



Food Safety Service Plan

2023 – 2024

Effective date of Strategy: 1st April 2023

Strategy and Resources approval date:

Review date: 1st April 2024

Author: Lead Officer, Food, Health & Safety

INTRODUCTION

| | |
|---|-----------|
| 1. SERVICE AIMS AND OBJECTIVES | 3 |
| 1.1 Aims | 3 |
| 1.2 Key Priorities | 4 |
| 1.3 Links to Corporate Objectives & Plans | 6 |
| 2. BACKGROUND INFORMATION | 7 |
| 2.1 Local Authority Profile | 7 |
| 2.2 Organisational Structure | 8 |
| 2.3 Scope of the Food Service | 9 |
| 2.4 Demands on the Food Service | 11 |
| 2.5 Key Issues for 2023 –2024 | 13 |
| 2.6 Challenges and Risks | 16 |
| 2.7 Enforcement Policy | 16 |
| 3. SERVICE DELIVERY | 17 |
| 3.1 Food Premises Interventions | 17 |
| 3.2 Food Hygiene Intervention Rating of Premises | 17 |
| 3.3 Food Complaints/Premises Complaints | 20 |
| 3.4 Advice to Business | 20 |
| 3.5 Food Sampling | 20 |
| 3.6 Allergens | 21 |
| 3.7 Control and Investigation of Outbreaks and Food Related Infectious Disease | 21 |
| 3.8 Food Safety Incidents | 22 |
| 3.9 Liaison with Other Organisations | 22 |
| 4. RESOURCES | 23 |
| 4.1 Financial Allocation | 23 |
| 4.2 Staffing Resources | 23 |
| 4.3 Staff Development | 24 |
| 5. ASSESSMENT AND PERFORMANCE MANAGEMENT | 24 |
| 5.1 Quality Assessment | 24 |
| 6. REVIEW | 25 |
| 6.1 Review against the Service Plan | 25 |
| 6.2 Identification of any Variation from the Service Plan | 25 |
| 6.3 Action Plan | 25 |
| 6.3 Areas of Improvement | 25 |

INTRODUCTION

This Service Plan sets out how North Devon Council (NDC) intends to provide an effective food safety service that meets the requirements of the Food Standards Agency (FSA) Framework Agreement. It covers the functions carried out by authorised officers of the Food, Health & Safety Team under the provisions of the Food Safety Act 1990, the Food Safety and Hygiene (England) Regulations 2013 and relevant regulations made thereunder.

This plan's key focus is to demonstrate how the Council will fulfil its statutory obligations and duties in relation to food safety during the period of recovery following the Covid-19 pandemic and beyond.

Underpinning our Food Safety Service is the ethos on ensuring we are delivering services to all communities equitably, proportionally and consistently, taking account of the personal beliefs, race, age, disability, gender and sexuality of all our customers.

The FSA requires the Food Service Plan to be submitted to the relevant Member forum for approval to ensure local transparency and accountability. On approval, the Service Plan will be published in the public arena via the Council's website, www.northdevon.gov.uk

1. SERVICE AIMS AND OBJECTIVES

1.1 Aims

- 1.1.1 The Food Safety Service Plan is an expression of the Councils' continuing commitment to the provision of a food safety service in North Devon to the public and businesses alike, that is equitable, proportional, consistent, helpful, open and takes into account equality issues. It covers the key areas of Food Safety enforcement and the relevant management arrangements and objectives against which NDC will monitor service delivery.
- 1.1.2 Food businesses are central to the economy of the North Devon district and food safety is vitally important to the wellbeing of residents, visitors and other consumers of food produced in the area. Consequently, one of the fundamental purposes of the Food, Health and Safety Service is to ensure that the food and drink manufactured, prepared, stored and sold in the district, including imported food, is safe to eat, free from contamination, is supplied in a hygienic manner from premises that are clean and hygienic. The service seeks to improve and sustain the standards of food safety in the area. To achieve this, the service works to support individual food businesses and provides a level regulatory playing field for them through inspection, advice, complaint investigation, and a programme of sampling as well as through the use of formal enforcement when this proves necessary.
- 1.1.3 The previous Food Safety Service plan, dated 2019-21 was somewhat overtaken by the Covid-19 Pandemic and due to the uncertainty surrounding the Covid restrictions legislation as to when the team would get back to their normal operational service with regards to food safety, in place of a Service Plan, the team have been complying with the Food Standards Agency (FSA) Recovery Plan. The Recovery Plan set out guidance and advice to local authorities for the period from 1 July 2021 to 2023/24. The Recovery Plan aims to ensure that during the period of recovery from the impact of Covid-19, local authority resources are targeted where they add greatest value in providing

safeguards for public health and consumer protection in relation to food. It also aims to safeguard the credibility of the Food Hygiene Rating Scheme.

1.1.4 The Recovery Plan provided a framework for re-starting the delivery system in line with the Food Law Codes of Practice for new food establishments and for high-risk and/or non-compliant establishments while providing flexibility for lower risk establishments. This has been implemented alongside delivery of:

- official controls where the nature and frequency are prescribed in specific legislation and official controls recommended by FSA guidance that support trade and enable export
- reactive work including enforcement in the case of non-compliance, managing food incidents and food hazards, and investigating and managing complaints
- sampling, and
- ongoing proactive surveillance

All local authorities are expected to have regard to the guidance and advice in this Recovery Plan which came into place from 1st July 2021.

The Food, Health & Safety Team, have, where they can, moved at a faster pace in realigning with the intervention frequencies and other provisions set out in the Food Law Codes of Practice.

1.1.5 To achieve this, we have followed the headline priorities for regulation laid out by the Food Standard Agency:-

- secure effective enforcement and implementation of policies that protect consumers from risks related to food and from fraudulent or misleading practices, targeting the areas where there is highest risk.
- develop our knowledge of what works in driving up business compliance with regulations.
- safeguard consumers by making it easier for business to comply with regulations, and minimise burdens on business.
- secure more proportionate, risk-based and effective regulation.

1.2 KEY PRIORITIES

1.2.1. There have been two phases to the Recovery Plan:

- Phase 1 - 1 July to 30 September 2021
- Phase 2 – 1 October 2021 to 2023/24.

The Food Standards Agency intended to have new food safety delivery model and a revised food hygiene intervention rating scheme in place by April 2023, however at the time of writing this Service Plan, the FSAs new delivery model has not been established. From 1st April 2023, local authorities will revert to following the current Code of Practice model to deliver a programme of food hygiene interventions as they did pre Covid, until such time as the FSA publish the new delivery model.

An outline of the recovery plan is provided at Fig 1.

Figure 1: Outline of the Recovery Plan



Notes

The key milestone dates within the Recovery Plan for higher risk establishments are shown.

For lower risk establishments not shown in the figure, local authorities have the flexibility to defer planned interventions and only undertake intervention where information/intelligence suggests that risks have increased/standards have fallen or if the establishment is otherwise considered a priority for intervention due to the risk posed.

In the case of food standards, the impact on the business of the new requirements on allergen labelling for products prepacked for direct sale - that apply from 1 October 2021 - should also be taken into account.

1.2.2 In addition, our service priorities are:

- To put the customer first in everything we do.
- To ensure that interventions are carried out commensurate with the principles of risk, at food premises within the district, ensuring compliance with the relevant food laws.
- To ensure as far as reasonably practicable, that imported food used or sold in premises within the district complies with all relevant Food Law.
- To ensure as far as reasonably practicable, that no illegally produced food is used or sold in premises within the district e.g. meat or meat products from unauthorised premises.
- To ensure food complaints are investigated.
- To maintain partnerships with businesses by acting as a Primary Authority in accordance with guidance from the Regulatory Delivery Office within the Department for Business Energy and Industrial Strategy (BEIS)).
- To undertake food sampling based on local and national priorities.
- To provide informed and helpful advice to businesses and the public alike on matters relating to food safety.

- To act on food safety alerts promptly and in a manner that is proportionate to the risks involved.
- To play an active role within the Devon, Cornwall & Isles of Scilly Food Liaison Group in order to ensure a consistent approach to food law enforcement.
- To review the way we deliver our food service annually that takes into account recognised performance targets and standards

1.3 LINKS TO CORPORATE OBJECTIVES & PLANS

1.3.1 This Food Safety Service Delivery Plan links closely with the strategic themes laid out in the Corporate Plan. These essentially govern how the Council will deliver its services based on local aspirations, needs and priorities.

- We achieve financial security
- We become focused on delivering the best for our customers
- Our environment is cherished and protected
- We plan for North Devon's future

1.3.2 The Food Service Plan will contribute to the Corporate Plan in the following ways:

We achieve financial security by:

- Charging a fee for work where this is permitted, for example the certifying of Export Health Certificates and Primary Authority work and introducing charging for services which are not a statutory function, under Section 1 of the Localism Act 2011, such as Food Business Operators requested re rating inspections.

We become focused on delivering the best for our customers by:

- ensuring we are delivering services to all communities equitably, proportionally and consistently.
- carrying out interventions prioritised by risk and regulate to help ensure that all food businesses are providing safe food to consumers.
- providing help, advice and support to consumers to protect health and promote consumer choice e.g. National Food Hygiene Rating Scheme.
- providing transparent, robust and consistent approaches to investigating and resolving consumer complaints about food and food businesses.
- taking part in national food sampling programmes and taking action to remove unsafe food from the market.
- working towards improving the overall food hygiene levels and ratings for food businesses, thereby protecting food consumers within North Devon.
- Investigate all substantiated food poisoning allegations and notified food poisoning outbreaks.

Our environment is cherished and protected:

- Carrying out waste enforcement and education during visits at food businesses, ensuring that adequate provisions have been put in place to deal with waste generated by businesses.

We plan for North Devon's future:

- Supporting events, where food plays a major role, with a suitable balance of advice and regulation to help protect the District's reputation for providing popular food events.
- continue to provide support to start-up food businesses in the form of advice designed to assist them to achieve a high food hygiene standard and a high Food Hygiene Rating on their first inspection.
- delivering support and signposting and to existing businesses to help them thrive.
- targeting interventions at lower food hygiene rated businesses to encourage improvement as higher ratings have been shown to increase customer base.
- supporting businesses in the district through Primary Authority arrangements to ensure they get assured and consistent advice on regulatory compliance.

2. BACKGROUND INFORMATION

2.1 Local Authority Profile

North Devon Council covers an area of 1,086 km² with a population of 98,170. The area is coastal and rural with the major populations found in Barnstaple (24,404), and the villages and towns of Ilfracombe (11,318), Braunton (8,272), South Molton,(5,645) Fremington, (12,244), Lynton and Lynmouth (1,405) (*UK National Statistics 2020: North Devon (District, United Kingdom) - Population Statistics, Charts, Map and Location (citypopulation.de)*)

2.1.1 The local authority's Food Safety Service is delivered from Brynsworthy Environment Centre.

2.1.2 North Devon has 1680 businesses that come under the Council's food safety enforcement. The majority of food businesses in North Devon fall within the catering and retail sectors, with a large number of hotels, bed & breakfasts, cafés and restaurants, as well as markets, mobile food caterer and an increasing number of home bakers/caterers.

There are many small and medium sized food manufacturers in the area providing a range of specialist and complex food processes, for example, vacuum packaging (including butchers' shops that vacuum pack raw and cooked meat), sous vide, cook chill, and ready to eat food which may be consumed without further preparation other than re-heating. We also have a number of premises that manufacture meat, fish, (including caviar) and egg products and a large shell fish processor that exports to China, Vietnam, Korea and European Union Countries.

All interventions with businesses are carried out with regard to the local authority's commitment to equality of opportunity for local people as stated in the Equal Opportunities Policy.

2.2 Organisational Structure.

2.2.1 Committee Structure as per the North Devon District Council Constitution - May 2019

2.2.2 Council Structure.

Chief Executive- Ken Miles

- Director of Resources and Deputy Chief Executive
- Head of Planning, Housing and Health
- Head of Environmental Enhancement
- Head of Organisational Development
- Head of Programme Management and Performance
- Head of Governance - Adam Tape
- Head of Place, Property and Regeneration
- Head of Customer Focus

2.2.3 Service Structure

Planning, Housing and Health Service Head of Planning, Housing & Health

Lead Officer Food, Health & Safety x 0.5
Environmental Health Officers EHO x 3.5
Case Officer x 0.8

Lead Officer Licencing (Vacant) x 1.0
Regulatory Services Officer x 2.0
Case Officers x 1.68

Lead Officer Environmental Protection& Planning x 1.0
Environmental Health/Protection Officers/Wardens/Apprentice EHOs x 6.0
Case Officers x 2.0

The following teams report directly to the Head of Planning, Housing and Health

- Building Control
- Community Safety Public Protection
- Development Management (Planning)
- Environmental Protection
- Food, Health and Safety
- Housing
- Licencing

2.2.4 The Food, Health & Safety Team comprises of a Lead Officer (0.5 FTE), Environmental Health Officers (3.5 FTE) and a Case Officer (0.8 FTE)
The structure is indicative of those staff employed by the Council as full time equivalents and not the amount of time spent on food safety.

2.2.5 All officers in the Food, Health and Safety team have duties beyond those they carry out for Food Safety. All Officers also carry out duties under the Health & Safety at Work etc. Act 1974, which involves accident investigations, responding to health and safety complaints regarding premises and carrying out

topic specific inspections as determined by the Health & Safety Executive (HSE) and the Devon & Cornwall, Health & Safety Liaison Group and advising on Safety Advisory Group for large events.

- 2.2.6 The Head of Service and the Lead Officer for Food, Health and Safety have delegated powers in relation to food safety to act on behalf of the Council
- 2.2.7 All team Officers are contactable out of hours, by one of the designated Silver Control Officers, if deemed necessary to assist with an emergency or major incident, such as a food poisoning outbreak.
- 2.2.8 North Devon Council is supported by UK Health Security Agency (UKHSA), in its infectious disease role. UKHSA South West Consultants in Health Protection have been authorised as Proper Officers, under the Local Government Act 1972, Section 270 (3) as amended. The Consultants discharge a collective responsibility within the region through UKHSA's shared Acute Response Centre Duty Desk rotation and therefore not individually named. In addition, three Environmental Health Officers in the team have been authorised as 'Proper Officers' under the Public Health (Control of Disease) Act 1984 to allow them powers of entry in the case of an infectious disease outbreak:
- Pamela Charles - Lead Environmental Health Officer
 - Aarron Turton - Environmental Health Officer
 - Louise Lewis - Environmental Health Officer
- 2.2.9 UKHSA Food, Water and Environmental Microbiology Laboratory at Porton Down is the Council's appointed Food Examiner and Public Analyst Scientific Services (PASS), Wolverhampton is our Public Analyst.

2.3.Scope of the Food Service

- 2.3.1. Under Regulation 5 of the Food Safety and Hygiene (England) Regulations 2013 the Council has a statutory duty to enforce the food safety provisions of the European Communities Act 1972 and regulations made there under, the Food Safety Act 1990 and The Food Safety and Hygiene (England) Regulations 2013. Although we are no longer part of the European Union, we still enforce regulations which have been transferred into UK law by the European Union (Withdrawal) Act 2018.

Whilst the duty to comply with food safety legislation rests with the Food Business Operator, the Council, as a designated Food Authority, has the regulatory enforcement role to ensure compliance is achieved. Enforcement of food standards legislation (quality, composition and labelling) is the responsibility of the Trading Standards South West Service.

Our Food Safety Service is currently responsible for ensuring compliance in 1680 food premises in North Devon, together with controlling imported food arriving at inland locations within the district and certifying Export Health Certificates for food exported from the district.

2.3.2 The work of the service may be split into two broad areas – Proactive and Reactive.

Proactive work:

- Carrying out a programme of planned interventions e.g. inspections, audits, sampling at food establishments
- Law Enforcement- e.g. Emergency Prohibition/Detention and Seizure of food
- Administering the Food Hygiene Rating Scheme
- Operating inland imported food control at retail and catering establishments etc.
- Systematic review and updating of food safety policies and procedures
- Prosecutions, simple cautions and other enforcement actions
- Registration and Approval of food businesses
- Maintenance of a database and register of food businesses
- Servicing Primary Authority Partnerships
- Training of new staff and students
- Team meetings
- Attendance at Liaison Group Meetings
- Undertaking food sampling including monthly bivalve mollusc sampling
- Undertaking training for Continuing Professional Development
- Keeping abreast of changes in legislation and FSA guidance

Reactive work

- Investigation of complaints concerning food establishments and food handling practices
- Investigation of complaints regarding food items.
- Registration of food establishments
- Investigation and control of cases of infectious disease and suspected and confirmed food poisoning
- The provision of advice and information on food safety issues
- Certifying and Issuing Export Health Certificates
- Dealing with unfit food
- Responding to FSA Food Alerts

2.3.3 Whilst undertaking food safety interventions, officers are expected to carry out the following additional functions:-

- hazard spotting in relation to health & safety issues
- priority based health and safety inspections (for example gas safety)
- smoke free compliance checks
- duty of care checks in relation to waste

2.3.4 All food services are delivered by in house staff, except where food analytical services are used. Casual staff or contractors are occasionally used to support our work and help us manage variances in demand.

The graph and table on the following page (**Fig.2**) shows the number of requests for service received for food related issues by the Food Team each year. The increase in requests since January 2020 is due to the requirement for a local food business to have Export Health Certificates certified by officers since the UK left the European Union.

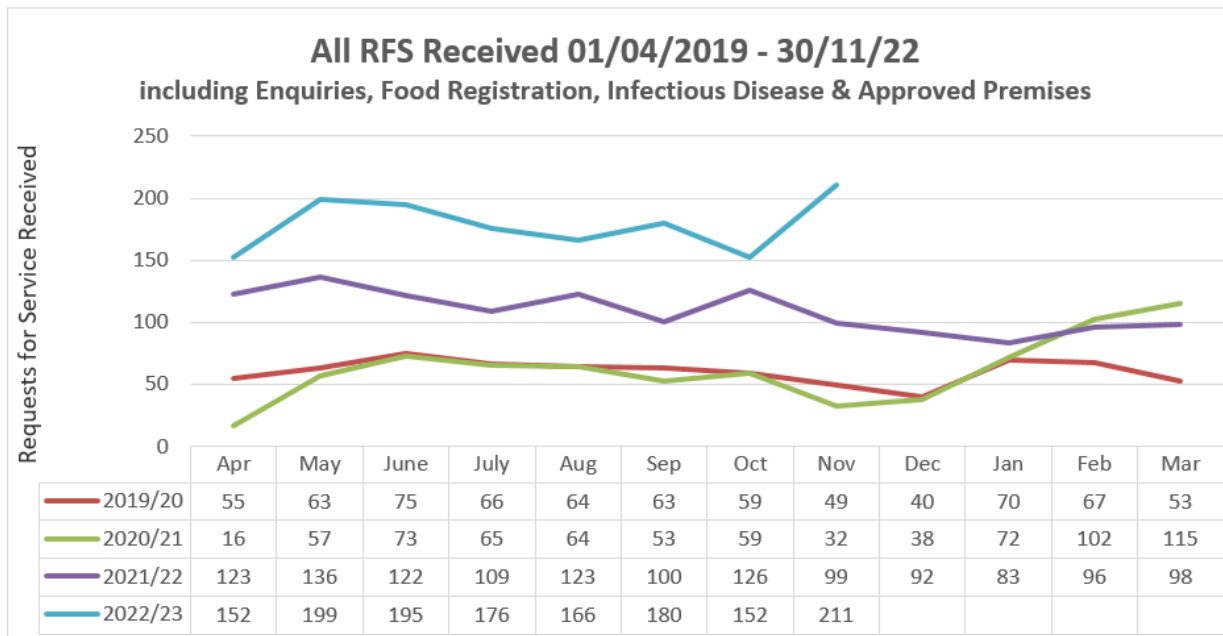


Fig.2

2.4 Demands on the Food Service

The Food, Health and Safety Team are responsible for enforcing legislation in all food business premises.

As at 1st April 2022, there were a total of 1680 food premises in the district. However, the overall number of businesses fluctuates as new businesses open or existing ones close down. The type of premises range from manufacturers of high-risk meat and dairy products to local shops, restaurants and take-aways, mobile businesses and home producers. The profile of premises is always changing, but the greatest number of premises fall in to the catering and retail sectors.

Fig.3 below indicates the type and number of food registered businesses in North Devon.

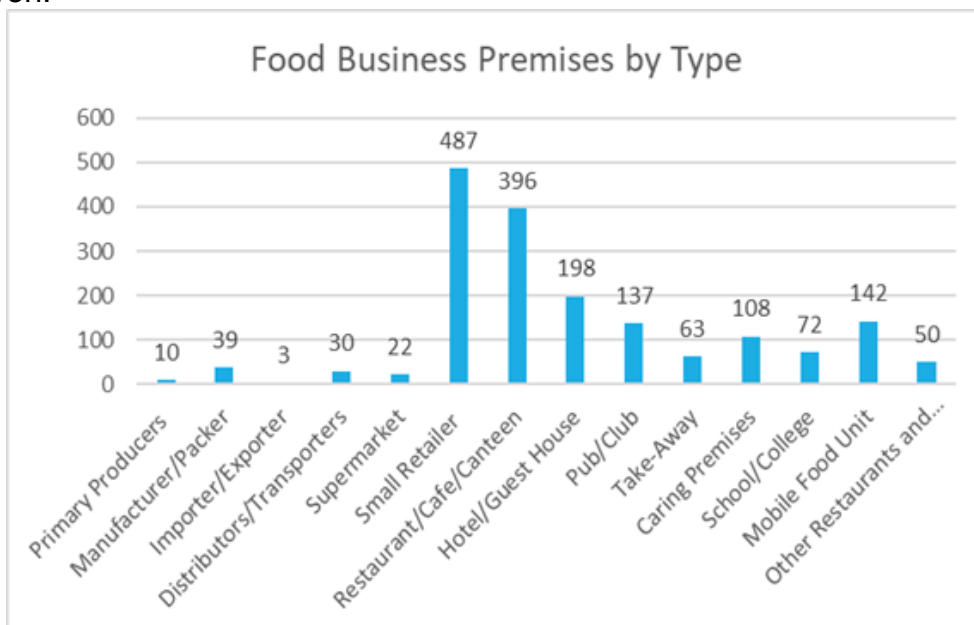


Fig.3

2.4.1 There are a number of businesses within the district that carry out a wide range of specialist and complex food processes, for example, sous vide, cook chill,

vacuum packaging (including butchers' shops that vacuum pack raw meat) and ready to eat food which may be consumed without further preparation other than re-heating. We also have a number of premises that manufacture meat, fish, (including caviar) and egg products, The FSA Codes of Practice specifies that the above types of premises should only be inspected by officers who have received specific training in the processes involved. In order to address this there is a need to maintain officers' competency in these areas by making provision for officers to attend relevant training courses.

2.4.2 North Devon has 38 Approved premises. These are premises approved under EC Regulation No.853/2004 that manufacture and sell, largely to non-final consumers, (such as retailers and restaurants), products of animal origin, such as dairy, meat and fish products and egg packing premises.

2.4.3 There is one licensed slaughterhouse and two meat-cutting plants in the district, which come under the enforcement of the FSA.

2.4.4 Mobile food businesses, Farm shops, Farmers Markets and people setting up food business in their homes are continuing to be popular and more business operators are taking advantage of running a food business via internet sales

2.4.5 Imported Food Control

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.

North Devon has no border controls or transit sheds and checks on imported foods are only made during routine visits to businesses.

2.4.4 Primary Authority Partnerships

The Primary Authority Principle was launched in 2009 to make the local regulation of businesses operating at multiple premises across the UK more consistent. In October 2017 the scheme was expanded to include all businesses, not just those with multiple premises. The operation of the Primary Authority scheme is a statutory responsibility of the Department for Business, Energy & Industrial Strategy, BEIS, whose role is to register partnerships, issue guidance and resolve disputes.

Businesses 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.

North Devon Council fully endorses the Primary Authority principle and currently acts as the Primary Authority for the following four businesses:

- Parkdean Resorts Ltd
- Mole Valley Farmers
- Rawle Gammon and Baker (RGB)
- John Fowlers

The Council charges for Primary Authority work at a rate of £50 per hour which generates a small income from a combination of food safety work and health and safety work.

Income gained from this work:

2018/19 £916

2019/20 £140

2020/21 £666

2021/22 £300

North Devon Council (NDC) is not a Port Health Authority, but fish landings are made at Ilfracombe, Instow and Lynmouth.

2.4.5 The Taw Estuary accommodates commercial Mussel and Oyster beds, and monthly sampling of bi-valve molluscs (mussels) and Oysters is a statutory duty. Samples are taken from four production areas as designated by the Centre for Environment, Fisheries and Aquaculture Science, (CEFAS). Sampling is carried out by Officers in accordance with the controls laid down in Annex II of Regulation 854/2006.

The cost of mussel sampling is borne by the Council and in 2021/22 the cost was £2,996.

2.4.6 Local issues include:

- the seasonal and transient nature of a significant number of premises catering for the tourist trade,
- support for the local shellfish industry in monitoring the cleanliness of the shellfish beds in the Taw Estuary,
- the high turnover of food businesses and food business operators within business
- the number of businesses being run from domestic premises.
- The daily demand for certifying Export Health Certificates for local businesses exporting to EU Countries and other destinations.

2.4.7 Due to the nature of the North Devon area, there are always a number of festivals and events taking place and the team often spend time away from programmed inspections, to ensure that mobile food vendors visiting North Devon from other parts of the country are complying with food hygiene legislation.

2.5 Key Issues for 2023 –2024

2.5.1 **The FSA New Work Programme-** In January 2020 the Achieving Business Compliance (ABC) Programme was set up by the FSA to develop a set of smarter regulatory approaches which will modernise the way food businesses are regulated by the FSA and local authorities, by developing new ways to maintain effective regulatory oversight over a more diverse and complex food system. The Programme will develop a set of smarter regulatory approaches which will:

- make it easier for businesses to provide safe and trusted food for consumers,
- target regulatory resources at the areas which pose the greatest risk and
- improve compliance across the system by working with and through others.

The programme includes three workstreams:

1. Targeted and proportionate regulation: the FSA are designing a more targeted and proportionate approach to local authority regulation of food businesses.

2. Enterprise-level approaches: The FSA will design new regulatory models for a set of large businesses that are compliant with regulation and influential in the food chain.
3. Assurance of online food sales: The FSA will assess the potential risks to consumers from buying food online, and the regulatory levers available to address these.

The ABC programme is a long-term, agile programme of work that the FSA expect to take around 5 years to deliver.

The Food Safety Team will need to work with the FSA as required and adapt the way they work as required, during the implementation of this work programme, which means that during this period there will be a significant amount of work for LAs and the FSA to undertake.

Further information can be found by clicking on this link:

[Achieving Business Compliance \(ABC\) programme | Food Standards Agency](#)

2.5.2 Brexit- leaving the European Union has had a high impact on the work load of the Food, Health and Safety Team. (see Fig.1) Officers have had to undergo specific additional training to become Food Competent Certifying Officers, to enable them to certify Export Health Certificates for the businesses in North Devon that export food items to EU AND non-EU countries. The largest exporter can require up to twelve certificates a day. Whilst we are able to charge the businesses for this work, the income has been offered up corporately so cannot be used to backfill with additional officers. The number of exports certified by officers over the past four years is:

01/04/2019 - 31/03/2020 - 25 certificates
 01/04/2020 - 31/03/2021 - 131 certificates
 01/04/2021 - 31/03/2022 - 645 certificates
 01/04/2022 – 30/11/2023 - 445 certificates

2.5.3 The National Food Hygiene Rating Scheme- North Devon Council implements the FSA's national Food Hygiene Rating Scheme. The scheme includes all business types, such as schools, nurseries, retail shops, restaurants, public houses, care homes, home caterers. Businesses such as Childminders and Approved Premises or premises which the public would not deem to be a food business, such as a hairdresser offering a cup of tea to clients, or shops who offer a very small range of confectionery as an extra to their main retail purpose, are excluded from the scheme. Businesses are given a score between 0-5 based on their risk rating. 0 being the least compliant, 5 being the most compliant. Businesses receive a sticker with their score on, the display of which remains voluntary, unlike in Wales and Northern Ireland where display is mandatory. Safeguards exist to enable businesses to request a revisit for a re-score, to appeal the score and/or publish a 'right to reply'.

Ratings are published on the FSA's website with a link from North Devon Councils website. This enables members of the public to make informed choices about where they eat food and gives well run food businesses the opportunity to demonstrate how compliant they are in relation to others. The scheme helps to raise standards as most business operators desire to achieve a '5' rating. Businesses that fail to comply with legal requirements are required to make improvements through an informal written notice, advice and education with revisits and formal enforcement action if necessary.

Under the Localism Act 2011, The Food Standard's Agency guidance on the Food Hygiene Rating Scheme, the 'Brand Standard' March 2017, allows for the charging of revisits requested by the food business operator. North Devon Council does not receive many food business operator requests for revisits, however, given the current economic climate it is intended to start charging businesses as from 1st April 2023, £110 + VAT, for such visits, based on officer time.

2.5.4 Safer Food Better Business

Safer Food Better Business (SFBB) was designed by the FSA to assist small and medium businesses 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.

2.5.5 New Food Business Registrations

In addition to businesses that form part of the programme, the local authority inspects around 200 newly registered food businesses each year. The Food Law Code of Practice (England) March 2021, requires newly registered food premises to be inspected within 28 days of this authority receiving the registration. This forms an additional demand on officers as the rate of new registrations is somewhat unpredictable. During the Covid-pandemic many residents in North Devon set up food businesses from home and we received around 71 more food registrations than in a normal year. The number of new registrations each year is shown below (Fig.4)

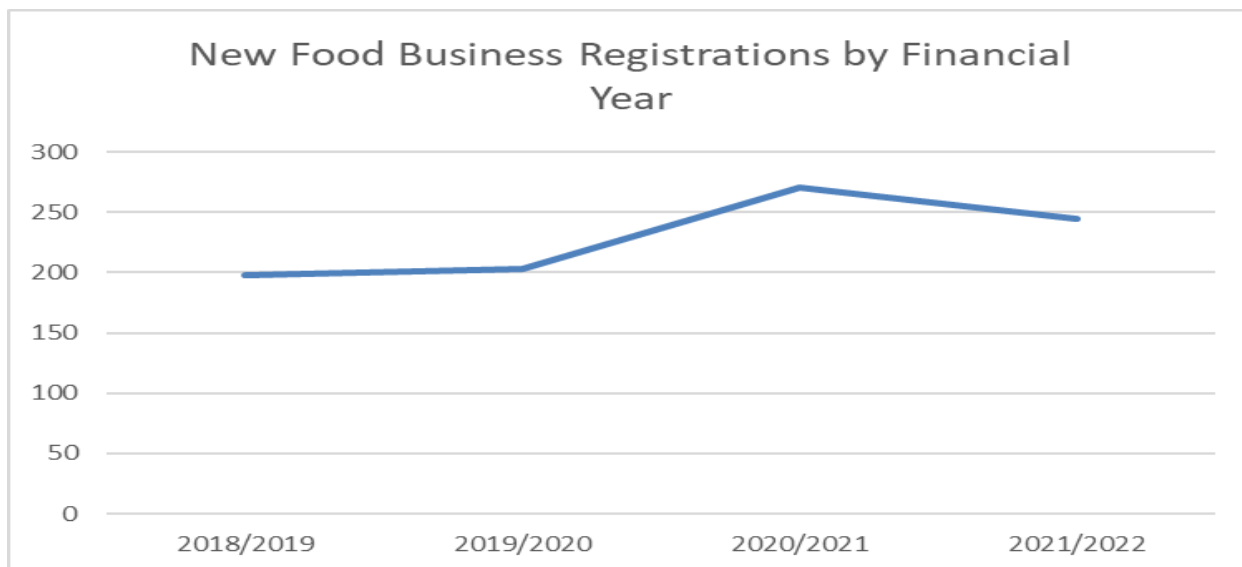


Fig.4

| Year | Total No of New Registrations |
|---------|-------------------------------|
| 2018/19 | 198 |
| 2019/20 | 203 |
| 2020/21 | 271 |
| 2021/22 | 245 |

2.5.6 Access to our Service

Officers of the The Food, Health and Safety Team are located at Brynsworthy Environment Centre.

Requests for service may be received by:

- Telephone

- Personal visit to Lynton House, Barnstaple, or Amory House, South Molton
- Email
- Website
- Letter

Officers visit commercial and residential premises to carry out their duties and may do so outside of normal office hours where necessary.

All our offices are accessible to people with disabilities. The Council website (www.northdevon.gov.uk) provides access to all services and the ability to report an issue, and links to the Government website for an on-line food premises registration form and information and advice on Food Safety.

2.6 Challenges & Risks

2.6.1 During the pandemic, programmed food hygiene inspections could not take place, leading to a large backlog of food safety interventions:

2.6.2 Numbers of new food business registrations significantly increased during and since the pandemic. Some of those that registered never actually started trading and others have now ceased trading, the risks associated with them remain largely unknown. We continue to carry out a data cleansing exercise to close down any food registrations which fell in to either of these categories.

2.6.3 Some existing businesses frequently change hands which then requires a new registration and an inspection from an officer, even if they were recently inspected before the business changed hands.

2.6.4 Officers are reporting that in some cases hygiene standards have dropped and businesses have failed to maintain their standards and in particular their food safety management documentation over the course of and since the pandemic.

2.6.5 Programmed food hygiene inspections are proving to be more complex to undertake and are taking longer as standards of hygiene and management have dropped in many premises as they were not subject to routine inspections during the pandemic years. This underlines the importance of the inspection programme and how in many instances, business operators came to expect regular inspections so maintained their standards between inspections

2.6.7 Our intention therefore, is to work to complete the key dates on the FSA Recovery Plan in order to align ourselves with The Food Law Code Of Practice (England) March 2021 and then work within the new monitoring system decided by the FSA for implementation by 2023/24.

2.7 Enforcement Policy

The Food, Health & Safety Team adopt the principles laid down in the Enforcement Concordat, which states that enforcement must be fair, consistent and equitable. The

The Corporate Enforcement Policy considers the requirements of the Regulators' Code which states regulators should:-

- Carry out their activities in a way that supports those they regulate to comply and grow.

- Provide simple and straightforward ways to engage with those they regulate and hear their views.
- Base their regulatory activities on risk.
- Share information about compliance and risk.
- Ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply.
- Ensure that their approach to their regulatory activities is transparent.

and has regard to Crown Prosecution guidelines. The Policy outlines the enforcement options available for dealing with problems relating to non-compliance with the legislation and can be found at:

<https://www.northdevon.gov.uk/council/strategies-plans-and-policies/corporate-plans-strategies-and-policies/corporate-enforcement-policy/>

3. SERVICE DELIVERY

3.1 Food Premises Interventions.

3.1.1 Prior to the Covid-19 pandemic, one of the teams key priorities was to ensure that all our businesses receive an intervention within the minimum frequency set down in Food Law - Code of Practice (England) (See para 3.2 below)

3.1.2 Due to the Covid-19 restrictions most of the inspections that were due in 2020/21 and 2021/22 were not completed and had to be carried forwards in to 2022/23. Priority has so far been given to the most high risk/non-compliant food premises and new businesses that have not previously been inspected. Working in line with the FSA's Recovery plan, all category A, B, less than Broadly Compliant cat C and less than Broadly Compliant D businesses have been inspected ahead of the target date of 31st Dec 2022. Officers are also making good progress on catching up with inspecting all new registrations and cat C inspections which need to be completed by 31st March 2023. If time allows Officers will move on to inspecting overdue cat D premises, although this is not an expectation of the FSA Recovery Plan, (Fig 1). Cat E premises are not expected to receive an intervention by the end of March 2023 either .

3.2 Food Hygiene Intervention Rating of Premises

3.2.1 All food premises are rated according to their level of risk, as defined by the FSA Food Law Codes of Practice (England), Chapter 5, Organisation of Official Controls. There are five risk categories of food premises (A – E), with each class of risk group having a specific minimum frequency of intervention. The risk rating determines the frequency and nature of the interventions that are classed as official controls (see chart, page 19).

3.2.2 Risk A is the highest risk and Risk E is the lowest risk. Fig.5 provides a summary of the type of frequency of intervention for each risk category. In most cases North Devon Council chooses the official control of a full inspection for all categories of premises except those in category E where by we carry out an Alternative Enforcement Strategy intervention which is contacting the businesses to check that they are still operating and are still carrying on the business that they initially registered as. In some cases the nature of their business has changed and we would carry out an inspection visit as the risk category may require changing.

| Category | Frequency |
|-------------------------|-----------|
| A | 6 months |
| B | 12 months |
| C non-broadly compliant | 18 months |
| C broadly compliant | 18 months |
| D | 24 months |
| E | 36 months |

3.2.3 The risk score is determined not only by the standards of hygiene, structure and confidence in management, but also on elements that cannot alter, for example, type of food produced and the number of consumers at risk..

Public perception is that officers are visiting premises far more frequently than is determined by the Codes of Practice and many people are surprised to learn of the long intervals between inspections.

The table below indicates the number of premises in each risk category as at 1st April 2022

| Risk Rating | Number of Premises |
|-------------------|--------------------|
| A | 1 |
| B | 16 |
| C | 327 |
| D | 401 |
| E | 760 |
| Not Yet Rated (U) | 175 |

The graph below, (**Fig 5**), shows the risk profile of food premises as at 1st April over the past five years, (no data available for 2021/22 due to Covid pandemic), with most registered premises falling in to the lower risk categories. U is the newly registered buinesses awaiting inspection and rating.

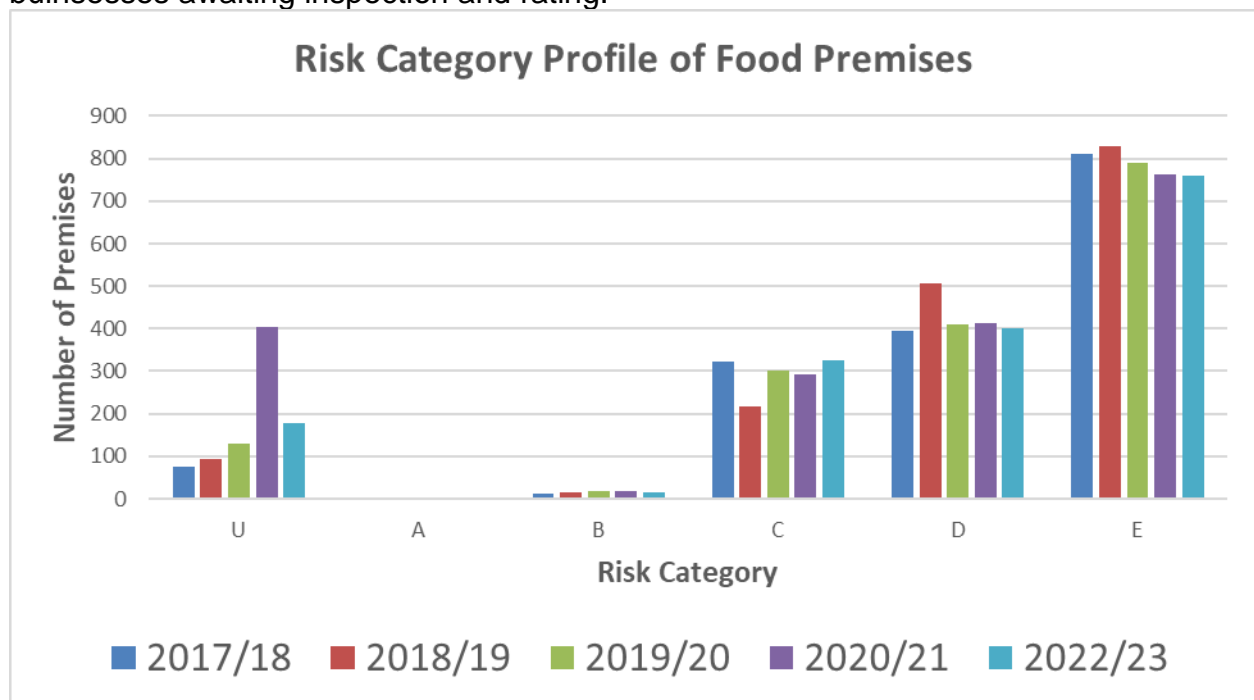


Fig.5

3.2.4 The number of food hygiene interventions due throughout the year is shown in the graph below (**Fig.6**).

North Devon has a large number of seasonal food businesses, which can make for busy periods of work in the Summer as these need to be visited whilst they are open for trading.

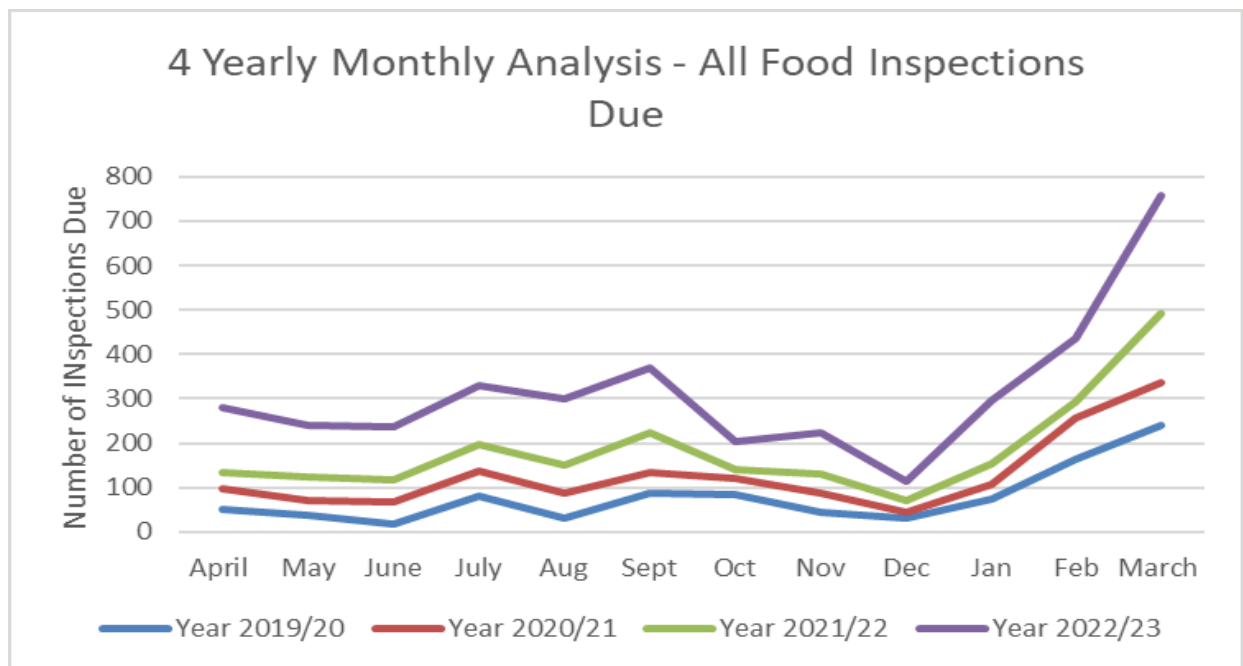


Fig.6

The type of interventions available for officers to use are:

Official Controls

- Inspections/ Partial Inspections
- Audits Monitoring visits
- Sampling visits
- Surveillance visits
- Verification visits

Other interventions

- Education
- Advice
- Coaching
- Information & intelligence gathering

Alternative enforcement strategies

- Questionnaires (10% visit follow up)
- Mailshot/newsletter
- Telephone/email
- Seminars/exhibitions
- Workshops

3.2.5 Officers use a hand held tablet device on which to record their Food Hygiene Inspections. The device is compatible with the NDC mainframe computers and the Assure software used by the Team. Inspections completed on the tablet can be emailed directly to the Food Business Operator and back to the office to be attached to the premises file on the main computer. The use of the hand held has led to a significant increase in efficiency for officers as they can complete the inspection on site and do not need to complete any other paperwork. There is also efficiency for the Case Officer in the back office as there is no need to print out, scan or post out any paperwork. The FBO receives their letter and report by email with no delay.

3.2.6 The Food, Health & Safety Team follow a risk based intervention strategy with a graduated enforcement approach when dealing with food businesses. Initial action, if required, would take the form of an Informal Notice issued to the Food Business Operator. Failure to comply with this notice would result in service of a formal Hygiene Improvement Notice. Failure to comply with the formal notice would result in prosecution. Officers work hard to assist food business operators to comply with the legal requirements and fortunately, in most cases food business operators do comply at the informal stage and prosecution for failure to comply is rarely necessary.

3.3 Food Complaints/Premises Complaints

The investigation of customer's complaints regarding food safety is an important area of work for the team. The local authority has set response targets of:

1 day for food which is unfit or mouldy.

3 days for food which has chemical or microbiological contamination

5 days for food containing a foreign body.

The number of food complaints received by the team has dropped significantly in recent years, which would indicate that standards in premises are better and that in most cases, returning an item directly to the retailer is the preferred route for customers.

3.4 Advice to Business

The Service provides advice and support for all food businesses by telephone or email. We do not currently charge for this advice as it is seen as helpful both to the businesses and to officers in their goal of ensuring businesses are compliant with the legal requirements and that the public are protected. As a rule, the Service does not have the capacity to provide advisory visits, however Officers use their discretion in cases where it is deemed that an advisory visit will be in the interest of both the business operator and the Council. Information is available on the local authority website, with links provided to the FSA and other websites. Links to useful information are always sent out to new businesses when they register with the Council to give them the best chance to gain a good Food Hygiene Rating when they receive their initial inspection.

3.5 Food Sampling

3.5.1 The Devon & Cornwall Food Liaison Group co-ordinate the Devon and Cornwall Authorities sampling programme to specific local and national demands. The plan is developed by the group with the UKHSA laboratory to incorporate identified priorities.

- 3.5.2 Microbiological examinations are undertaken by UKHSA at Porton Down Laboratory.
- 3.5.3 The team take 4 samples of mussels and oysters monthly, to comply with the statutory requirement under the Food Safety (Live Bivalve Molluscs and Other Shellfish) Regulations 1992 and submit other food samples as and when deemed necessary. Unsatisfactory samples are followed up with advice to food business operators and revisits to take further samples to ensure there had been an improvement in hygiene standards.
Other food samples, such as food complaints, may be sent to the Public Analyst if they are for identification of foreign bodies, for example.

3.6 Allergens

- 3.6.1 Following some high profile deaths in other parts of the country, enforcement of the Food Information Regulations 2014 and The Food Information (Amendment) (England) Regulations 2022 remains important work for officers. Enforcement falls to both Environmental Health Officers of the District Council and Trading Standards Officers of the County Council.
- 3.6.2 Further regulations came into force on 1st October 2021, requiring food businesses to include full ingredients labelling on pre-packed for direct sale foods (PPDS), on the same premises from which they are sold – such as a packaged sandwich or salad made by staff earlier in the day and placed on a shelf for purchase.
- 3.6.3 Allergen enforcement and awareness interventions are undertaken as part of routine food safety inspections. This results in an increased awareness and compliance within food businesses, enhanced public protection, better coordination and communication with Trading Standards in relation to reactive/enforcement cases.

3.7 Control and Investigation of Outbreaks and Food-Related Infectious Disease

- 3.7.1 The Food, Health & Safety Team investigate food-related infectious disease notifications in accordance with the UK Health Security Agency (UKHSA) Communicable Disease Outbreak Management Plan. The number of notifications received almost always relates to single cases rather than outbreaks. Notifications of alleged food poisoning and confirmed food poisoning and other notifiable diseases, are dealt with the same day by Officers.

The Food, Health & Safety Team's objectives are to: -

- contain the spread of infection
- identify the causative organism/chemical;
- trace carriers and cases;
- trace the source of infection;
- determine the causal factors;
- recommend practices to prevent recurrence of
 - disease;
- determine whether criminal offences have been
 - committed;
- exclude food handlers from work if necessary to
 - protect the public.

3.7.2 The incidence of confirmed cases of food-borne illness in the District over the past four years is detailed in the graph below (**Fig.7**), showing peaks of reported cases, usually at similar times each year.

Cases mostly consisted of single Campylobacter cases within a household. There were no outbreaks, (two or more linked cases) and individual cases are no longer investigated because causes are so rarely established. There are always likely to be a number of cases that go unreported by patients.

Figures so far for 2022/23 show the number of reported cases to be lower than those for the same months in previous years apart from May when numbers were higher than normal, (predominantly Campylobacter cases). Up to the end of November 2022 there had been 3 cases of E.coli O157 and 8 cases of Salmonellosis. The reason for the low numbers is not known at this stage, it may be due to a heightened awareness of general and personal hygiene in the home and in food premises due to the Covid-19 pandemic.

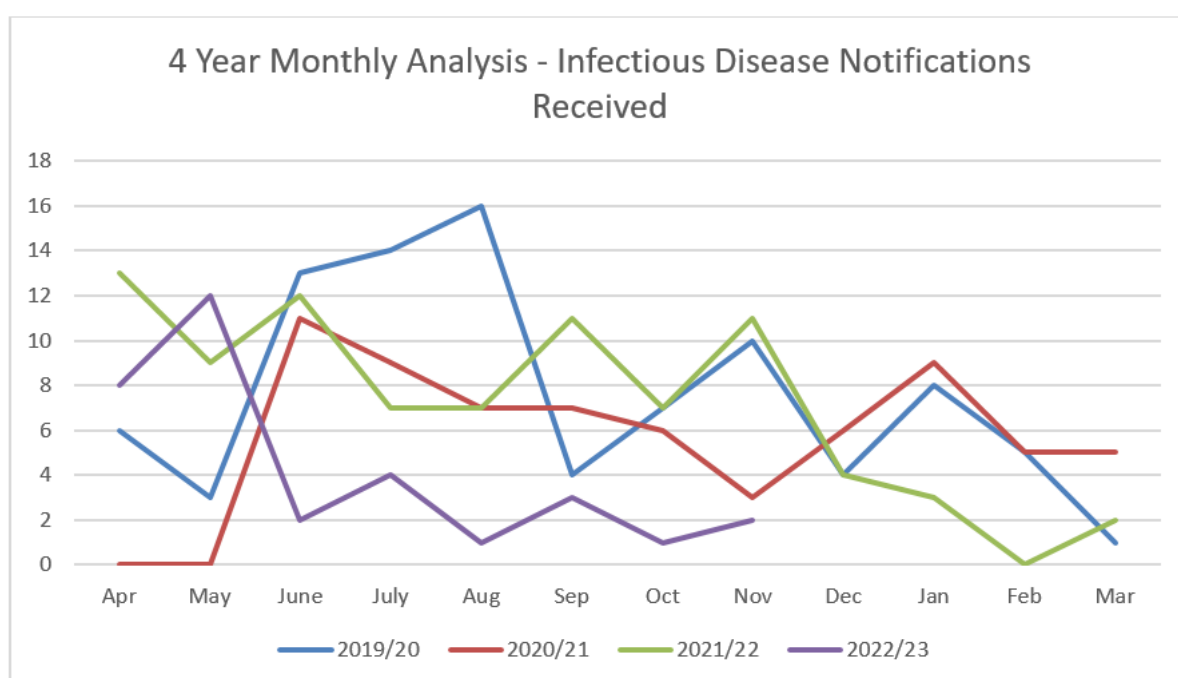


Fig. 7

3.8 Food Safety Incidents

The Team complies with Food Law Code of Practice (England) March 2021 in relation to handling food alerts. All the officers within the Food, Health and Safety Team are alerted to food alerts via Food Standards Agency e-mail alerts. The team respond to all food alerts that require action within 1 working day.

3.9 Liaison with Other Organisations

The Food, Health and Safety Team is 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. The team play an active role in the Devon, Cornwall & Isle of Scilly Food Liaison Group and where there is a shared or complimentary enforcement role with other agencies, provision is made to liaise with those agencies. For example:

- Trading Standards South West
- Office for Standards in Education (OFSTED)
- FSA
- Care Quality Commission

- Devon and Somerset Fire and Rescue Service
- Devon and Cornwall Police

Formal liaison exists between the Council and the Devon Public Health and Wellbeing Board.

4. RESOURCES

4.1 Financial Allocation

The 2022/23 budget for the Food, Health and Safety Service is £106,800

4.2 Staffing Resource

4.2.1 The Food, Health and Safety Team currently has 1 Lead Officer, who also works as the Corporate Health and Safety Adviser for the Council and as such is designated as a 0.5 FTE. This Officer is due to retire at the end of March 2023 and the shared post needs to be considered with regards to the best way forward. There are 2 fully qualified, competent, full time Environmental Health Officers, (EHO), 1.5 qualified but not fully competent EHOs. Due to the current makeup of the team there is a need for the 2 non-competent officers to shadow the competent officers to gain experience. This means that the competent officers are slowed down in their inspections and we have fewer than required competent officers to go out on solo inspections. There is also 0.8 but temporarily working 1.0) Case Officer, who deals with all the administration tasks for the team,

4.2.2 There are currently 5 officers deemed competent to certify Export Health Certificates, the Lead Officer and 4 EHOs, This work is demanding in terms of the daily requirement from the exporter for certificates to be certified and officers are on a rota which means they cannot do other work on their rota days. Due to the increased administration work involved in the Export Health Certificate work, the resource allocated to the Case Officer is insufficient, as this work is additional to all the other tasks they need to perform and were performing prior to Brexit, hence the temporary increase from 0.8 to 1.0 FTE of the Case Officer.

4.2.3 Due to funding that was received from the Animal and Plant Health Agency, (APHA) to back-fill for the time officers spend certifying Export Health Certificates, (EHCs), we are able to employ a Contract EHO for this year, (2022/23) When this funding runs out there will be no further financial assistance, even though the certifying of EHCs will be a continuing requirement.

4.2.4 Certifying Export Certificates does generate a significant income for the council, in the region of £20,000 per year. This income could be used to back fill with a contract EHO, however it is currently being used to support the Corporate budget.

4.2.5 With Officers spending most of their time meeting the demands of the Food Standards Agency driven programme of Food Safety Inspections, food safety work accounts for approximately 0.9 FTE per Officer, equating to 3.15 FTE in total for food safety. The remainder of the officers' time is allocated to health and safety enforcement work. The Lead Officer is mostly non-operational in the role of food safety, using the 0.5 FTE to manage the team and deal with issues such as Primary Authority work, and EHCs, rather than carrying out programmed inspections.

4.3 Staff Development

- 4.3.1 The Council recognises that there is a need to invest in the continuing development of staff. Appraisals are carried out annually to establish work and performance targets and identify training and development needs.
- 4.3.2 The Food Law Code of Practice (England) March 2021 states that in order to be authorised and deemed competent, officers must demonstrate that they meet the competencies, relevant to their role, and the activities they will undertake, as detailed in: the Competency Framework (click to follow link:[Competency Framework \(food.gov.uk\)](#)) and Chapter 3 of the Food Law Practice Guidance (England) March 2021, (click to follow link:[Food and Feed Codes of Practice | Food Standards Agency](#)), which have detailed competency and authorisation requirements for Lead Food Officers, Authorised Officers and Regulatory Support Officers
- 4.3.3 The competency matrix shows the wide range of knowledge and skills required for officers to carry out food enforcement work.
- 4.3.4 Environmental Health Officers are required to meet the Continuing Professional Development (CPD) requirements of the Chartered Institute of Environmental Health and more specifically, requirements contained in the Food Standards Agency's Code of Practice and therefore require training opportunities in order for them to meet their CPD requirements. Requirements vary depending on the level of CIEH membership, so for Members the requirement is 20 hours per year, for Chartered Members it is 30 hours per year, 10 hours of which must be food based.
- 4.3.5 All necessary training will be undertaken through in-house training, formal courses and vocational visits as appropriate. Sufficient resources will be allocated towards such training and the extent of training will be assessed as part of the development review process. During and since the Covid-19 pandemic there has been an increase in on-line training, which has been benefitted officers in terms of ease of attending training without the associated time and travel costs.

5. ASSESSMENT AND PERFORMANCE MANAGEMENT

5.1 Quality Assessment

- 5.1.1 The work of the team is subject to scrutiny by Members, internal auditors and the Food Standards Agency.
- 5.1.2 The Lead Officer will monitor intervention records by accessing Northgate Assure records and checking the quality of officers' work. If satisfactory the manager will record a satisfactory action code on the worksheet. If unsatisfactory, the manager will record an unsatisfactory code and discuss the matters that require improvement with the officer concerned.
- 5.1.2 Once a year the Lead Officer will accompany officers on a visit to monitor the quality of service delivery and record his/her findings on the observational audit form. The monitoring visit will inform the appraisal process.
- 5.1.3 Any compliments and complaints received about the service are fed back to the Lead Officer to action as appropriate and the action taken is recorded by the Case Officer.

5.1.4 The Devon, Cornwall & Isles of Scilly Food Liaison Group considers topics for Inter Authority Auditing, based on FSA protocols. Peer reviews of a service specific activity and consistency exercises are carried out amongst the group.

5.1.5 The Food, Health and Safety Team participate in the FSA's National Consistency Exercises (risk rating and food hygiene rating) and carry out consistency exercises at the monthly Team Meetings.

5.1.6 We have the following monitoring arrangements in place to assist in the quality assessment of the work carried out:

- Senior Officer Review of a sample of worksheets for each officer throughout the year
- Joint visits with inspectors
- Monthly Team meetings
- Annual Performance appraisals
- Quarterly Appraisal Reviews

6. REVIEW

6.1 Review Against the Service Plan

6.1.1 We have Performance Indicators to assess the Team's performance. Details of the team's performance indicators are maintained on Pentana Software as below:

- Food Hygiene Interventions Completed
- Percentage of Food Hygiene Due Interventions Completed

6.1.2 The Service Plan and performance will be reviewed annually by the Lead Officer.

6.2 Identification of Variations from the Service Plan

6.2.1 Post Pandemic, the usual annual return of performance to the FSA has been supplemented by a quarterly "Temperature Check Survey", which the Lead Officer completes and returns to the FSA, so that they can monitor the authority's progress with implementing the Recovery Plan.

6.3 Areas of Improvement

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