

# **HERTSMERE BOROUGH COUNCIL**

## **ENVIRONMENTAL HEALTH AND LICENSING**

### **FOOD LAW ENFORCEMENT 2022 / 2023**

**Drawn up in accordance with the Food Standards Agency  
Framework Agreement issued September 2000, as amended**

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## INTRODUCTION

This service plan is dedicated to the food law enforcement functions carried out by Environmental Health personnel under the provisions of the Food Safety and Hygiene (England) Regulations 2013, the Food Safety Act 1990 and EU derived domestic legislation and direct EU legislation in accordance with the European Union (Withdrawal) Act 2018; and reflects the requirements of paragraph six of the Regulators' Code on transparency.

The scope of this service plan covers food safety and hygiene.

The Food Standards Agency requires the Food Service Plan to be submitted for approval to ensure local transparency and accountability. On approval, the 'Plan' will be published in the public arena, including availability via the Council's website. An annual performance review on the service delivery plan is conducted and submitted for appropriate Member approval, the exception being during the COVID-19 pandemic when the intervention programme was disrupted and staff re-deployed to other duties.

The Food Standards Agency acknowledged this change to normal work activities and introduced the **COVID-19 Local Authority Recovery Plan: guidance and advice to local authorities for the period 1 July 2021 to 2023/24**. The aim is to ensure that local authority resources are targeted to safeguard public health and consumer protection by providing a framework for re-starting the delivery system in accordance with the Food Law Code of Practice.

**The stated aim of the Food Standards Agency is to make food law enforcement more effective and to be undertaken by the various agencies in a more effective, comprehensive and collaborative manner. This Service Plan sets out to achieve these objectives.**

## 1. Service Aims and Objectives

### 1.1 Aims and Objectives

- 1.1.1 The Environmental Health & Licensing Department reports to the Executive Director and carries out the Council's statutory duties which the public appreciates as being of the highest priority. It aims to safeguard their home and their working environment, ensure the wholesomeness of the food they eat, the water they drink and the air that they breathe.
- 1.1.2 The primary objective is *to deliver high quality services responsive to public needs, concentrating on continuous improvement of core services and the proper discharge of the Council's statutory public, environmental and consumer protection responsibilities.*
- 1.1.3 The food service plan seeks to ensure consumer protection by ensuring that the food and drink manufactured, prepared, stored and sold in the borough, including imported food, is safe to eat, free from contamination, is supplied in a hygienic manner from premises that are clean and hygienic.
- 1.1.4 Many of the services are delivered in co-operation with others such as Hertfordshire County Council, the Police, the Health Service, the Health and Safety Executive, the Food Standards Agency, Trading Standards, UKHSA (UK Health Security Agency) and other local authorities.
- 1.1.5 Hertsmere's Environmental Health & Licensing Department is committed to provide a 'balanced service' with regard to food safety and has regard to the enforcement matrix. Our service is driven by the following four criteria and the Regulators' Compliance Code:
- **Demand driven** - requests/complaints, food alerts, food poisoning, etc.
  - **Inspection driven** – programmed food visits, sampling programmes
  - **Education driven** – food hygiene courses, home authority principle, public awareness campaigns, FHRS, Food Standards Agency initiatives and campaigns, etc.
  - **Intelligence driven** – Food Alerts, port health notifications, sampling

### 1.2 Links to Corporate Objectives and Plans

- 1.2.1 The Food Service Plan is linked to the **Environmental Health Service Plan** by reference in that plan to the range of services provided for food control and food hygiene, infectious disease and food poisoning control, health education and promotion. The Food Service Plan seeks to meet the aims and management plan documented in the Department's Service Plan.
- 1.2.2 The food hygiene service contributes to **Hertsmere Vision 2022-2027** aspirations of a strong identity, sustainable growth, being enterprising, addressing climate action, being inclusive and equitable, and open and collaborative; and **Hertsmere Borough Council's Corporate Plan 2022/23**, which identifies key areas of work to implement the position statements and commitments that sit underneath these aspirations. The Council aims to carrying out its statutory functions efficiently and effectively.
- 1.2.3 The Council's Financial Strategy determines the allocation of resources to the Department.

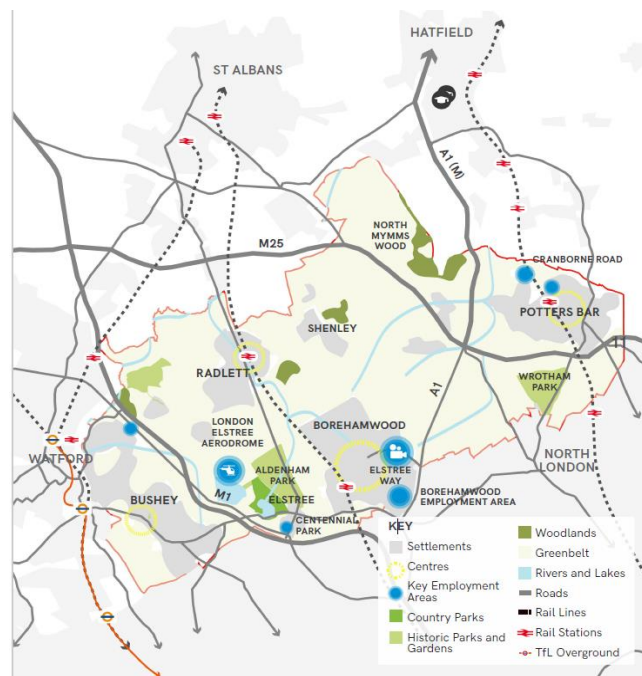
## 2. Background

### 2.1 Profile of the Local Authority


The district was formed on 1 April 1974, under the Local Government Act 1972, by a merger of the former area of Bushey Urban District and Potters Bar Urban District with Elstree Rural District and part of Watford Rural District (the parish of Aldenham). The name '*Hertsmere*' was invented for the new district by combining the common abbreviation of 'Hertfordshire' ('Herts') with 'mere', an archaic word for boundary.

Hertsmere is not an ancient Borough, although the area is certainly rich in history. The great Roman Road, Watling Street, cuts a swathe through the Borough from Elstree, through Radlett and beyond into Hertfordshire, serving to underline the fact that settled communities have existed in the area since early times.

Covering an area of around 39 square miles, Hertsmere's 107,800 residents are concentrated in the Borough's four main towns: Borehamwood, Potters Bar, Bushey and Radlett. In addition to these urban developments, Hertsmere boasts wide tracts (around 80%) of Green Belt countryside dotted with attractive villages; much of the land is still given over to agricultural use.



Hertsmere is the most southerly borough in Hertfordshire and is adjoined by the London Boroughs of Barnet, Enfield and Harrow to the south / southwest and by Hertfordshire's Three Rivers District Council, Watford Borough Council, St. Albans City and District Council, and Welwyn & Hatfield Borough Council to the west and north / northeast.

The Borough's location is within easy access to the A1 (M), M1 and M25 which all run through the Borough. It is this road link that makes up the Hertsmere logo . The rail network links Borehamwood/Elstree and Radlett to Kings Cross St Pancras on Thameslink in 18 – 20 minutes and Potters Bar to Kings

Cross St Pancras in 20 minutes. The M25 provides good access to Heathrow, Stansted and Gatwick Airports as well as the Channel Tunnel via the M20, and the M1 provides quick access to Luton Airport.

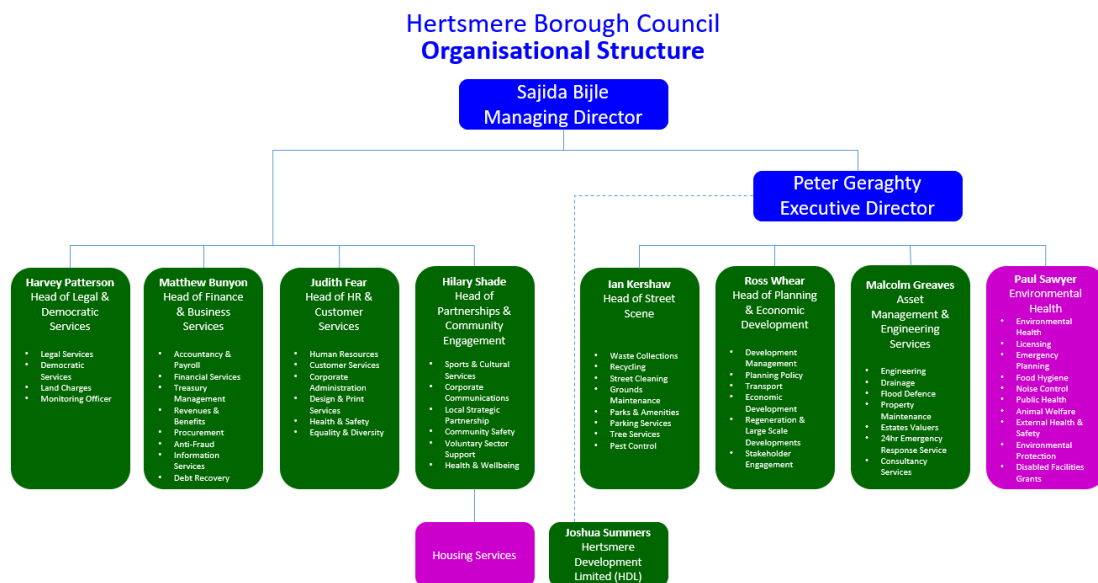
## 2.2 Organisational Structure

### Committee Structure

Executive Portfolios
Communications & Consultation (Leader of the Council)
Community, Leisure, Culture & Health
Community Safety & Performance
Environment
Finance
Housing & Transport
Planning
Property & Economic Development (Deputy Leader)

Committees
Audit
Licensing
Operations Review Committee
Personnel
Personnel Appeals Panel
Planning
Policy Review Committee
Hertsmere Shareholders and Investment Committee
Standards

### Council Structure (April 2022)



2.2.1 The Commercial Team of the Department is responsible for food safety matters and resides within the Environmental Health Department. It operates under the Chief Environmental Health Officer who is accountable to the Executive Director. The Organisational Structure is reported in Figure One.

2.2.2 The Commercial Team comprises of one Principal Environmental Health Officer – food safety (part time), one Principal Environmental Health Officer – health and safety (full time), a Senior Environmental Health Officer (part time), an Environmental Health Officer (vacant but currently filled by a contractor) and a Technical Officer (full time).

2.2.3 In addition to the permanent team of officers within the Department, specialist advice and assistance is provided by the public analyst and the food examiner. Details of these may be found in Appendix Two.

### **2.3 Scope of the Food Service**

2.3.1 The Commercial Team is responsible for the following:

- ✓ Registration and approval of food businesses
- ✓ Food interventions, business advice, hygiene and other trainings
- ✓ Enforcement including emergency prohibition, detention and seizure of food, prosecutions and so on
- ✓ Food complaint investigations and incidents, food crime/fraud
- ✓ Infectious disease and outbreak investigations
- ✓ Food Hygiene Rating Scheme
- ✓ Imported Food Control
- ✓ Review and update of food safety policies and procedures
- ✓ Statutory returns
- ✓ Maintenance of database and register of food businesses
- ✓ Planning consultations
- ✓ Safety advisory / event management consultation
- ✓ Attendance at various Liaison Group/Committees
- ✓ Health Promotion Activities e.g. Food Standards Agency led campaigns
- ✓ Budget review and monitoring
- ✓ Primary Authority, Home Authority and Originating Authority liaison
- ✓ Private water supply sampling
- ✓ Participation in statutory food sampling programmes, investigative food sampling and environmental sampling
- ✓ Provision of training for professional staff and attendance at external training courses for continuing professional development
- ✓ Quality monitoring, maintaining staff competencies
- ✓ Keeping abreast of changes in legislation and Food Standards Agency guidance
- ✓ Annual review and revision of the food service plan and performance review

2.3.2 It is the policy of the Council to engage the services of outside contractors to assist in the delivery of the food service where the following applies:

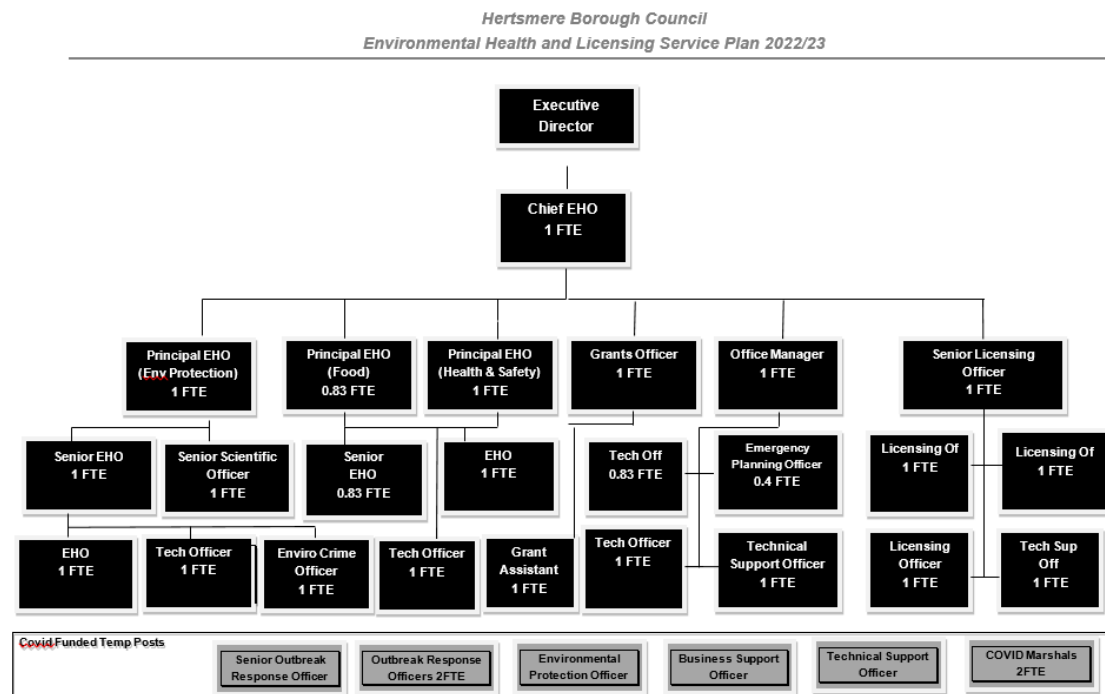
- There being a backlog of inspections which cannot be completed by the existing permanent staff
- Contractors meeting the requirements of Regulation (EC) No 882/2004 and the Food Law Code of Practice (England) Chapter 3 Authorisation, qualifications and competency and compliance with the Council's internal professional policies and procedures
- Sufficient budgetary resources.

2.3.3 In addition to the above, officers within the Commercial Team are also responsible for:

- health and safety, public health duties and complaints

- delivery of Level 2 and Level 3 food safety training and Safer food better business seminars
- smoke free legislation
- some officers participate in the out of hours service providing '24/7' cover
- the on-call out of hours officer is also designated 'site liaison officer' / silver commander for the purpose of the Council's Emergency Plan.

**Figure One - Department Organisational Structure**



Footnote: this structure reflects the position as of 1 April 2022

## 2.4 Demands on the Food Service

### Premises Profile

2.4.1 At 1 April 2022 there were 968 food businesses registered with the Council that are subject to programmed food hygiene inspections. At 13 September 2022, the number of registered food businesses increased to 1052. These premises range from manufacturers to supermarkets, restaurants, take-aways, pubs, home, mobile and event caterers, schools, care homes, hospitals, and others.

2.4.2 The current premises profile is indicated in the table that follows.

Description of premises	Number of premises
Primary producers	0
Manufacturers / Packers	12
Importers / Exporters	8



Distributors / Transporters	31
Retailers	147
Restaurants and other Caterers	854

A detailed profile for each category of food premises is shown in Appendix Three.

### **Approved and Licensed Premises**

2.4.3 We have two fully approved (product specific) premises in the Borough:

- Hass Foods, cheese manufacturer
- Epiros UK Ltd, coldstore

### **Imported Food Control**

2.4.4 All local authorities have responsibility for imported food controls. Through port health authorities at sea and airports and international rail links and Border Inspection Posts, the UK has effective imported food controls at point of entry. However, in spite of effective border controls, illegal imports will still arrive at point of sale due to international smuggling of illegal goods or failure to declare items due to lack of knowledge on behalf of the importer. It is, therefore, important that inland controls are also in place. The identification of food not of animal origin and products of animal origin that have not been physically checked at point of entry or have been illegally imported, and any subsequent enforcement will normally be made during routine food hygiene inspections.

2.4.5 We have no border controls or transit sheds, etc. and so inspections are made during routine visits to businesses.

### **Primary Authority**

2.4.6 The Home Authority for *Pizza Hut (UK) Ltd* based in Borehamwood which has 151 units nationwide was replaced with a Primary Authority arrangement in January 2012. Refer to paragraph 3.3.3.

### **The national Food Hygiene Rating Scheme**

2.4.7 We implement the Food Standards Agency's national Food Hygiene Rating Scheme (FHRS), which applies to establishments supplying food directly to consumers. Exemptions apply.

2.4.8 Businesses receive a sticker awarding them a score of between 0 and 5, the display of which remains voluntary. Safeguards exist to enable businesses to request a revisit to re-score, to appeal the score and/or publish a 'right to reply'.

2.4.9 Ratings are published on the Agency's website with links from Hertsmere's website. This enables members of the public to make informed choices about where they eat food. Businesses that fail to achieve even the basic standard are encouraged to make improvements through educational means, revisits or if necessary through enforcement action.

2.4.10 The Food Standard's Agency guidance on the Food hygiene rating scheme, the 'Brand Standard' allows for the charging of requested revisits, permitted under the Localism Act 2011. Having given consideration to this approach, it has been decided not to charge businesses for revisits to re-score as it is felt that this may deter the small and independent businesses from requesting revisits and thus achieving likely improvements in their scores. This will continue to be kept under review.

2.4.11 Participation in the Food Standards Agency's consistency exercises on FHRS.

### **Safer Food Better Business**

2.4.12 *Safer Food Better Business* (SFBB) designed to assist the small caterer in meeting the requirement of having a documented food safety management system. Officers actively encourage food business operators to adopt SFBB in the absence of any other food safety management system.

2.4.13 SFBB seminars are offered by Hertsmere for a nominal charge. Since its inception by the Food Standards Agency, packs have been designed for caterers, retailers, Indian and Chinese cuisines, Cantonese language, childminders, residential care homes, teaching resources for colleges. These are available at [Safer food, better business \(SFBB\) | Food Standards Agency](#).

2.4.14 Childminders and nurseries are no longer required to register with Environmental Health Departments. The Office for Standards in Education (OFSTED) provide details of registered care providers to Environmental Health, via Hertfordshire County Council.

### **Food Hygiene Intervention Rating of Premises**

2.4.15 The Code of Practice (England) Chapter 4 Delivery of interventions, Annex 1 has identified five risk categories of food premises (A – E), with each class of risk group having a specific minimum frequency of intervention. The following table indicates the number of premises in each risk category at April 2022:

<b>Risk rating</b>	<b>Number</b>	<b>Minimum frequency of intervention</b>
A	1	At least every 6 months
B	19	At least every 12 months
C	221	At least every 18 months
D	310	At least every 24 months
E	292	A programme of alternative enforcement or interventions every 3 years

2.4.16 Premises scoring 0 – 30 points overall (low risk businesses) are subject to an alternative enforcement strategy at least once in any three year period, and hence not subject to a primary inspection.

2.4.17 As individual food businesses are scored at every planned intervention, premises can move up or down the risk rating system. We have a specific policy requiring the Principal Environmental Health Officers (Commercial), to approve the lowering of risk ratings of high-risk premises (those falling from categories A or B).

## **External Factors Impacting on Service**

### **2.4.18 COVID-19 PANDEMIC**

- 2.4.18.1 Commercial team staff were fully re-deployed to supporting the Council's and County's response to the Covid-19 pandemic. In accordance with the Food Standards Agency's guidance, this resulted in the temporary cessation of food business interventions unless intelligence on any establishment deemed there was a risk to health. Many food businesses closed for significant periods; some operated sporadically, and others ceased trading. Access to businesses was difficult, requiring observation of COVID-19 control measures and were hence time consuming.
- 2.4.18.2 Stress and burn out was experienced by staff who had to cope with regularly changing government guidance and legislative controls to safeguard public health.
- 2.4.18.3 The Council has experienced difficulty in retaining staff, seeing a significant number of leavers. This has impacted environmental health, including the commercial team which has yet to permanently fill an EHO post.
- 2.4.18.4 There has been increased joint working with colleagues in Hertfordshire County Council on COVID-19 and related matters.
- 2.4.18.5 Whilst staff have resumed normal intervention activities, in accordance with the 'Recovery Plan', further surges during the winter months may require staff re-deployment to support efforts to help reduce spread of infection.
- 2.4.19 The difficulty in recruitment and retention of competent staff is an ongoing challenge, reliance being placed upon the availability of suitable contractors.
- 2.4.20 An unprecedented increase in the number of food business registrations received during the COVID-19 pandemic. Between 1 April 2020 and 31 March 2021, 236 registrations were received; between 1 April 2021 and 31 March 2022, 133 were received; between 1 April 2022 and 30 September 2022, 84 were received. These are 'raw figures' prior to any contact or prioritisation for inspection. A requirement of the Food Standards Agency Practice Guidance is that all new registrations of food businesses undertaking high risk activities are inspected within 28 days. This too poses a challenge based on staff resource issues. Many new food business operators are not experienced and more time is required to provide support to these new businesses, including home caterers using domestic kitchens to provide catering and takeaway services.
- 2.4.21 During the recovery period, a fall in hygiene standards has been observed, resulting in an increase in enforcement activity; officers are catching up with inspections that were temporarily 'put on hold'. The impact of the pandemic on businesses and the cost of living has contributed to changing behaviours, such as a decline in standards, practices and cleaning regimes, including the intermittent use of hot water boilers. The difficulty of staff recruitment within the hospitality sector has been widely documented.
- 2.4.22 An increase in the number of businesses (typically those scoring 0, 1 or 2 on the food hygiene rating scheme) requesting revisits to re-score and so improve their food hygiene ratings. Many of these requests are being driven by food delivery platforms requiring a minimum food hygiene rating score before accepting food businesses onto their websites. Typically, this results in a full inspection. Geographical issues mean greater officer time spent in travelling the entire borough to cover the four main population centres.

2.4.23 Events across the borough and an annual international religious festival held over two to three days attended between 45,000 to 80,000 people. These and other events are supported by the safety advisory group, of which commercial team members are integral members.

2.4.24 A number of food businesses are owned by people from different communities such as Indian, Chinese, Turkish, Afghani, whose first language is not English.

## **2.5 Access and Equal Opportunities**

### **2.5.1 Accessing Services**

#### Service Delivery Points

The Department is located in the Civic Offices in Borehamwood. Requests for service may be received in-person, by telephone / email / correspondence.

Office hours are 9.00am to 5.15pm Monday to Thursday and 9.00am to 5.00pm on Friday. We now operate a hybrid working pattern of a minimum of three working days in the office per week for full time staff, pro rata for part time staff.

Staff visit commercial and residential premises to carry out their normal duties.

Out of office hours there is a local rate telephone number for emergencies. It is available 24 hours, 365 days a year and a suitably experienced officer is available on standby.

Visits are made to premises outside of normal office hours where necessary. The Civic Offices are accessible to people with disabilities.

The Council website ([www.hertsmere.gov.uk](http://www.hertsmere.gov.uk)) provides access to the following:

- Service Plan For Food Law Enforcement
- Corporate Enforcement Policy
- Telephone and email contact details
- 'Register A Food Business' (online food establishment registration)
- Food Hygiene Rating Scheme
- Guidance from different agencies

We access 'Language Line' to provide translation and interpreting facilities to people whose first language is not English.

## **2.6 Enforcement Policy**

2.6.1 We have a corporate enforcement policy approved by the Council. It considers the requirements of the Regulators' Compliance Code and has regard to the Crown Prosecution guidelines.

2.6.2 The Enforcement Policy and the Service Plan are available for public viewing.

### 3. Service Delivery

#### 3.1 Food Premises Interventions

The Department operates a risk-based Intervention Strategy. There are a range of possible interventions (or activities) designed to monitor, support and increase food law compliance. These are: inspections, monitoring, surveillance, verification, audit, sampling, advice and education, information and intelligence gathering.

3.1.1 The number of interventions achieved and outstanding is shown in the table that follows, as reported in the annual return made to the Food Standards Agency and known as LAEMS. The number of programmed inspections is taken directly from Idox, our environmental health management system.

**It should be noted that the COVID-19 Local Authority Recovery Plan has sought to ensure that outstanding interventions of high risk businesses have been brought back into the inspection programme within certain timescales. Establishments rated A were inspected by 31 March 2022, B rated establishments inspected by 30 June 2022, and non-broadly compliant C rated establishments inspected by 30 September 2022. Non-broadly compliant D rated establishments will receive an intervention by 31 December 2022. All broadly compliant or better category C rated establishments will receive an intervention by 31 March 2022.**

Recovery Plan (1 July 2021 – 2023/24)				Planned Interventions 1/4/22 – 31/3/23 (figures as of 14/6/22)	
Rating	Number	Due by	Outstanding	Rating	Number
A	6	31/3/22	0	A	1
B	47	30/6/22	0	B	19
C (non-broadly compliant)	31	30/9/22	1	*C	180
D (non-broadly compliant)	7	31/12/22	0	D	254
C (broadly compliant or better)	See planned interventions*	31/3/23	In progress	Lower risk establishments (D (broadly compliant) and E)	Flexibility to defer planned interventions
Prioritisation of new businesses	133	31/3/22	0	—	ongoing
Planned interventions of new businesses (high risk)	66	31/3/22	0	—	25 (on 1/10/22)

3.1.2 Interventions are aimed to be carried out within 28 days of their relevant dates. Premises in risk groups A and B are classified as high risk and resources are targeted at achieving the minimum number of inspections during the year. Appropriately qualified staff have carried out these inspections, the majority of which have been carried out by Contractors.

3.1.3 The authority's inspection proforma ensures a more consistent approach to imported food control during routine inspections.

- 3.1.4 Implementation of the Food Standards Agency's document *E. coli 0157 Control of Cross Contamination* continues to result in officers dedicating more time to all food businesses that handle raw meat / vegetables / unwashed salads and ready to eat foods to explain the requirements and how they can comply.
- 3.1.5 There is a significant change required in how both officers and food business operators approach preventing the cross contamination of ready to eat food with E. coli 0157. This has increased the time taken to undertake the inspection and to produce bespoke written inspection reports. To address this, the Authority has introduced proformas for E. coli 0157 that detail requirements. These are left on site so reducing the time taken to produce post inspections reports.
- 3.1.6 The Agency has revised the *Safer food better business* pack to reflect these requirements. However, the Department also uses its own inserts on prevention of cross contamination by E. coli 0157 for the SFBB pack. These are now handed out to relevant businesses during visits.

## **Service Plan 2022-23**

### ***Inspections***

- 3.1.7 We will continue to inspect / audit food businesses with an intervention rating of A or B, and non-compliant Cs to a plan developed in accordance with the 'Framework Agreement on Local Authority Food Law Enforcement', the Code of Practice.
- 3.1.8 It should be noted that the C rating banding is now scored from 52 – 71 (previously 42 – 71). This has reduced the number of C rated premises due for inspection in any one year as some Cs are now scored as Ds, so requiring inspection every 2 years rather than every 18 months.
- 3.1.9 E rated (low risk) establishments are now subject to an alternative enforcement strategy at least once every three years, as documented in FSQM 28 of the Food Safety Quality Manual.
- 3.1.10 We aim to achieve 90% of interventions (inspections, monitoring, surveillance, verification, audit, sampling, advice and education, information and intelligence gathering).
- 3.1.11 In the post inspection report, the officer will either stipulate timescale for compliance or request the food business operator to propose a reasonable timescale to be submitted.
- 3.1.12 Following inspections, businesses subject to the Food Hygiene Rating Scheme, will be notified of their ratings by letter and issued with a sticker. All ratings are publicised on the Food Standards Agency's website.
- 3.1.13 Following inspections where businesses achieve either a 0 or 1 rating on the Food Hygiene Rating Scheme, officers will discuss with the lead food officer the most appropriate formal enforcement action.
- 3.1.14 Revisits will be targeted to non-compliant A, B, C and D rated premises.

3.1.15 We have made arrangements for access to adequate expertise to enable competent inspection of specialised processes, for example access to specialised consultancies shown in Appendix Two. Priorities relating to nationally or locally driven outcomes, for example compliance with new legislation and guidance, include the Code of Practice and Practice Guidance, imported food control and work on *Safer Food Better Business*.

## 3.2 Food Complaints

3.2.1 We have a documented policy on food complaints.

3.2.2 The purpose of investigating food complaints is to:

- provide a service to the public;
- resolve problems which have public health implications/risks;
- provide information to the food industry in order to raise and maintain standards;
- fulfil the duty of enforcement; and
- prevent future complaints.

3.2.3 We receive complaints within the following broad categories:

- Foodstuffs (contamination)
- Complaints about food businesses (hygiene, pests, refuse, drainage, etc.)
- Food alerts

During the period 1/4/21 – 31/3/22, 17 complaints were received (considerably less due to COVID-19).

### **Service Standards**

- Respond to **100%** of serious food complaints **within 1 working day**
- Respond to **100%** of other food complaints and requests for advice **within 3 working days**.
- Complaints with no or low food safety risk are not dealt with.
- Anonymous complaints will not normally be dealt with unless the lead food officer deems there could be a serious risk to public health based on the initial complaint.

3.2.4 We anticipate that we shall continue to receive food complaints during 2022-23. We have estimated the number likely to be received, but numbers may vary significantly due to local or national issues.

	<b>Activity</b>	<b>Quantity/ Outcome</b>
FC 1	Investigate and resolve complaints	20

## 3.3 Primary Authority Scheme

3.3.1 Companies have the right to form a statutory partnership with a single local authority, which then provides robust and reliable advice for other councils to

take into account when carrying out inspections or dealing with non-compliance. It is the gateway to simpler, more successful local regulation.

- 3.3.2 This is a regulatory partnership between individual local authorities and businesses that are multi-site operations. It drives and supports progress towards businesses receiving advice from local authorities that is applicable across the UK providing a secure basis for investment and operational decisions. Primary Authority is a formal arrangement providing regulatory advice across a range of areas including food safety, health and safety, trading standards, etc. Officer time is re-charged to the business to cover the cost of the partnership.
- 3.3.3 The operation of the Primary Authority scheme is a statutory responsibility of the Better Regulation Delivery Office, BRDO, whose role is to register partnerships, issue guidance and resolve disputes.
- 3.3.4 We are the Primary Authority for **Pizza Hut (UK) Ltd** (restaurants) which have about 151 units nationwide.
- 3.3.5 During 2022-23 we will continue to operate as Primary Authority Partner with Pizza Hut (UK) Ltd., providing advice to the company and responding to requests for information from other local authorities.

	<b>Activity</b>	<b>Quantity/ Outcome</b>
FPA 1	Provide advice and respond to requests for information / advice	Up to 50 hours

### **3.4 Advice to Business**

- 3.4.1 We will always seek to secure compliance from food business operators by education, advice and actively encouraging new and existing business to contact us. Additionally, we offer pre-planned and charged for Level 2 (and level 3 on request) food safety training courses and have provided seminars aimed at businesses when new legislative requirements applicable to them have been introduced, for example Safer food better business seminars.
- 3.4.2 Advice to businesses is provided during inspections and other visits and through:
- advisory literature (provided free of charge);
  - in response to enquiries;
  - training courses;
  - the issue of press releases for food alerts;
  - upon request by the Food Standards Agency; and
  - host *Safer Food Better Business* seminars.
- 3.4.3 We have not previously recorded the number of requests for advice received and cannot show the trends from previous years.
- 3.4.4 During 2022-23 we shall continue to offer training aimed at food handlers. We shall also consider establishing further forums for food businesses to improve



customer feedback and provide better channels of communication and consultation.

3.4.5 Trainings aimed at food handlers / caterers, professional staff and food safety consultants will include:

- Imported Foods
- Approved Premises
- Sampling / Interpretation of Results
- Novel Foods
- Returning to Food Safety
- Introduction to Food Microbiology
- Shelf Life and Durability
- Less Than Thoroughly Cooked Burgers
- Home Caterers
- Allergens

***Service Standards***

- Respond to **100%** of requests for food safety advice **within 2 weeks**
- We aim to provide Level 2 training for a minimum of 100 delegates

**3.5 Food Inspection and Sampling**

3.5.1 Our sampling policy targets food sampling for microbiological examination and analysis on the following criteria:

- participation in sampling activities to facilitate national and locally co-ordinated programmes
- sampling in relation to food poisoning outbreaks
- sampling in relation to food complaints, complaints about individual food premises and food alerts
- manufacturers and other businesses engaged in the handling and/or preparation of high risk foods/routine inspections
- sampling at large outdoor events within the district.

3.5.2 All sampling undertaken will be in accordance with relevant legislation. Formal samples will also be taken in accordance with the Code of Practice (England) and Practice Guidance.

3.5.3 The sampling programme aims to enable us to participate in relevant sampling initiatives devised and co-ordinated by the Food Standards Agency, UKHSA, Herts. and Beds. Heads of Service / Chief Officers Food Study Group, the EU, and East of England Trading Standard Authorities (EETSA).

3.5.4 We aim to take at least the minimum number of samples required in national, regional and local co-ordinated programmes. This is in addition to samples submitted in relation to food complaints.

3.5.5 During the period 1 April 2021 to 31 March 2022, 18 microbiological samples were taken, plus 20 environmental samples and five cloths.

3.5.6 We anticipate that we shall continue to take food samples during 2022-23. The number taken could vary due to local or national issues.

	<b>Activity</b>	<b>Quantity/ Outcome</b>
FIS 1	Reactive food sampling	20
FIS 2	Surveillance sampling	20
FIS 3	Food Standards Agency / UKHSA surveys	20

3.5.7 The sampling budgets for the year 2022–23 are shown in the table:

<b>Type of Sampling</b>	<b>Allocation for 2022 – 23</b>
Microbiological (food only)  NB There is no direct cost for these samples as the Environmental Health & Licensing Department receives an 'allocation' from PHE to be used solely on microbiological sampling	3832 units allocated UKHSA. The laboratory service is funded by Central Government and allocates <b>credits</b> to each local authority based on one per thousand resident population 1999 – 2000.
Analysis and microbiological	If UKHSA are unable to perform the required analysis, etc., the sample can be submitted to the Public Analyst, for example. There is no specific allocated budget for this, but the costs are met from a central departmental budget

3.5.8 Samples will be analysed and/or examined by the laboratories authorised by the Council, details of which are set in Appendix Two, namely UKHSA and the Public Analyst.

### **3.6 Control and Investigation of Outbreaks and Food Related Infectious Disease**

3.6.1 We are responsible for the investigation and prevention of the spread of notifiable diseases in accordance with the requirements of the Public Health (Control of Disease) Act 1984. This is done in accordance with procedures agreed with the Consultant in Communicable Disease Control (CCDC).

3.6.2 We investigate all outbreaks in accordance with the East of England Joint Communicable Disease Incident / Outbreak Management Plan.

3.6.3 The number of traditional infectious disease notifications has decreased. However, allegations of food poisoning still continue to be received.

#### **Service Standards**

- Commence **100%** of infectious disease investigations **within one working day**.
- Advise CCDC of **100%** of infectious disease outbreaks **immediately** upon confirmation.

3.6.4 We anticipate that we shall continue to receive notifications of infectious disease during 2022-23. The number may vary significantly due to local or national circumstances.

	<b>Activity</b>	<b>Quantity/ Outcome</b>
FID 1	Investigate notifications of infectious disease	100%

3.6.5 In the event of an outbreak, the FTE will be significantly higher due to the intensive staffing demands required in such eventualities.

### 3.7 Food Safety Incidents

3.7.1 We respond to food alerts (including allergy alerts and product recalls) issued by the Food Standards Agency in accordance with the requirements of the Code of Practice (England) Chapter 5. Emergency cover is provided by an on-call officer, out of hours, 365 days a year, with access to qualified Commercial Environmental Health Officers out of hours.

3.7.2 Food alerts are transmitted electronically via the Enforcement email. On receipt of an Alert, the responsible officer will ensure that all food officers of the Commercial Team receive copies of the Alert, either electronically or as a hard copy, and that appropriate action is taken in accordance with the category of the Alert received. Additionally details of appropriate food alerts are communicated to our Primary Authority Partner (if requested) either by telephone or email depending upon the urgency of the matter.

3.7.3 Figures for the number of cases of food safety incident notifications have not been obtained for the period 1 April 2021 to 31 March 2022.

#### **Service Standards**

- Take appropriate action in response to **100%** of food safety incidents according to the category of food alert received

3.7.4 We anticipate that we shall continue to receive food safety incident notifications during 2022-23. The number may vary significantly due to national and international circumstances.

	<b>Activity</b>	<b>Quantity/ Outcome</b>
FSI 1	Respond to notifications of food safety incidents	100%

### 3.8 Liaison with Other Organisations

3.8.1 We are committed to ensuring that our approach to service delivery and enforcement is consistent with other local authorities and that we develop consistent approaches where appropriate. Regular dialogue on general environmental health and food safety takes place through the following:

- Herts. and Beds. Food Study Group
- Food Standards Agency
- CIEH
- Knowledge Hub
- UKHSA
- BRDO / OPSS
- DEFRA
- East of England Trading Standards Authorities (EETSA)
- East of England Control of Infection Committee
- Sampling Working Group

- Thames Water and Affinity Water
- LGA
- Royal Society for Public Health
- Business Guidance Group / Better Business for All

3.8.2 Where there is a shared or complementary enforcement role with other agencies, provision is made to liaise with those agencies. For example:

- Trading Standards Department of Hertfordshire County Council
- Office for Standards in Education (OFSTED)
- Food Standards Agency
- Office of Fair Trading (OFT)
- Hertfordshire Constabulary
- Care Quality Commission

3.8.3 Formal liaison exists between the Council and the Hertfordshire Public Health Board.

<b>Ref</b>	<b>Activity</b>	<b>Quantity/ Outcome</b>
FSL 1	Attend meetings of Herts and Beds Food Study Group	6
FSL 2	Attend East of England Health Protection Advisory group meetings	4
FSL 3	Attend meetings of Environmental Health and Trading Standards Food Coordinating Group	Demand driven
FSL 4	Attend meetings with OFSTED	Demand driven
FSL 5	Attend meetings with UKHSA; East Anglian Veterinary Environmental Medical Liaison Group	Demand driven
FSL 6	Attend business guidance group	Weekly
FSL 7	Attend NI-GB Food Supply Chain Forum (DEFRA)	Weekly

### **3.9 Food Safety Promotion**

3.9.1 Food safety promotion aims to improve the health of the community through prevention and promotion initiatives. Such initiatives aim to prevent ill health, promote well-being and reduce health inequalities by increasing awareness and by putting various measures into practice that can help individual needs.

3.9.2 The amount of education and promotion will be dependent upon demand and resources available.

#### **Service Standards**

No planned activity.

3.9.3 We aim to participate in Food Standards Agency driven campaigns during 2022-23.

## 4. Resources

### 4.1 Financial Allocation

Expenditure and Income	Budget 2022 – 23 (£)
<b>EXPENDITURE</b>	
<b>Direct Costs</b>	
Staffing (excl. contractors)	188,353
Travel	1,300
Other operational / legal specialist / contractors (incl. sampling, equipment)	8,000
<b>Indirect Costs</b>	
Unit overhead (incl. suppliers, services, IT equipment, accommodation)	86,944
Corporate overhead (incl. wages / salaries, IT support)	
Pizza Hut Primary Authority arrangement	- 5,970
<b>Cost of Service</b>	<b>278,627</b>

### 4.2 Staffing Allocation

4.2.1 The estimated staffing profile for all officers working on food law enforcement role and related matters is set out below:

Staff	Time Allocation - FTE
Principal Environmental Health Officer / EHORB registered (Part time 0.8 FTE)	80%
Principal Environmental Health Officer / EHORB registered	20%
Senior Environmental Health Officer	95%
Graduate / Environmental Health Officer EHORB registered (filled by contractor)	95%
Technical Officer / Support Officer	60%
Administration	50%

4.2.2 The projected resource required to deliver the service is 3.5 FTE. It is currently being delivered by a FTE of 2.8. The shortfall can be met by engaging contractors within the existing budget. These figures exclude other duties, health and safety and admin which increase the overall FTE count.

4.2.3 The competency matrix of the authorised food law enforcement officers is given in Appendix Four. The figures for competency are given in terms of numbers of officers so authorised and not as FTEs.

4.2.4 The Code of Practice (England) March 2021 and Competency Framework detail competency and authorisation requirements for Lead Food Officers, Authorised Officers and Regulatory Support Officers.

### 4.3 Staff Development Plan

4.3.1 The Department will ensure that all food officers are appropriately qualified and receive regular training to maintain and improve their level of competency. During 2022-23, all officers will have access to the equivalent of at least 20 hours update training, which promotes professional development.

4.3.2 The training structure comprises:

- The employment of enforcement officers capable/competent on food law enforcement
- Evidence of formal and relevant qualifications (sight of original certificates prior to commencement of employment and copies kept on file thereafter)
- In house competency based training (including use of IT and inspection techniques)
- Identification of training needs during performance appraisal and development interviews
- Identification of training needs by staff throughout the year

4.3.3 External courses that will continue to receive priority during the year 2022–23:

- Food Standards Agency on line training courses
- Approved establishments
- Sampling Techniques
- Microbiology
- Webinars e.g. Campden BRI, Specialist Cheesemakers Association
- New database provider training
- HACCP Assessment training
- PACE training
- Food law update
- New and relevant trainings
- Herts & Beds organised CPD training days
- 

It should be noted that in response to budgetary pressures, the Food Standards Agency has moved away from traditional classroom based courses and seeking to improve access to online training modules. Additional training can be introduced, if required, to address specific developmental needs or new areas of official controls.

4.3.4 Internal courses and cascade training will continue to be provided.

## 5. Quality Assessment

### 5.1 Quality Assessment

- 5.1.1 A documented internal monitoring procedure is in place.
- 5.1.2 A documented review of performance against the service plan is not available for 2021-22 due to the impact of the Covid-19 pandemic. However, data is available in the returns being made to the Food Standards Agency as either 'end of year' or 'temperature monitoring' to assess compliance with the Recovery Plan.
- 5.1.3 The Herts & Beds Food Liaison Group will consider more topics for training and Inter Authority Auditing, based on Food Standards Agency protocols.
- 5.1.4 Participation in the Food Standards Agency's national consistency exercise (risk rating and food hygiene rating) scheduled between October to November 2022.
- 5.1.5 We have the following monitoring arrangements in place to assist in the quality assessment of the work carried out:
- Review of post inspection paperwork (including contractor paperwork) by the Principal Environmental Health Officers, including FHRS results
  - Joint visits with inspectors
  - Team meetings
  - Performance appraisals and probationary reviews
  - Validation inspections following complaints
  - Quantitative monitoring
- 5.1.5 We will continue to implement the arrangements to assess the quality of our service.

<b>Ref</b>	<b>Activity</b>	<b>Quantity/ Outcome</b>
GQ 1	Review the results of post inspection paperwork from inspections carried out by staff progressively through each month (includes <i>FHRS</i> )	ongoing
GQ 2	Complete individual officer inspection performance audits (joint visits)	6
GQ 3	Hold team meetings	6
GQ 4	Performance appraisal	3

- 5.1.6 We intend to further improve/update and document procedures required within the Food Standards Agency Framework Agreement and also as part of the Food Safety Quality Manual during 2022-23.

## **6. Review**

### **6.1 Review against the Service Plan**

- 6.1.1 We have developed a number of indicators to assess our food safety performance. The performance indicators are shown in Appendix One.
- 6.1.2 The service plan will be submitted to the relevant portfolio holder for approval. The performance review for the current year will be submitted in the following year.
- 6.1.3 We will review the service plan annually.

### **6.2 Identification of Variations**

- 6.2.1 Where the review against the service plan identifies any variance, we will identify the reasons and the Chief Environmental Health Officer will propose an action plan to remedy the situation as appropriate. Any additional work in other areas of the enforcement mix will be reviewed to identify whether or not it has contributed/addressed any apparent deficiencies.

### **6.3 Areas of Improvement**

- 6.3.1 We will seek to identify opportunities to improve the service and where appropriate, prepare an appropriate action plan to address those service issues.



## APPENDIX 1

### PERFORMANCE INDICATORS

#### Performance against Local Service Standards

- Respond to **85% of correspondence** by letter **within 10 working days**
- Respond to **100% of correspondence** by letter **within 15 working days**
- Respond to **emails** received at the customer enquiry email address **within one working day**; and **within 5 working days** if received by individual officers
- Respond to service **requests out of normal office hours within 2 hours**
- Respond to **100%** of serious food complaints **within 1 working day**
- Respond to **100%** of other food complaints and requests for advice **within 3 working days**.
- Respond to **100%** of requests for food safety advice **within 2 weeks**.
- Commence **100%** of infectious disease investigations **within one working day**.
- Advise CCDC of **100%** of infectious disease outbreaks **immediately**
- Take appropriate action in response to **100%** of food safety incidents and in accordance with the category of food alert received.

**APPENDIX 2  
SPECIALIST SERVICES AVAILABLE TO HERTSMERE BOROUGH COUNCIL**

**1. Public Analyst appointed**

Kent Scientific Services

[Kent Scientific Services - Kent County Council](#)

T: 03000 415100

E: [kss@kent.gov.uk](mailto:kss@kent.gov.uk)

Physical and chemical analysis, and foreign object examination.

**2. Food Examiner**

UKHSA – London

Food, Water & Environmental

Microbiology Laboratory

61 Colindale Avenue

London NW9 5EQ

T: 020 8327 6550

E: [FWEM@ukhsa.gov.uk](mailto:FWEM@ukhsa.gov.uk)

**Clinical Samples**

Health Protection Agency

Dept. of Medical Microbiology

Lewsey Road

Luton LU4 0EP

T : 01582 497 336

**3. Consultancy**

ADAS

T: 03330142950

E: [enquiries@adas.co.uk](mailto:enquiries@adas.co.uk)

Technical advice/consultancy

[Leading the way in environmental research | ADAS](#)

**Consultancy**

Campden BRI

T: 01386 842 000

E: [support@campdenbri.co.uk](mailto:support@campdenbri.co.uk)

Technical advice/laboratory

[Campden BRI - Science and technology for the food and drink industry](#)

## APPENDIX 3

### DETAILED PROFILE FOR EACH CATEGORY OF FOOD PREMISES

**Primary Producers:** premises producing unprocessed food intended for human consumption, for example, fruit and vegetables, cereal, eggs, and honey.

**Manufacturer/Processor:** includes manufacturers packing all the food produced as a manufacturer.

**Packer:** premises where the main activity is packing food but not processing. Includes producer co-operatives.

**Importers/Exporters:** Quays or berths used for the handling of food.

**Distributor/Transporter:** include pre-retail distribution activities including importation, transportation, wholesaling and cash and carry premises which sell to retailers as well as caterers and final consumers.

**Retailers:** include supermarkets, off licences, newsagents, market stalls, mail order activities.

**Restaurants and other Caterers:** includes kitchens in institutional premises eg hotels, village halls, holiday camps, colleges and factories. Include public houses, hospitals, take-aways and bed and breakfast accommodation.

**Manufacturers selling mainly by retail:** premises such as local butchers and bakers who manufacture and sell most of their goods from their own outlets locally and local farms producing for their farm shop.

**APPENDIX 4****OFFICER COMPETENCY PROFILE****COMMERCIAL TEAM**

Based on the Code of Practice (England) Chapter 4 Qualifications and Competencies

Number of officers correct as at 1 April 2022

**FOOD HYGIENE AND SAFETY  
Authorisation Matrix**

Activity	Officers' Initials							
Food hygiene and official controls in A, B and non-compliant C and D premises	SK	MG	JM		DR			
Food hygiene and official controls in compliant C and D premises	SK	MG	JM		DR			
Approval of establishments subject to Regulation 853/2004	SK	MG	JM		DR			
Inspection of approved establishments	SK	MG	JM		DR			
HACCP based systems	SK	MG	JM		DR			
Complex / specialist manufacturing processes	SK	MG	JM		DR			
Inspection of premises rated compliant C to E	SK	MG	JM		DR			
Inspection, detention and seizure of foodstuffs	SK	MG	JM		DR			
Service of hygiene improvement notices	SK	MG	JM		DR			
Service of remedial action notices / detention notices (approved establishments)	SK	MG	JM		DR			
Service of Emergency Hygiene Prohibition Notices / Prohibition Notices	SK	MG	JM		DR			
Food sampling for analysis and examination	SK	MG	JM		DR			

Imported food inspection	SK	MG	JM		DR			
Familiarisation with FSQM Procedures	SK	MG	JM		DR			
Advice and Education	SK	MG	JM	SBK	DR			
Information / Intelligence Gathering	SK	MG	JM	SBK	DR			
Alternative Enforcement	SK	MG	JM	SBK	DR			

Guidance: the LFO must initial and date the relevant boxes on the matrix to indicate the level of authorisation for all staff involved in the delivery of the food service areas above, based on satisfactorily meeting the criteria stated in the 'Authorisation Chart ...' Appendix 5.1 Food Safety Quality Manual – Authorised Officers.