

FOOD SERVICE UPDATE INCLUDING THE FOOD HYGIENE RATING SCHEME

1 INTRODUCTION

- 1.1 This report provides a review of the work undertaken by the Food Regulatory Service in the last financial year and includes work involved with the Food Hygiene Rating Scheme.
- 1.2 New Forest District Council is responsible for enforcing food hygiene and food safety legislation. The service operates a programme of proactive inspections and interventions. It investigates complaints and cases of food poisoning.
- 1.3 In addition to work of the food service, officers of Environmental Health (Commercial) also undertake non-food work. This includes Occupational Health and Safety regulation – investigation of accidents and complaints, together with proactive inspections. Considerable work is also carried out in relation to Animal Welfare Licensing and Caravan Site Licensing, and the Service is a consultee under the Licensing Act 2003 and planning legislation.

2 DEMANDS ON THE FOOD SERVICE

- 2.1 On 1 April 2015 there were approximately 1847 food businesses registered in the District. The number of premises approved under product specific legislation is 14.
- 2.2 The following table shows the profile of food businesses within the Authority as at 31 March 2015. Food businesses are listed by type and risk category. The Food Law Code of Practice defines how a risk category is determined at inspection. A business will be placed into one of five risk categories A to E. A being highest risk and E lowest risk. Higher risk businesses are inspected more frequently.

Risk Category	Primary Producers	Manufacturers & packers	Importers / exporters	Distributors / transporters	Retailers	Restaurants & caterers	Totals
A	0	1	0	0	2	3	6
B	1	2	0	0	8	85	96
C	1	8	0	2	55	441	507
D	0	7	1	0	42	317	367
E	9	22	14	5	229	585	864
Unrated	0	1	0	0	0	6	7
Total	11	41	15	7	336	1437	1847

Table 1: Profile of food businesses in the New Forest

- 2.3 The total number of registered food businesses has continued to gradually increase each year.

- 2.4 There continues to be a significant number of businesses requesting a re-inspection to improve their food hygiene rating.
- 2.5 There is a growing popularity in small scale food manufacture, including the smoking and curing of meat and fish. We provide considerable advice to new businesses to assist them through initial development and to provide the basis for a safe and successful future.
- 2.6 The frequency of business inspections is dictated by risk. However, it may be necessary to inspect seasonal businesses earlier than anticipated if they only operate during the summer tourist season. This has the effect of increasing the number of inspections undertaken relative to that planned.
- 2.7 The Authority has monitoring and enforcement duties for shellfish harvested from part of the Solent and rivers. The local industry is diminishing and although sampling has reduced there is always the possibility of change at short notice which may also result in unplanned expenditure.
- 2.8 Special arrangements are made to inspect food businesses during their normal opening times, when this is not within normal office hours.

3 SERVICE DELIVERY

3.1 Food Establishment Interventions

- 3.1.1 Proactive interventions are undertaken in line with the Food Law Code of Practice. This instructs on how premises are risk rated and the frequency and type of intervention.
- 3.1.2 In line with the principles contained within the Code of Practice, higher risk category premises receive more frequent inspections, whilst lower risk category premises receive fewer, or in some cases other forms of intervention.
- 3.1.3 The programme for the coming year cannot be predicted with accuracy. This is because the number of necessary interventions will be altered by premises changing ownership, and those starting and ceasing trading. There is also migration between risk rating after some inspections which prevents precise calculation of the programme. However, the data from the past year shown below will be used as an indicator. It shows that 1148 interventions were completed in 2014/15.

Risk Category	Interventions Achieved	Interventions Outstanding
Premises Rating A	37	0
Premises Rating B	175	0
Premises Rating C	500	3
Premises Rating D	78	0
Premises Rating E	216	189
First Inspection	142	7
Totals	1148	199

Table 2: Interventions Achieved 2014/2015

- 3.1.4 From the total number of interventions achieved last year, 158 were revisits.
- 3.1.5 Premises will receive an intervention determined by the following minimum frequencies listed below.

Category	Minimum Frequency of Inspection
A	At least every 6 months
B	At least every year
C	At least every 18 months
D	At least every 2 years
E	Alternative Enforcement Strategy

- 3.1.6 For high risk premises (A's, B's, high C's) these interventions will be full inspection/audit.
- 3.1.7 For lower risk premises (low C's and D's) a suitable intervention may also include the use of monitoring, surveillance, verification, and sampling initiatives. This is designed to reduce the inspection burden on those businesses with a good standard of food hygiene. This is considered to be an important method to encourage self regulation and recognise businesses operating effective food safety management systems.
- 3.1.8 Although all new businesses receive an inspection, existing low risk category E establishments will normally not require an inspection. Instead, we assess their activities and compliance by means of telephone enquiry. When appropriate we provide relevant information and advice to these businesses, or may carry out an inspection if deemed necessary.
- 3.1.9 E.coli O157 is recognised as a serious and high profile pathogen. In all appropriate inspections we assess business compliance with the Food Standards Agency guidance document 'E.coli O157 Control of Cross Contamination Guidance'.
- 3.1.10 One of the ways in which the service is able to measure its performance is by the standard of business compliance in relation to food hygiene and safety. *Broadly Compliant* food establishments are those with a generally satisfactory or better level of compliance with food law. The percentage of Broadly Compliant businesses for the year 2014/2015 was 94.5% and there has been a consistent increase in this figure year on year.

3.2 Service Requests and Enforcement Activity

- 3.2.1 During the year we received a total of 670 service requests. In addition the table shows a breakdown of formal enforcement action carried out.

Type of Activity	Number
Number of food complaints	71
No. of food hygiene complaints	113
Other service requests – advice etc	338
No. of reported cases of Food Poisoning Investigated	60
No. of food and other samples taken	295

No. of Food Alerts	2
Number of establishments receiving formal notices	15
Number of Simple Cautions	1
Number of Prosecutions	0
Voluntary Closure of Premises	2

Table 3: Number of service requests and enforcement activity 2014/2015

3.3 Food Hygiene Rating Scheme

- 3.3.1 The Food Hygiene Rating Scheme applies to businesses supplying food direct to consumers. The results of a food hygiene inspection are published on the FSA website as a numerical rating from 0 to 5. The aim is to provide information on hygiene standards to consumers in circumstances where they are making a choice about eating or purchasing food. This includes restaurants, cafes, takeaways, sandwich shops and other places where people eat food prepared outside of the home, as well as food retailers.
- 3.3.2 Where a business does not supply food direct to consumers they are not rated. e.g. growers, manufacturers, packers and wholesalers.
- 3.3.3 Certain businesses that supply food direct to consumers are, however, not given a rating because they are not generally recognised by consumers as being food businesses, and certain establishments operating from private addresses such as child-minders.
- 3.3.4 The table below shows the number of businesses by food hygiene rating in the district at time of writing.

Food Hygiene rating	Description of rating	Number of businesses
5	Very good	687
4	Good	313
3	Generally satisfactory	124
2	Improvement necessary	33
1	Major improvement necessary	39
0	Urgent improvement necessary	6
Total		1202

Table 4: Number of businesses by food hygiene rating Oct 2015

- 3.3.5 95% of rated businesses are generally satisfactory or better. Those businesses with the lowest rating are reinspected within 6 months. If hygiene standards have improved they will receive a new rating. These businesses receive enforcement action and normally do not remain with a rating of 0 for more than a year.
- 3.3.6 Known as safeguards, a business has a right to appeal a rating, apply for a new rating by reinspection and a right to a written reply on the website.

Takeup of safeguards within the FHRS from April 2014 to March 2015	
Reinspection	47
Appeal	0
Right to reply	2

Table 5: Takeup of safeguards 2014/2015

- 3.3.7 The number of applications for a reinspection rose last year. This appears to have levelled off but can be seen as a significant number of inspections that have to be completed in addition to the normal inspection programme.
- 3.3.8 Display of the rating sticker at the entrance to businesses has been encouraged. However the display is not mandatory and many businesses still prefer not to. Accessibility of the online ratings has improved with the scores on doors mobile app. This can now provide ratings of businesses near your location.
- 3.3.9 The FSA provided one to one coaching to the most poorly rated takeaway businesses. It is pleasing to see that they do not feature prominently with the poorest rating

3.4 Enforcement Policy

- 3.4.1 New Forest District Council has formally adopted the Enforcement Concordat and this is reflected in the Food Safety Enforcement Policy. This received Member approval in 2010 and can be viewed on the Council's website.

3.5 Complaints

- 3.5.1 The Authority investigates all food complaints and these can be divided into two types, those relating food, and those relating to hygiene at premises. During the year 2014/2015 the authority received 71 food complaints relating to unfit food or food failing to comply with food safety requirements. We also received 113 complaints relating to hygiene at premises.

3.6 Primary Authority Partnerships

- 3.6.1 The Primary Authority scheme provides for a business, charity or other organisation operating across more than one local authority to have better coordination of inspections and enforcement across all LA districts. The business may enter into partnership with a local authority to agree a consistent approach to enforcement action. The number of partnerships continues to increase. We support the Primary Authority principle and liaise with Primary Authorities during investigation and when considering enforcement. To date we have not been approached with a formal request to act as a company's Primary Authority.
- 3.6.2 Where a local business sells food in another District we cooperate in sharing information with other local authorities when investigating complaints.

3.7 Advice to Business

- 3.7.1 We recognise the benefit of following an educative approach in the first instance unless there is a flagrant disregard to the law, or a serious health

risk. As a consequence, it is the Authority's policy to provide advice to businesses in a number of different ways including:

- Advisory visits on request;
- Visits and advice prior to the setting up of a food business;
- Provision of advice on best practice during inspections;
- Provision of free advisory leaflets;
- Online advice via our website, which also links to other relevant sources of information;
- Provision of advice where necessary to satisfy food hygiene legislation, for Planning, Building Control and Licensing applicants;
- We promote a joined-up approach to Council Services by identifying and directing food business operators to further relevant information sources, and;
- Provision of formal food hygiene training courses and other courses as the need arises.

3.7.2 During 2014-2015 we completed 326 requests for advice from businesses and members of the public.

3.7.3 In the current financial climate we are mindful of the need to offer practical advice to businesses to allow them to trade safely and legally without unnecessary expense. In line with our Enforcement Policy we will always operate a graduated approach to enforcement, where education is the preferred method of achieving compliance. We will always differentiate between advice and legal obligations when communicating with businesses.

3.7.4 Where the need arises we have the facility to translate both written correspondence and personal meetings into a number of languages.

3.7.5 In addition to providing information on local trainers, this Authority is able to provide training to achieve the Chartered Institute of Environmental Health Level 2 Food Safety in Catering qualification. The demand for delivery of training in a classroom setting is very low due to the availability of online courses. The Service is conscious of not promoting Food Hygiene Training provided by this Authority over that of private trainers.

3.7.6 We will continue to review whether there is demand for offering the Chartered Institute of Environmental Health Level 3 award in Implementing Food Safety Management Procedures in the future.

3.8 Food Sampling

3.8.1 Our sampling policy is available on the Council's website. This includes the approach taken for selecting food samples.

3.8.2 The Authority pursues a proactive food sampling programme and also undertakes reactive sampling following complaints or as part of food hygiene inspections. This provides information about the microbiological fitness of food available within the District.

- 3.8.3 All microbiological samples are submitted to the Food, Water and Environment Laboratory. When required, food samples are analysed for quality, spoilage and contaminants. These are submitted to Hampshire Scientific Service which is the appointed public analyst.
- 3.8.4 During the 2014/2015 year 295 food samples were submitted for examination.
- 3.8.5 When required, sampling of shellfish production areas in the Beaulieu and Lymington rivers are carried out by our officers. Arrangements are in place for Southampton Port Health Authority to collect shellfish from a sampling site in the Solent on our behalf. This is deemed cost effective for the service.
- 3.8.6 Microbiological and chemical sampling of imported food (from outside the EU) will continue to be part of our sampling duties when necessary to satisfy the requirements of the FSA, and when relevant circumstances apply.
- 3.8.7 We are not directly charged for the majority of food samples. However, statutory shellfish samples taken from production areas do incur a cost for both collection and examination. Additional costs which cannot be predicted may be incurred for re-sampling, at the request of the FSA, and where new production areas are identified.

3.9 Control and Investigation of Outbreaks and Food Related Infectious Diseases

- 3.9.1 Minimising the spread of food poisoning is a core objective of this service. We give this area of work high priority as early intervention can prevent further cases.
- 3.9.2 We investigate confirmed and suspected cases of food poisoning in conjunction with advice and guidance received from Public Health England.
- 3.9.3 In the 2014/2015 year the number of notifications formally notified for investigation was 60 which is a similar level to previous years.

3.10 Food Alerts

- 3.10.1 Where food is found to have failed food safety requirements and is in the distribution system the Food Standards Agency may issue a Food Alert to all Local Authorities with instructions of how to deal with affected food. In the year 2014/2015 we received 2 Food Alerts from the FSA which received appropriate action locally.
- 3.10.2 Where this Authority becomes aware of a serious food safety incident within the District there are arrangements in place to notify the Food Standards Agency.

3.11 Liaison with Other Organisations

- 3.11.1 The Service is represented on the Hampshire and Isle of Wight Food Advisory Committee which aims to ensure uniformity of food safety enforcement in the County.

- 3.11.2 The Service is represented on the Southern Shellfish Liaison Group which seeks to share knowledge and to apply consistent advice and enforcement for the industry. The Service is also represented on the Food, Water and Environment Laboratory User Group. This allows for liaison regarding microbiological sampling
- 3.11.3 Nationally, resources and information are shared via the Knowledge Hub website, and the restricted email system, EHC Net operated by the Chartered Institute of Environmental Health. Food sample results are uploaded to the *UK Food Surveillance System (UKFSS)* where they are accessible to other Local Authorities.
- 3.11.4 We have direct contact with the Food Standards Agency on specific matters where advice is required for appropriate enforcement. There is also regular contact with Public Health England in respect of food borne infectious disease. The PHE provide regular training events in support of this work.

3.12 Eat Out Eat Well Award

- 3.12.1 The Eat Out Eat Well Award has been developed to encourage food businesses to provide healthier options to customers, through the use of healthier catering practices. It is an important topic as there is growing concerns about diet related diseases such as heart disease and some cancers. This scheme benefits both caterers by promoting their businesses and consumers by helping them make healthier choices.
- 3.12.2 The scheme has proved successful with other local authorities and the opportunity exists for it to be adopted by NFDC. The resources necessary to administer the scheme are limited and some of the initial work with new businesses can be done as part of food hygiene inspections.

3.13 Imported Food Control

- 3.13.1 From time to time it is necessary for us to halt the illegal import of products of animal origin at External Temporary Storage Facility (ETSF) within the District. An ETSF serves as additional warehousing for the nearby Port of Southampton.
- 3.13.2 Products of animal origin discovered at any of the ETSF which have not previously been checked by Southampton Port Health Authority are considered to be illegally imported.
- 3.13.3 During the year 2014/2015, two consignments were detained to await HMRC intervention by notices served on ETSF operators.

3.14 Allergen Regulations

- 3.14.1 Since December 2014, allergen regulations have applied to businesses selling open foods and meals as well as foods which are wrapped on the same site as they are sold. The business must be able to advise customers whether food contains any of 14 specific allergens. In line with other Hampshire Authorities, we have agreed with the Trading Standards Service to provide advice to business and consumers. However, enforcement of the legislation remains with the Trading Standards service.

4 STAFFING ALLOCATION AND COMPETENCY

- 4.1 All inspecting officers are authorised in accordance with their job post, qualifications and experience. All officers are fully competent to inspect all risk categories of premises.
- 4.2 All Environmental Health Officers are authorised to serve Hygiene Improvement Notices, Hygiene Emergency Prohibition Notices, to undertake formal imported food controls and to seize food. They are also able to take formal action to prevent an individual from spreading food poisoning and other disease.
- 4.3 Officers with suitable experience and training are authorised to inspect approved premises and serve Remedial Action Notices when formal intervention is necessary.
- 4.4 All officers are suitably qualified for the work they do. Inspectors' competency is maintained through the provision of training. Training needs are identified as part of the yearly Performance Development Interview. This is to ensure officers have the necessary expertise and competency to inspect all premises types, including approved premises and other manufacturers – e.g. producers of cured meats and other high risk foods. As in previous years it is envisaged that training for the year ahead will be provided by a mixture of external courses, online training, shadowing other inspectors and in-house training sessions developed by our own officers to cascade training received from elsewhere.
- 4.5 The officer time allocated to food safety is approximately 5.2 FTEs members of staff. The breakdown of officer time allocated to each element of the service is as follows:

Activity	Staff Time (FTE)
Inspections / formal action	3.3
Complaints and Service Requests	1.0
Sampling (Food and Shellfish)	0.4
Other (including food poisoning investigation)	0.5
Total	5.2

Table 6: Officer time by activity 2014/2015

5 CONCLUSION

- 5.1 During the year we completed a total of 1148 interventions. We concentrate our resources on higher risk businesses and carried out all high risk interventions except for a very small number where access was not available. The majority of lower risk businesses received a planned intervention. Outstanding interventions are completed in the following year. It is noted that the broad compliance figure continues to improve which signifies better food hygiene standards in our local businesses. This may be directly linked to the increasing awareness of the food hygiene rating scheme.
- 5.2 The food hygiene rating scheme includes all relevant businesses. Access to the ratings are readily available online. 95% of rated businesses are of a generally satisfactory or better standard. Voluntary display of the rating sticker at premises will continue to be encouraged.

6 FINANCIAL IMPLICATIONS

- 6.1** There are no financial implications as the service meets the demands placed upon it from within existing budgets.

7 CRIME & DISORDER, EQUALITY & DIVERSITY, ENVIRONMENTAL IMPLICATIONS

- 7.1** None

8 RECOMMENDATION

- 8.1** That the content of this report be noted.