reason and carry out a walkthrough of the premises, to ensure that there are no imminent risks to the public, before arranging a suitable time to undertake a full intervention.

Informal Action

(Informal action to secure compliance with legislation will include offering advice and the use of written or verbal warnings, including those generated following inspection. If no response is received to a warning letter, the authority may consider offering a caution as an alternative to prosecution should it be in the public interest to do so.

Informal action will be considered in one or more of the following circumstances:
the act or omission is not serious enough to warrant formal action;
the previous history of the individual/enterprise indicates that it can reasonably be expected to achieve compliance through the use of informal action;
confidence in the management is high; and the consequences of non-compliance will not pose a significant risk to public health.

During an inspection visit of a food premises, the officer will give the proprietor verbal advice on how to remedy any contraventions of the law and on general good practice.

Timescales for any action or work required will be discussed and agreed to bring about compliance with food law. Where agreement cannot be reached at the time of the visit further discussions regarding timescales may take place in writing. If an agreement on timescales cannot be reached formal action may follow.

Work required for best practice is advisory and no action will be taken if a food business operator chooses not to implement best practice recommendations and advice.

There may be occasions where there is ambiguity in compliance with food law where a written undertaking may be requested. An example of this could be a butchers shop selling raw and cooked meat where there is only one vacuum pack machine, the FBO would be asked to sign a written undertaking to use the equipment only for raw meat, or only for cooked meat. (*vacuum packing machines are considered complex machines and can only be disinfected by the manufacturer by completely dismantling all parts, disinfected using a prescribed disinfectant and replacement of all seals in the machine*). Offences arising from failure to follow the terms of an undertaking are likely to result in prosecution.

Informal action is one step removed from formal action and will not be used if there is a history of non-compliance by the FBO or if the Officer dealing with the case believes that the FBO would not comply with the undertaking based on the discussions he/she has had with the FBO.

Formal Action

The following sections deal with more formal types of enforcement activity. Current FSA guidance on the use and service of notices will be observed at all times.

Detention and Seizure of Food

Where the Council has grounds for suspecting that food does not comply with food safety requirements we may use powers to inspect, detain, seize and arrange for condemnation of the food.

Any food found not to comply with food safety requirements may be detained and moved to a secure place. If following sampling for analysis, or following further investigation, the food is determined as not complying with food safety requirements it will be officially seized and a food condemnation notice served.

When food is seized, we will give the person from whom the food is taken an detailed receipt.

The matter will then be brought before a Magistrates' court to apply for condemnation of the food. All efforts will be made to notify the owner of the food of the date of the hearing so that they may be represented at the hearing.

If the Magistrates do not condemn the food, we will release it back to the owner who may be entitled to claim compensation for any loss suffered, this would be a matter for the court to decide.

We will always give full details of our actions to the owner of the food when we exercise this power and explain the procedures and implications of any actions taken by both sides.

Hygiene Improvement Notice and Improvement Notice

These are statutory notices used when a food business is failing to comply with food hygiene or food processing regulations. They require the necessary remedial action to be taken by a proprietor of the food business in a specified time. (There is a statutory 14 days appeal period against service of a notice of this nature. Therefore no works will require less than 14 days for compliance.)

Discussions will take place with the FBO, where possible, to determine a reasonable time for compliance with a notice. This will take into account the risks involved by carrying on the business in breach of food law, the costs of compliance, the availability of equipment and materials and labour to install it and how long the non-compliance has been continuing, as well as any competitive advantage that may have been gained.

A realistic timescale will be set for compliance taking into account the issues stated above but the protection of public health and reduction of competitive advantage will take precedence over the practicalities of compliance.

Requests for extensions of time must be made in writing at least 5 working days before the date specified for compliance or sooner if the lead in time for compliance is longer. Legitimate reasons should be specified and any appropriate supporting evidence provided. The request should be addressed to the Food Safety Divisional Manager. The determination of a request for an extension of time will be notified to the FBO in writing as soon as possible but before the date specified for compliance.

If an extension of time is granted then the existing Notice will be withdrawn and a new Notice will be served stating the new specified time for compliance.

When a Notice has been served the Council will make a visit to the premises before the Notice expiry period to check on the progress of works and offer any appropriate advice and guidance to the business to assist with compliance.

After the notice has expired a visit will be carried out to assess if compliance has been achieved. Where compliance has not been achieved further formal action will be considered.

Failure to comply with a Notice is a criminal offence and may lead to legal proceedings being instigated.

14. Remedial Action Notice (RAN)

These are statutory notices specifically designed for use in premises that are approved, or should be approved, to handle products of animal origin defined in EU Regulation 853/2004.

They are far more prescriptive than hygiene improvement notices. They can be used to stop a process or activity because of non-compliance with the special provisions that the regulation requires.

Hygiene Emergency Prohibition Notice

Where the health risk condition is fulfilled and there is an imminent risk of injury to health posed by a food premises or process, the LBH Officer may serve a Hygiene Emergency Prohibition Notice requiring the business to close and cease trading and/or stop a particular process.

The use of a Hygiene Emergency Prohibition Notice will be considered appropriate only if there is an imminent risk of injury to health and one or more of the following circumstances are present;

the consequences of not taking immediate and decisive action to protect public health would be unacceptable;

the guidance criteria specified in the Food Law Code of Practice concerning the conditions when prohibition may be appropriate are fulfilled;

there is no confidence in the integrity of any offer made by the food business

operator to voluntarily close the premises or cease the use of equipment, process, or treatment associated with the imminent risk; and

the food business operator is unwilling to confirm in writing his/her offer of a voluntary prohibition.

Wherever possible, a second opinion from another suitably authorised officer will be obtained prior to the notice being served for the purpose of checking the notice.

Examples of Health Risks

The following paragraphs provide examples of circumstances that may show that the health risk condition exists as defined by Regulation 7(2) or Regulation 8(4) i.e. there is an imminent risk of injury to health, and where an authorised officer may therefore consider the use of such prohibition powers. These examples are in no way prescriptive or exhaustive and are for illustrative purposes only. Relevant guidance from the FSA will be followed in all such cases.

Infestation by rats, mice, cockroaches, birds or other vermin, serious enough to result in the actual contamination of food or a significant risk of contamination.

Very poor structural condition and poor equipment and/or poor maintenance, or routine cleaning and/or serious accumulations of refuse, filth or other extraneous matter, resulting in the actual contamination of food or a significant risk of food contamination.

Drainage defects or flooding of the establishment, serious enough to result in the actual contamination of food, or a significant risk of food contamination.

Premises or practices which seriously contravene food law and have been, or are implicated, in an outbreak of food poisoning.

Any combination of the above, or the cumulative effect of contraventions which, taken together, represent the fulfillment of the health risk condition.

Where a Notice is served an application must then be made within 3 days to the Magistrates' Court to have the notice confirmed with a Hygiene Emergency Prohibition Order. If the court is satisfied that there was an imminent risk then costs incurred by the Council may also be awarded against the business.

Voluntary Procedures

If the manager of a food business offers to close voluntarily, the officer should confirm that the manager has the authority of the FBO to agree to such voluntary action. The officer should ensure that frequent checks are made on the establishment to ensure that it has not re-opened.

This is appropriate when the FBO agrees that a health risk condition exists as defined by Regulation 7(2)/Regulation 8(4) i.e. there is an imminent risk of injury to health. Any voluntary closure agreement should be confirmed in writing by the FBO or manager and the authorised officer, with an undertaking by the FBO or manager not to re-open without the officer's prior approval.

Entry at reasonable times

An authorised officer can enter any premises at all reasonable times. The officers photo card identification and a copy of his or her authorisation document is sufficient evidence that they are authorised. All normal working hours of the day or night could be could be reasonable depending upon the type of premises. (Ie it would be considered unreasonable to try to gain entry to a premises that usually closes on a Thursday afternoon on a Thursday afternoon. It would be considered reasonable to try gain entry to a premises on a Saturday night if the busiest period is a Saturday night and it was necessary to observe this period to check compliance)

Warrant to Enter Premises

Officers may apply to the Magistrates' Court for a warrant to enter premises in the following circumstances:

entry is required at an unreasonable time; and/or
entry to a premises is refused; and/or
entry is expected to be refused; and/or
the premises are vacant and entry by force is required.

Entry to domestic premises used as a food business will usually be notified 24 hours in advance unless this would negate the reason for entry, in which case a warrant to enter the premises would be applied for from a magistrate.

In all cases, officers will exercise their powers courteously and with respect for persons and property and only use reasonable force when this is considered necessary and proportionate to the circumstances.

Prosecution

Where formal action is required a prosecution may be necessary if the alleged offence is serious enough. Any decision to prosecute will be taken strictly in accordance with the Crown Prosecution Service, FSA codes of practice, Regulators Code and any relevant guidance issued by the London Borough of Havering.

When gathering evidence the Police and Criminal Evidence Act (PACE) code of practice will be followed.

Interviews will normally be conducted at the Council Offices or at Council Offices in other areas when working on cases with cross boundary implications. In some cases facilities at Police stations may be used. To comply with PACE all planned interviews are recorded so it will be rare for such interviews to be carried out at premises without this facility. Where interviews take place without the benefit of recording equipment officers will make a note of the questions asked of whom and the responses in an official note book. If practical and possible the respondent will be given an opportunity to read and sign the note book confirming his/her answers. This particularly applies to any interviews carried out within food business premises.

Interviews under caution are often carried out as part of a criminal investigation. They provide the alleged offender an opportunity to explain why an incident occurred which may be a reasonable defense or may highlight diligence issues. Any interviews undertaken will be considered before a decision is made to prosecute any individuals or body corporates etc. under the code of crown prosecutors .

Before considering a prosecution, the full code test in the code for crown prosecutors will be applied as to whether there is sufficient evidence and if it is in the public interest to proceed with a case. Additional factors which will be considered include the following;:

The nature of the breach and history of compliance.

In the case of a new business the FBO's willingness to comply and prevent a recurrence.

The seriousness of the offence.

Reliability and credibility of evidence

Previous convictions or cautions.

The likelihood of the defendant being able to establish a due diligence defence.

Whether the issuing of a simple caution would be more appropriate or effective.

Simple Caution

A simple caution may be offered where there is an admission and acceptance of guilt. Normally this will only be offered for first (or less serious) offences; the offender should not have received a caution for a similar offence within the last 2 years. Sufficient evidence will have been obtained to prove the case and it has been determined that this course of action is in the public interest. The offender must be 18 years of age or over.

This course of action is normally considered when the criteria for prosecution are met but extenuating circumstances suggest a more lenient approach would achieve the same objectives. A caution accepted by an individual/body corporate will be held as a record at the Councils offices . Should the offer of a caution be refused then a prosecution may automatically follow.

If the offender commits an offence in the future any previous convictions or cautions will be taken into account before a decision is made to prosecute. It is also likely to influence how the Council and others deal with any similar breaches in the future and may be cited in court if the offender is subsequently prosecuted for a similar offence. If a caution is issued to an individual (rather than a corporation) it may have consequences if that individual seeks certain types of employment.

Both prosecutions and simple cautions will be recorded on the FSA's data base.

Recovering our costs

We will normally seek to recover all our costs from convicted offenders or where a successful application has been made for an Emergency Prohibition Order, Condemnation Order or similar court order.

Proceeds of Crime

Applications may be made under the Proceeds of Crime Act for confiscation of an offender's assets. Their purpose is to recover the financial benefit that the offender has obtained from his criminal conduct. Applications may be made after a conviction has been secured.

Publicity following Enforcement Action

Any case requiring either the closure of a food premises using emergency prohibition powers, or prosecution and/or seizure of unfit food will normally be published on the Council's website.

In such cases a report will be sent to the Council's communications department who will produce a press release to the media.

Where a food business operator voluntarily surrenders food or ceases an activity which may otherwise have lead to use of emergency powers, the Council will exercise discretion on publicity.

Enforcement within establishments operated by LBH

Havering Catering Services (HCS) provide meals in a number of schools in the Borough. They also provide the Town Hall restaurant facility.

There is regular communication with the HCS management team and the Lead Officer for food safety. Issues arising from routine interventions and complaints investigations are discussed in the same way that the Council would discuss them with an independent FBO. Timescales are agreed for the implementation of controls or any works required. Reports following interventions are sent to the Catering and Facilities Manager.

All premises operated by HCS are rated for intervention frequency and included on the database to calculate the date of next intervention. HCS are not party to information regarding inspection programs and are not informed in advance of interventions. Reports following interventions are generated in the same way as those sent to private sector FBOs. Time frames for compliance are discussed with managers and agreed based upon risk in the same way as for businesses in the private sector.

As is usual in the private sector, discussions regarding implementation of controls required will only be escalated to senior manager level where agreement cannot be reached.

Section 3 of the Food Law Code of Practice requires the Council to adopt a procedure to be implemented in the event of a disagreement over a practice or an improvement required in one of the managed premises.

The procedure agreed is as follows;

- The manager of HCS and the lead officer for food safety agree that there is an impasse on a course of action required.
- In this event a hygiene improvement notice will be drafted by the food safety manager and laid before the Chief Executive (CE) for consideration in accordance with 1.3.3 of the Food Law Code of Practice. The HCS manager will provide information at a pre-arranged meeting with the CE and lead officer for food to argue his/her case.
- Where the "health risk condition" is satisfied and voluntary closure is agreed the CE will be informed of the situation.
- Where the "health risk condition" is satisfied and agreement cannot be reached between the manager of HCS and the lead officer for food safety, a Hygiene Emergency Prohibition Notice (EPN) will be served on the HCS manager.
- The manager will follow the terms of the notice and close the premises or suspend the process which is the subject of the EPN. The EPN will be laid before the CE using the same time frames as required in the private sector for having the notice converted to an order in the magistrates' court. The CE will make the decision to convert the notice to an order or not rather than the magistrates court. All protocols, rules, checks and balances that are in place for enforcement action in the private sector will be applied when considering action of this nature to ensure that enforcement decisions are fair unbiased and free from any "conflict of interest".
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Approval of Premises

Approved premises under the relevant EC regulations made under ECA 1972 will be subject to official controls in accordance with the FSA Food Law Code of Practice and Practice Guidance on Approved Premises.

Training of officers will be implemented to allow them to identify businesses that require approval and to act as back up officers to carry out monitoring and surveillance interventions in those premises or deal with issues arising from the premises when the lead officer is not available.

Revocation or Suspension of Approval

This action would only be taken in accordance with the FSA's Practice Guidance on Approved Premises. Enforcement options will be carefully considered. The result of this action would affect the ability of the business to continue to trade.

Remedial Action Notices will be considered as a possible enforcement option in the first instance.

A second opinion will always be sought from another suitably authorised officer prior to any formal action of this nature being commenced.

Complex matters affecting decisions

Depending upon a number of factors, the availability of resources from time to time may affect a decision to investigate further and in some cases it may be impossible to investigate once time has elapsed.

Complaints against Service and Appeals Procedures

The Council operates an internal complaints procedure for complaints against service. This is available on the Council's website.

The following paragraphs indicate decisions where the complaints procedure will not apply because there is already an official appeal built in to the process.

An appeal against the food hygiene rating awarded to a business following an inspection can be made to the Lead Food Safety Officer of the Council using the appropriate form which is available on the Council's website. If the appeal fails a judicial review can be instigated by the appellant.

Refusal to issue an Approval for a premises or a process is subject to a statutory appeals procedure via a Magistrates court.

Decisions to prosecute, serve emergency prohibition, remedial action and hygiene improvement notices are subject to either a statutory appeals procedure, or review by the courts themselves. Proprietors of food businesses are entitled to appeal to a Magistrates' court against any refusal of the Council to lift a Hygiene Emergency Prohibition Order.

If a simple caution is offered and refused then a prosecution will be instigated, and the court will be the FBO's recourse to appeal.

***Authorised officer**

An officer competent to enforce food law as defined by chapter 4 of the food law code of practice, whose authorisation has been officially lodged with the monitoring officer of the Council to implement the powers specified in his/her authorisation in compliance with the Councils constitution.

Review

This plan will be subject to formal review on an annual basis.

Any comments received at any time will be considered during the review process.

In addition to the formal review process, the plan may also be updated from time to time for operational reasons.

Appendix 2

Student project AES

Introduction

A project was undertaken over the summer of 2016 where a total of 236 food businesses were visited. The visits were carried out by students/graduates. The project focused on the areas of Food Safety and Health and Safety advice, information and intelligence gathering.

The objectives of the project in relation to Food Safety were:

- To raise awareness and encourage the use of the Safer Food Better Business Pack (SFBB).
- To raise awareness of the Food Hygiene Rating Scheme (FHRS).
- To encourage food businesses to train their staff in food safety matters.
- To provide general food safety advice and information to food businesses.
- Through the above to encourage businesses to improve standards of food safety overall thus increasing the total number of businesses within the Borough with a maximum possible food hygiene rating of 5.
- To update the Council's food business data base through ensuring food businesses were properly registered.

Appendix 3

FSA audit, December 2015 main finding's

- Service plan should clarify interventions due against capacity
- Service plan should be updated in year if resource is added or taken away
- Service plan should include details of intervention strategy for food standards
- Service plan should include clear estimates of resources required to deliver and identify any shortfall if the full program is not to be delivered and the potential effects of this.
- Service is unable to give sufficient assurance that official controls are being delivered effectively with 66% of premises overdue for intervention. (*High number of unrated premises 242, 200 Child minders not included on the register and not inspected for some time, 1200 premises overdue for intervention*)
- Review staff levels, vacant posts and resource allocation between professional staff and business support.