



ASHFORD  
BOROUGH COUNCIL

# Food Service Plan

## 2022-23

How the food controls are delivered in Ashford Borough Council;

The demand, resources and priorities

A summary of the year past: April 1<sup>st</sup> 2021 – March 31<sup>st</sup> 2022

Priorities for the year ahead: April 1<sup>st</sup> 2022 – March 31<sup>st</sup> 2023

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# Contents

## 1. Introduction

## 2. Policy Statement

## 3. Service Aims and Objectives

- 3.1 Aims and Objectives
- 3.2 Links to corporate objectives and plans

## 4. Ashford Borough Council - Background

- 4.1 Profile for Ashford Borough Council
- 4.2 Organisational Structure
- 4.3 Scope of the Food Service covered by this Plan.
- 4.4 Demands on the Inland Food Service as of 1.4.22
- 4.5 EU Exit; inland imported food controls
- 4.5 Enforcement
  - 4.5.1 Regulatory Code
  - 4.5.2 Freedom of Information
  - 4.5.3 Enforcement Policy

## 5. Review of delivery of Food Controls 2021/2022

- 5.1 Review against the FSA Priority Programme and recovery plan
- 5.2 Variations from previous service plans
- 5.3 Areas identified for improvement/change

## 6. Review of resources 2021/2022

- 6.1 Financial Allocations
- 6.2 Staffing Allocation
- 6.3 Staff Development Plan
  - 6.3.1 Standard setting
  - 6.3.2 Staff training
  - 6.3.3 FSA Competency Framework
- 6.4 Quality assessment, consistency and internal monitoring

## 7. Priorities for Delivery of Food Controls 2022/23

- 7.1 Interventions at food establishments
  - 7.1.1 Types of food controls
  - 7.1.2 Targeting high risk establishments
  - 7.1.3 Alternative Enforcement Strategy
  - 7.1.4 Other Operational issues
- 7.2 Food Complaints
- 7.3 Primary Authority

- 7.4 Advice to business
- 7.5 Food Sampling
- 7.6 Food Safety Incidents
- 7.7 Liaison with other organisations
- 7.8 Food Safety promotional work and food hygiene training
  - 7.8.1 Promotional work
  - 7.8.2 Food Hygiene Training
- 7.9 Control / investigation of outbreaks and food related infectious disease

## **8. Resources identified for 2022/23**

- 8.1 Financial Allocations
- 8.2 Procurement of new Database
- 8.3 Staffing Allocation
- 8.4 Staff Development Plan
- 8.5 Internal monitoring and quality control

## **Appendix A: Summary of ABC Food Law Enforcement Policy**

## 1. Introduction

### Policy, Planning and Responsibilities

Official food controls and other official activities in the UK are set out in statute supported by codes of practice<sup>1</sup> (The Code) and guidance<sup>2</sup> (The Guidance). These form the policy framework that guide the designated Competent Authorities.

Under Regulation (EU) 2017/62 Ashford Borough Council (ABC) is the designated Competent Authority responsible for the delivery of official food controls and other official activities in its administrative area.

**Chapter 1 of the Food Law Code of Practice (England) (FLCOP)** sets out the duties placed on the Competent Authority as follows:

A 'Competent Authority' has a statutory duty to:

- Enforce the requirements of food law
- Have due regard to the relevant provisions of the Code
- Discharge their statutory duties as effectively as possible, using means that are most appropriate to the circumstances

**Paragraph 2.4 of the Food Law Practice Guidance (England) (FLPG)** sets out the requirement for the Competent Authority to have specific documented plans in place included an annual service plan as follows:

Under the FLPG, the Competent Authority must:

- Prepare an annual service plan for the coming year in accordance with Section 2.6.1.3 of FLPG. The structure for this plan and what is included in it is identified in the FLPG.
- The service plan must also reflect on the year that has passed and provide a documented performance review of delivery against the plan.
- Submit the plan for approval at either Member, Member Forum or suitably delegated officer level.

### **ABC Service Plans for 2020 and 2021**

Previous to the Covid-19 pandemic, the priorities for ABC have been set and reviewed by this process. However, in June 2020 as the impact and extent of the Covid-19 pandemic became apparent, the Food Standards Agency (FSA) as Competent Food Authority for England, issued directives to all Councils for the management and delivery of food controls with subsequent updates and

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<sup>1</sup> The Food Law Code of Practice (England) (*the Code*) is issued under Section 40 (1) of The Food Safety Act 1990, Regulation 6 (1) of the Official Feed and Food Controls (England) Regulations 2009 and Regulation 26 (1) of the Food Safety and Hygiene (England) Regulations 2013 which empower the Secretary of State to issue Codes of Practice concerning the execution and enforcement of that legislation by Competent Authorities.

<sup>2</sup> The Food law Practice Guidance (England) (*The Practice Guidance*) is issued by the Food Standards Agency and directed at Competent Authorities aiming at assisting them with the discharge of their statutory duty to enforce food law and aimed at supporting the quality, consistency, effectiveness and appropriateness of official food controls and other official activities.

issuing of a recovery programme which ABC has been following. Therefore no service plan was submitted to Members for consideration in 2020 or 2021.

## 2. Policy Statement

Ashford Borough Council in the delivery of its statutory official food controls and other official activities, will strive to ensure that food intended for sale for human consumption that is produced, stored, distributed, handled or consumed within the Borough is without risk to the health or safety of the consumer.

## 3. Service Aims and Objectives

Aims are describing the longer term general statement of expected goals over time. The objectives are the shorter term targeted steps taken to achieve those goals.

### 3: 1 Aims and Objectives

The longer term ambitions (goals) of ABC in delivery of its official food controls are summarised in the following 4 aims. The steps proposed for achievement of each of those aims are shown in the more detailed shorter term objectives in the tables below.

<b>Aim 1: Reduction in incidence of foodborne illness for those living, consuming and / or working in Ashford Borough Council area</b>	
Objective No.	Objective summary
1.1	Respond promptly to national food safety alerts or local food safety issues which may impact on those living, working or consuming foodstuffs within the Borough.
1.2	Undertake reactive food related investigations.
1.3	Work with other agencies and local authorities particularly in Kent, to include United Kingdom Health Security Agency (UKHSA) (formerly Public Health England) and the FSA
1.4	Deliver the food sampling plan.

<b>Aim 2: Improving food hygiene compliance.</b>	
Objective No.	Objective Summary
2.1	Undertake enforcement where appropriate in accordance with ABC Enforcement Policy
2.2	Complete the annual intervention programme for registered and approved food premises

2.3	Share intelligence where appropriate with Ashford Border Control and other Ports to enhance delivery of effective inland imported food controls.
2.4	Work with other authorities and organisations to implement and support the Primary Authority scheme.

**Aim 3:  
Provision of high quality and readily accessible food safety advice and information for business and consumers enabling them to make more informed food safety choices.**

Objective No.	Objective Summary
3.1	Operate the Food Hygiene Rating Scheme in accordance with the Brand Standard <sup>3</sup>
3.2	Work with other agencies and organisations to include Kent County Council Trading Standards to provide advice to support public and businesses to increase compliance with regard to information on allergens in foodstuffs.
3.3	Provide food safety guidance and advice to food business operators including both local and national campaigns.
3.4	Promote importance for businesses to register or seek approval as required prior to commencing trading.
3.5	Make Food Hygiene training available for food handlers and businesses.

**Aim 4:  
Ensure the plans and procedures for delivery of the official food controls are supported by appropriate documentation, and those controls are delivered competently, consistently and equitably in accordance with current statute, FLCOP, FPLG and ABC priorities.**

Objective No.	Objective Summary
4.1	Implement an effective programme for the review and update of operational plans and procedures.
4.2	Partake in national and regional consistency exercises
4.3	Provide suitable and sufficient training and experience for authorised officers undertaking official food controls.

<sup>3</sup> **The Food Hygiene Rating Scheme: Guidance for local authorities on implementation and operation - the Brand Standard:** This Guidance represents the Brand Standard for the Food Hygiene Rating Scheme (FHRS). Local authorities in England operating the FHRS are expected to follow it in full. The purpose is to ensure consistency in implementation and operation of the FHRS by local authorities. The aim is to ensure that where food business establishments are rated under the FHRS and where consumers see FHRS branding, they can be confident that the local authority is operating the FHRS as the Food Standards Agency (FSA) intends.

### 3:2 Links to corporate objectives:

This food service plan supports the following key areas of the 2022-2024 ABC Corporate plan:

#### Caring Ashford

- **Objective CA2:** Local people have access to life-long learning to ensure they have knowledge and skills to take up local employment
- **Objective CA3:** Reduce health inequalities and improve the wellbeing of local people

#### Targeted growth

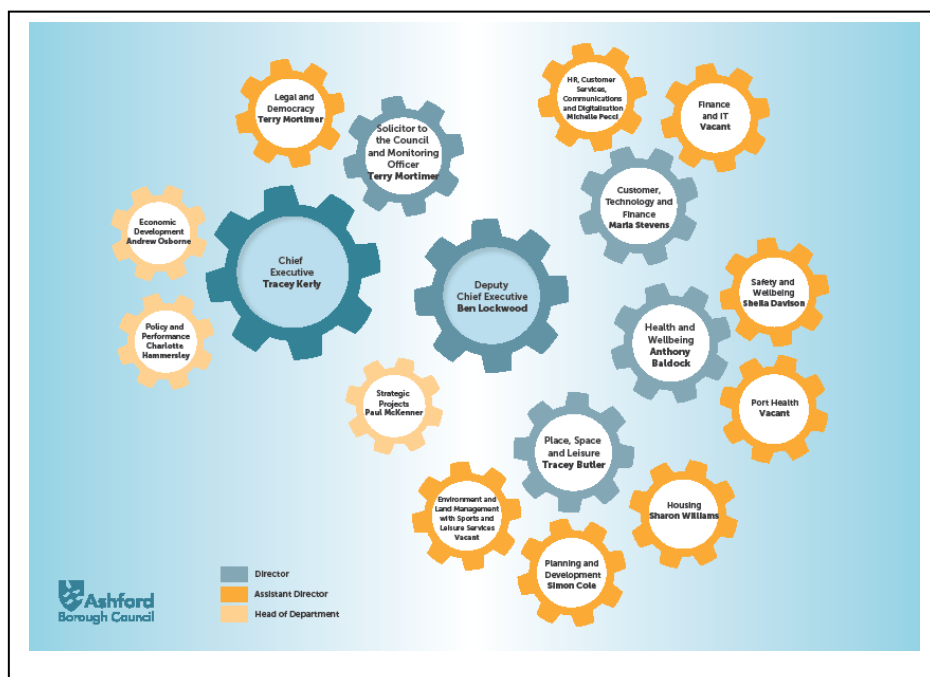
- **Objective TG3:** Strengthen local supply chains and increase the resilience of the local economy

## 4. Ashford Borough background

### 4:1 Profile for ABC

ABC is the largest borough in Kent covering 58,000 hectares (224 square miles) with a population in 2020 estimated at 132,420. The ethnic diversity of ABC is in keeping with the average for Kent with 6.3% of the population being of black and ethnic minority. With 91% of residents being born in the UK, the dominant language spoken is English however, access to translation services and to key documents in other languages is available where English is not spoken or understood.

### 4:2 Organisational Structure



Official Food Controls fall within the Health and Wellbeing directorate headed by Anthony Baldock.

#### **4:3 Scope of the Food Service covered by this Plan.**

Inland official controls are under the leadership of the Assistant Director Safety and Wellbeing and managed by the Food and Health & Safety Team (Safety and Wellbeing).

Imported food controls are led by Ashford Port Health.

Most of the controls around allergens and all those relating to Food labelling and food standards are undertaken by Kent County Council Trading Standards.

**This plan covers the inland food controls as delivered by the Food and Health & Safety team.**

#### **4:4 Demands on the Inland Food Service as of 1<sup>st</sup> April 2022**

The statistics below relate to the number of food businesses included in the programme for inland food controls delivered by the Food and Health & Safety Team.

	Risk Rating (A = highest risk)	Number of premises
Premises included on Food Register	Risk Rating A	1
	Risk Rating B	31
	Risk Rating C	161
	Risk Rating D	428
	Risk Rating E	569
	Unrated	64
Approved Premises	Meat products	4
	Dairy (including rewrapping and packing)	7
	Cold Store	1
<b>TOTAL</b>		<b>1266</b>

The number of premises in the programme is subject to a constant churn with businesses closing or changing ownership alongside those registering for the first time. Typically around 25 new businesses register and come into the programme each month (300 pa). How the controls are delivered is set out in more detail in section 7 of this plan.

The table below identifies some of the other demands on the service using figures for 2021/22:



Function	Number (2021/22)
Alleged food poisoning	47
General food advice requests	119
Complaints about food	105
Complaints about food premises	52
Occurrences of Voluntary surrender of food not fit for human consumption	19
Samples taken for analysis (programmed)	145
TOTAL	468

#### 4.5 EU Exit: Inland imported food controls

Following UK exit from the EU it became necessary to set up controls to ensure the safety of foods and relevant materials coming into the UK from the rest of Europe and beyond. The impact of this in Ashford is now clear to see with the development of the Border Control facility at Sevington. The FLCOP and FLPG set out the requirements and responsibilities for Port Health Authorities. These have not been included in this service plan but will be presented in future years.

EU exit does also have an impact on the inland food team (Food and Health & Safety team (FHST)) in two main areas.

**Contamination of consignments:** This relates to people usually termed 'Clandestine' who conceal themselves in containers of food being imported into the UK. Where their discovery is made inland (not in the port) responsibility for dealing with any consequent contamination of the food falls the inland food team. The foods are often perishable, and the extent of contamination difficult to prove. The outcome in most cases is destruction of the load often on a voluntary basis, but in some circumstances could require use of seizure and destruction powers. To date there has been one incident of this in Ashford which resulted in voluntary destruction of the load (lemons).

**'Illegal' imports:** This relates to where foods intended for human consumption have been brought into the country contrary to legal requirements. Investigation and action will fall to the inland food authorities. In some cases this relates to labelling which will be dealt with by Trading Standards from KCC. Food that is deemed to not be fit for human consumption or does not carry suitable and sufficient legal documentation will be followed by the inland food team usually following an alert from the FSA. Two incidents of this have occurred where foods have been imported by a company in Ashford without proper clearance at the port of entry (Dover).

#### 4.6 Enforcement

#### **4.6.1 Regulatory Code:**

The Regulators' Code gives a framework for how regulators should engage with those they regulate. The Code embeds a risk-based, proportionate and targeted approach to regulatory inspection and enforcement among the regulators it applies to.

ABC recognises it has responsibilities to both the consumer and the food trade in the way it discharges its food safety obligations:

- **To the consumer**, its obligation is to ensure that food supplied and sold in the Borough is safe and wholesome.
- **To the trade**, its obligation is to ensure that enforcement of the law is carried on in an equitable, practical and consistent manner, and is underpinned where appropriate with advice and education.

#### **4.6.2 Freedom of Information Act 2000, Environmental Information Regulations 2004 and Data Protection Act 2018 (including the General Data Protection Regulations 2018).**

ABC as the Competent Food Authority will release information as required by the Freedom of Information Act 2000 (FOI) and Environmental Information Regulations 2004 (EIR).

The FOI Act gives individuals a legally enforceable general right to know what information is held by public authorities (subject to certain exemptions) and to have this information communicated to them.

The EIR 2004 provides a right of public access to a range of environmental information held by public authorities. Requests for copies of food hygiene reports, sampling results, details of complaint investigations etc. about food businesses will normally be dealt with as a request for environmental information under the EIR 2004.

The EIR 2004 has no absolute exemptions on disclosure of information however the reports may attract qualified exemptions i.e. exempt for reasons of law enforcement, commercial interests or confidentiality. Each of these qualified exemptions will be judged against the information held and the public interest test will be applied.

Decisions on disclosure will be made having regard to the provisions of the Data Protection Act 1998 and General Data Protection Regulations 2018.

### **4.6.3 Enforcement action and revisits**

Compliance of a food business will be assessed having reference to the FLCOP, FLPG and relevant statute.

Where compliance has not been achieved, enforcement will be taken in accordance with proportionality and risk as referenced in FLCOP, FLGP and relevant statute and summarised in Ashford Borough Councils Food law enforcement Policy included as Appendix A.

## **5. Review of delivery of Food Controls 2021/2022**

### **5.1 Review against the FSA priority programme and recovery plan.**

The global Covid-19 pandemic led to the first national lockdown on March 23<sup>rd</sup> 2020. The impact for the food service was significant and sustained with repeated lock downs and stop start inspection programmes. The FSA as the lead Competent Authority for England set out the priority programme that all Authorities were required to work to during the pandemic. This in the latter stages included a recovery programme in which the FSA identified priorities and time periods for the inspection programme to get back on track.

The Food and Health & Safety Team (FHST) who have the lead responsibility for delivering this inland programme were fortunate to receive significant support from the Imported Food Team namely Ashford Port Health (APH) from April 2021 whilst they were awaiting full implementation of their key responsibilities. This enabled a strong recovery for Ashford as communicated to the statutory submission to FSA in April 2022.

In summary ABC was able to:

- Complete the 2021/2022 official food intervention programme
- Complete high priority Approval applications for complex businesses.
- Undertake food sampling in accordance with the requirements of the FSA recovery plan
- Continue responding to public requests for service and enquiries
- Continue to provide advice and support to public and businesses.

A precis of the statutory return is set out in the table overleaf:

Question / Function	Response	Number (where applicable)
Has the LA been able to deliver <b>reactive enforcement</b> in relation to incidents of non-compliance? <i>(figure comprises 19 voluntary surrender of unfit food and 1 voluntary closure of food business)</i>	Yes	20
How many formal ( <b>written warnings</b> ) were given for contraventions?	-	388
Has the LA been able to investigate and manage all <b>food hygiene and food complaints</b> ? <i>(figure also includes responses to requests for advice)</i>	Yes	323
Has the LA been able to undertake planned <b>food sampling</b> ?	Yes	145
Has the LA been able to undertake <b>surveillance</b> to keep an accurate picture of business landscape? <i>Completion of telephone questionnaires</i>	Yes	65
Has the LA been able to complete due <b>inspections</b> for highest risk premises ( <b>A</b> )?	Yes	9
Has the LA been able to complete due <b>inspections for B</b> risk rated premises?	Yes	16
Has the LA been able to complete due <b>inspections for C</b> risk rated premises?	Yes	98
Has the LA been able to complete due <b>inspections for D</b> rated premises?	Yes	276
Has the LA been able to complete due <b>interventions for E</b> rated premises?	Yes	133
How many <b>new businesses registered</b> with the LA during this year	-	264

## 5.2 Variations from previous service plans.

As previously stated, the FSA as the Competent Authority for England issued the priority programme and subsequent recovery programme which for that duration, replaced standing service plans. The variations from the intended programme related mainly to delivery of the non-statutory aspects of the service specifically cessation of the food hygiene training programme and reduction in the level of individual support the officers were able to provide existing and emerging businesses. Instead there was a move to more information being placed on the websites or sent by e-mail.

The volume of enquiries from the public and businesses more than doubled in a very short space of time which placed significant additional demands upon the team. This was exacerbated by an unprecedented rise in new business applications as people decided to set up micro-businesses or move towards take away and delivery options. This led to an increase in high risks ventures as those embarking on them in many instances, had little or no business or food hygiene experience, and were setting up with insufficient or inappropriate equipment and facilities. This included poor temperature control, lack of hot water or hand washing facilities and scant attention paid to sanitising / cleaning.

Coincident with this, the resources available for delivery of official controls were reduced as some capacity was provided to support the establishment of the inland border control facility at Sevington and others were diverted into Covid-19 controls and response services.

Under these circumstances the capacity for the team to maintain normal response times and provide the level of support previously available could not be sustained.

### **5.3 Areas identified for improvement / change.**

As the service starts to recover the opportunity is being taken to review how the statutory duties can be delivered more effectively in the future. This is included in the plans for 2022/23 set out in the paragraph 7.

## **6.0 Review of resources 2021/2022**

### **6.1 Financial Allocations**

Delivering the food controls cannot be done by the Food Team alone; they rely on many other resources including the Business Support team from Safety and Wellbeing who provide vital support in areas to include:

- Management of the food database
- Auditing of database (including reconciliation reports)
- Initial responses to standard enquiries
- Administration of the Registration Process
- Support for the allocation of inspections
- Invoicing
- Uploading reports to FSA Food Hygiene Ratings site

Advice, guidance and training is supplemented by agencies and professional bodies specifically UKHSA and FSA as well as the professional body The Chartered Institute of Environmental Health (CIEH). These organisations are increasingly providing low (or no) cost training particularly in the form of webinars and guidance notes that can be copied and utilised.

The categories for financial reporting in the table below reflect the requirements of the FLCP. The figures include recharges and so represent more than just the immediate costs of the FHST.

Cost type	Budget figures 2021/22
Staffing	175,788
Travel and Subsistence	tbc
Equipment, including thermometers , protective clothing, swabs, IT hardware to include tablets	4497
Sampling allocation	Sampling allocations are provided to all Local Authorities by the UKHSA Food, Water and Environmental Laboratories including courier service.
Contingency for legal	As ABC policy, no contingency is held. Funding identified for established need.

## 6.2 Staffing Allocation

The statutory return to the FSA referred to earlier, requested details on establishment and so for consistency, the same parameters will be used in this report. These concentrate on establishment allocation at the beginning and end of the year.

During these two fixed points the resources for delivery of the food control programme were impacted on by vacancies and redirection of resources due to the Covid-19 pandemic and the imperative to establish the inland border control facility.

The vacancy has now been filled and the team has returned to core establishment levels. The total number of officers in the FHST is manager + 5 as listed below. The figure of 3FTE included in the table below represents the proportion of the teams' resources that were directed to Food Control.

The team members have duties beyond food controls including regulatory Health & Safety, internal (corporate) Health and Safety, Infectious Disease Control, Zoo Licensing, Dangerous Wild Animal Licensing, Licensing of Activities involving Animals, Public Health and Skin piercing (beauty sector), insurance and risk management.

- Team Leader FHST (EHO)
- Senior EHO
- EHO
- Senior Technical officer
- Technical Officer

As identified earlier in the report, the team also benefited from the redirecting of limited resources from APH of competent and authorised staff on a one day a week basis which is reflected in the ‘short term’ figure of 1.6 FTE below.

Staff resources as reported to FSA.	Number (2021/22)
How many FTE professional posts were allocated to undertake food hygiene controls on 31 <sup>st</sup> March 2022 <b>including short term additional resources.</b> <i>(This figure includes APH and contractor resources)</i>	Core: 3 FTE
	Short term: 1.6 FTE

### 6.3 Staff Development Plan

Staff development encompasses consistency, compliance, and competency. The following are taking into account when assessing staff development needs.

#### 6.3.1: Standard setting

##### **Avoiding potential conflicts of interest:**

Article 4(2) (b) of Regulation 882/2004 requires that staff carrying out official controls are free from any conflict of interest. This may need to be addressed in circumstances such as:

- Inspections of the Borough Council’s own premises;
- Relevant personal relationships;
- Relevant history, for example where an officer is appointed whose previous job was with a food business with premises in the Borough;
- Financial or other interest in a business covered by the food inspection programme;
- In the case of contractors, the provision of services to businesses covered by the food inspection programme.

Any such issues will be dealt with and documented in accordance with ABC staff terms and conditions and on a case by case basis.

##### **Working to FLCOP and FLGP:**

All officers will work within the requirements of this plan and in accordance with advice and guidance in the FLCOP and FLGP. Any significant departure will be exceptional, capable of justification and be fully considered by the Lead Food Officer (LFO), unless it is considered that there is risk to the public in delaying the decision.

It is expected that authorised officers will be familiar with the law they are appointed to enforce, referring to the law itself as well the Agency Code of Practice and other guidance, understanding what the law actually states and requires, and seeking guidance when either it, or they, are unclear. This requirement also relates to contracted or temporary staff.

**Officer training and development:**

Appropriate resources will be made available to provide training for officers to enable them to successfully fulfil their food safety duties. The minimum ongoing training will be 30 hours per year for Chartered EHP's and 20 hours for other food authorised officers.

**6.3.2: Staff training 2021/22:**

Staff development and training during this period continued and included on line courses in specialist food subjects to include vacuum packing, CAP (Captive Atmosphere Packaging), approved premises, sampling and imported food controls.

**6.3.3 Competency framework:**

During this time the Food Standards Agency introduced a new Competency Framework which sets out clearly the skills and experience and / or training necessary for delivery of each of the official food controls. It applies to all new staff and must be complied with should existing staff be required to undertake duties of a higher complexity or risk. This programme is complex but is providing a sound foundation for incorporation into future training plans.

**6.4 Quality assessment, consistency and internal monitoring**

This is about making sure the service is delivered consistently and in compliance with the FLCOP and FLPG.

This is achieved through the following main activities:

- **Regular One to One meetings** between individual authorised officers and Team Leader. These review meetings were maintained during this difficult period and in some cases at an increased frequency to ensure that not only consistency, but wellbeing concerns were being addressed.



- **Auditing of inspections:** The programme for auditing completed inspections did stall during this period. A recovery programme to catch up on all outstanding audits is already in place and will be completed by end July 2022. Inspections are audited for consistency and compliance and for data integrity of the data base. They are targeted to the following categories of intervention:
  - Where the risk rating of the premises changed following inspection
  - New registrations
  - Closed premises (checking before removal from register)
- **National consistency exercises** and local agreements: ABC will participate in the national consistency exercises developed by the FSA for all food authorities. ABC will also consult with colleagues particularly in Kent, usually via the professional CIEH Food Group in order to further facilitate consistency.
- **Reconciliation audits on database:** These are undertaken routinely to ensure the correct data is being included in the official food records on the database. The audits during this period have identified some omissions and a programme is in place for these to be remedied by end of July 2022

## 7. Priorities for Delivery of Official Food Controls 2022/23

The impacts on the 2022/23 food programme due to the Covid pandemic include dealing with the distortion of the inspection programme and dealing with the observed reduction in compliance. Both of these are national impacts with the latter culminating in a media campaign developed by the FSA to support business and provide them with toolkits and advice to improve compliance. Details of this are with our communications team to see how we can best utilise the resources provided.

### 7:1 Interventions at food establishments

#### 7.1.1 Types of food controls:

The core means for delivery of official food controls are called 'interventions'. These are described in the FLCOP and FLCPG; they are designed to monitor, support and increase food safety compliance within food establishments.

Some are identified as **Official Controls**. These include:

- Inspections
- Monitoring

- Surveillance
- Verification
- Auditing
- Sampling

Others activities are also undertaken which are essential to the support and delivery of the overall programme but do not hold the status of official controls. These include:

- Education
- Advice
- Coaching
- Information and intelligence gathering

ABC prepares its food programme in accordance with the criteria set out in the FLCOP and FLCPG and expanded below:

### **7.1.2 Targeting high risk businesses:**

ABC will deliver its food intervention programme targeting resources to those businesses identified as operating with the greatest risks. This includes those identified as being 'not broadly compliant' with food hygiene law at their previous inspection. These will typically have a Food Hygiene Rating of 0 – 2.

This category also includes the high risk processing and manufacturing businesses most of which carry the status of 'Approved premises'. This includes a charcuterie, dairies, cheese manufacturers, meat processers and most recently a new businesses making Nepalese Mumu's (dumplings). In Ashford we also have a major sandwich making business. All these business are well run and highly compliant but are still targeted for intervention due to the high risk should standards fall.

### **7.1.3 Alternative enforcement Strategy:**

Food businesses that present little or no risk to public health or safety for food hygiene purposes will not normally be subject to physical inspection, but will be diverted into an alternative enforcement strategy where they will be required to complete an update / reviewing questionnaire not less than once in any 3-year period.

In the event of a questionnaire not being returned a visit will be made to establish the current situation. Should a premises identified as low risk requests an inspection, this will be undertaken. For example those low risk premises who wish to be

included within the FHRS and the consequential requirement for an inspection.

#### 7.1.4 Operational issues

The table below provides a brief summary of operational decision taken for delivery of specific aspects of the food intervention programme:

Criteria	Policy
Food Registration	Businesses can only register on-line (FSA requirement) Businesses that fail to register will be encouraged to do so. Enforcement Action will not normally be taken in respect of businesses that have failed to register other than in exceptional circumstances.
Out of programme	Those businesses meeting the criteria for minimal low risk or intermittent operation will be retained on the food register, but taken out of the programme and not inspected. They will be invited to complete a questionnaire within a three year period to determine any changes.
Childminders	Although these are food businesses they are not required to register following establishment of a MOU between Ofsted and FSA. The FLCOP is not clear whether these need to be included in the inspection programme and so for 2022/23 new ones will be inspected when first notified and then according to risk, may be placed out of programme. This will be reviewed during 2022/23 with the potential for triaging following initial notification via questionnaire.
Re-visits	These will be targeted to poor performing businesses typically with a FH rating between 0 – 2 and will normally be unannounced. Reasons for exceptions to this will be documented.
Food Hygiene re-score requests	A new system is being established whereby businesses can request additional or earlier revisits additional to the criteria set in the Brand Standard. A fee has been set for this and the criteria

	for consistency in delivery ensuring no conflict of interest is being established.
Scheduling of interventions	Where possible, these will be undertaken one calendar month either side of the due date
Timing of interventions	These will be undertaken at an appropriate time of the day taking into account the hours of operation of the business and seasonal factors (where applicable). They will normally be at times when the business is operating. Exceptions to this will be agreed with Lead food safety officer and documented.
Food businesses with LA interest	Local Authority-run establishments will be treated in the same way as all other food establishments within the Borough and inspected in accordance with the FLCOP and will be included within the FHRs. Any enforcement concerns will be brought to the attention of the Head of Safety and Wellbeing and serious breaches of food law will be brought to the attention of the Chief Executive without delay.
Voluntary surrender	<p>Voluntary procedures to remove food that is not suitable for human consumption from the food chain may be used, either at the instigation of the owner of the food or at the suggestion of the authorised officer when the owner of the food agrees the food is not suitable for human consumption.</p> <p>The owner of the food will be responsible for the safe and appropriate destruction of the food and produce evidence where required to confirm this.</p> <p>Exceptions to this will be agreed with the Lead Food Officer.</p>
Translation services	These will be made available so far as is reasonably practicable in order to ensure equal access to services and ensure food business operators who do not have English as their first language are not disadvantaged.
Clandestines	A working protocol is being developed with APH to ensure incidents, particularly those occurring out of normal operating

	hours, can be managed and dealt with appropriately.
Home catering	Appointments will be made with those operating from domestic premises.
Removing from register – closing letter	At least 3 attempts will be made to contact food businesses including visit, email and or phone. Where no contact is secured they will be advised in writing that their entry will be removed from the Food Register within 7 days unless they advise us otherwise in that time. This notification will also confirm that to operate without being registered is an offence.
Events and occasional operations	This applies to some markets and events which routinely operate at weekends. A risk based programme will be developed for inspecting these business where necessary.
Mobile food traders	Mobile traders can be difficult to locate and arrange inspection. Local Authorities work together where possible to support each other as traders working in one area may be registered in another.

## 7.2 Food Complaints

All complaints will be responded to, but those that indicate a risk to public health will be responded to as a matter of priority.

This includes complaints relating particularly to:

- Foods which are the subject of national or local public health alerts
- Food or premises subject of allegations of suspected or confirmed food poisoning
- Premises alleged or found to be operating in a way that gives rise to significant risks to public health to include pest infestations

Where the complaint relates to foods produced / distributed by a multi-site business checks will be made of the Primary Authority register.

## 7.3 Primary Authority (PA)

This national scheme is supported by ABC and provides a mechanism for issues relating to multi-sited businesses to be co-ordinated by a single Local Authority.

The Primary Authority scheme gives businesses the right to form a statutory partnership with one Competent Authority, which then provides robust and reliable advice for other Competent Authorities to take into account when carrying out inspections or dealing with non-compliance. A Primary Authority should support its partner business in complying with regulations by issuing assured advice by coordinating enforcement action and by developing an inspection plan.

Delegated authority was agreed in 2019 for ABC to enter into PA agreements where appropriate. Since this time it has not been priority to seek out companies what may wish to enter into such agreements, but this has now been included into the work programme for 2022/23

#### **7.4 Advice to business**

A review is being undertaken of the advice available to consumers and businesses both in terms of content and accessibility. This includes information on ABC website and also how guidance is provided to new businesses and regular enquiries.

In depth or specialist advice for emerging businesses, or those intending to develop is now a chargeable service included in the fees and charges. Safeguards will be in place to ensure that advice does not fetter legal decision making and does not represent any conflict of interest for the Authority.

#### **7.5 Food Sampling**

ABC will deliver an organised and targeted microbiological food sampling programme taking into account local and national priorities and those agreed within the Kent Food Sampling Group as indicated below:

##### Local Priorities:

- Environmental and product specific sampling from Approved, complex and high risk businesses.
- Premises / foods subject of National or Local food alerts
- Poor performing food establishments
- Premises subject to substantiated complaints
- Public health sampling as directed by UKHSA including those linked with suspected / confirmed food poisoning

##### Kent Food Sampling Group:

Environmental and product specific sampling to meet the agreed sampling studies.

##### National Priorities:

These are in most cases included in the sampling studies of the Kent and the food alerts identified above and the national monitoring plan.

ABC will offer to reimburse food businesses for planned samples and will notify them of the outcome in accordance with service standards.

## **7.6 Food Safety Incidents**

Any food safety incidents will be responded to as a matter of priority in accordance with the FLCOP and FLCPG

## **7.7 Liaison with other organisations**

ABC are members and attend regularly the Kent and Medway Food Group and the Kent and Medway Food Sampling Group. Both these groups are attended by authorised food officers from each of the constituent authorities along with representatives from Kent County Council trading standards and Food Standards Agency.

These groups are part of the consistency and enforcement framework required by the FSA and provide invaluable intelligence and support to officers seeking to ensure effective delivery of their respective official food controls.

Matters of legal interpretation and consistency are discussed with colleagues in the Kent Food Group as appropriate in accordance with the escalation process identified by Food Standards Agency.

## **7.8 Food Safety promotional work and food hygiene training**

### **7.8.1: Promotional work:**

This includes utilising links and information from the FSA and KCC communications teams about issues of food safety and public health and can include campaigns on:

- Cooking food safely (summer BBQ / Christmas turkeys)
- Allergen awareness
- Registration of food businesses
- Advising public on Food Hygiene Rating Scheme and using registered businesses

Increasingly campaigns take place on social media and FHST work closely with ABC communications team to utilise this forum. Other forums will also be utilised to include displays, leaflets, use of the Ashford resident's publication etc.

### **7.8.2 Food Hygiene Training**

The classroom based Level 2 Food Hygiene training was suspended during the pandemic but will resume during 2022/23.

It is intended to build back up to 4 courses per year targeted toward higher risk businesses but available to all.

## 7.9 Control and investigation of outbreaks and food related infectious disease

The FHST works closely with the UKHSA (formerly Public Health England) and attends the regular liaison forums with them. All confirmed incidences of food poisoning in ABC are followed up in accordance with the Kent 'single case plan' protocol.

Outbreaks are investigated as a matter of high priority with support from UKHSA. Arrangements are in place for support from neighbouring authorities and from colleagues in other teams within the Council in the event of a major outbreak.

## 8. Resources identified for 2022/23

### 8.1 Financial Allocations

The FPLG requests that this plan enables comparisons to be made with previous years' expenditure and so the figures for the previous year have been repeated in this table. Looking across the two years, the establishment has remained the same, but for most of last year there was a vacancy in the team which was filled in the latter part of the year. The increase shown in staffing costs does not represent growth.

Equipment figures have increased in part to cover the cost of calibration of thermometers which was not completed last year due to difficulties during the pandemic. Money has also been set aside to facilitate moves to digital working including potential licences for software packages.

Cost type	Budget figures 2021/22	Budget figures 2022/23
Staffing	175,788	207,180
Travel and Subsistence	tbc	tbc
Equipment,	4497	6220
Sampling allocation	Sampling allocations are provided to all Local Authorities by the UKHSA Food, Water and Environmental Laboratories including courier service.	
Contingency for legal	In keeping with ABC policy, no contingency is held. Funding would be identified for established need.	



## 8.2 Procurement of new database:

The Council has invested in a new IT system to enable it to manage its food hygiene inspection program and it is hoped that better data quality will result and allow the service to work in a more digital mobile efficient and effective manner.

## 8.3 Staffing Allocation:

Designation	Specific roles	Allocated roles include:
Team Leader, Food and Health & Safety	Lead Food Officer	Delivery of lead roles and responsibilities to include: <ul style="list-style-type: none"><li>• Food Sampling</li><li>• Food Hygiene Training</li><li>• Calibration and management of equipment</li><li>• Primary Authority Partnerships</li><li>• Voluntary Surrender</li><li>• Alternative Enforcement Strategy</li></ul>
Senior EHO	Deputy to Lead Food Officer Complex and High Risk interventions.	
EHO Senior Technical Officer Technical Officer	Low to medium risk interventions	
Business Support Team	Management of data system Administrative support	Registration Scheme Out of Programme inspection plan Administration of consultations

## 8.4 Staff Development Plan

Staff development for 2022/23 will follow the same pattern as detailed for 2021/22 and will include fulfilment of Continual Professional Development (CPD) requirements. Officers will be provided opportunities to partake in relevant courses particularly those offered by UKHSA, CIEH and FSA. These organisation tend to provide courses that meet the needs from changes or specific issues and provide up to date and highly relevant topics.

No specific qualification training has been identified.

## 8.5 Internal monitoring and quality control

Measures for internal monitoring and quality control remain as detailed for 2021/22.

End.

## **APPENDIX A :**

### **SUMMARY OF ASHFORD BOROUGH COUNCIL'S FOOD LAW ENFORCEMENT POLICY**

#### **1.0 Introduction**

- 1.1 This policy sets out the Council's principles for enforcing and executing its duties as a Food Authority under The Food Safety Act 1990 and other relevant food safety legislation.
- 1.2 Duties fall under three main headings, as follows:
- The regular inspections of all food premises within the Borough to ensure compliance with the law. The minimum frequency of these inspections is laid down by the Food Standards Agency (FSA) according to the risk each premises present.
  - The investigation of complaints about unsatisfactory food or food premises.
  - The regular sampling of food intended for sale in the Borough to ensure that it meets food safety standards.

#### **2.0 Aim of Policy**

- 2.1 The Council aims to protect public health and safeguard food standards by ensuring compliance with the relevant legislation whilst recognising the needs of local businesses.

#### **3.0 Policy**

- 3.1 The protection of public health will be paramount when enforcing the law, but the difficulties of food businesses in interpreting legal requirements will also be given due consideration. This will apply particularly to smaller businesses that will probably not have the specialist advisors that are available to larger companies.
- 3.2 All enforcement action taken will be proportional to the risk any situation presents and will be in accordance with statutory Codes of Practice, Council procedures, and official guidance from central and local government bodies.
- 3.3 Every effort will be made to ensure compliance with the law by a process of advice and education. Formal action will only be considered in the following circumstances:-
- Where there is a serious risk to public health;
  - Where there is a blatant or deliberate contravention of the law;
  - Where there is a history of non-compliance or co-operation for an informal approach is not forthcoming.
  - Where food businesses fail to take action in the timescales agreed within an informal process.

#### **4.0 Informal Action**

- 4.1 During an inspection of a food premises or process, the officer will give the proprietor verbal advice on how to remedy any contraventions of the law and on general good practice.
- 4.2 Timescales will be agreed to carry out any necessary work and at the end of the visit, the proprietor will be given an Inspection Report stating what action will be taken as a result of the inspection.
- 4.3 If the running of the business is satisfactory or there are only limited minor problems, verbal advice may be sufficient.
- 4.4 If however, there are more substantial issues to be addressed, a letter will be written to the proprietor of the business, detailing work that has to be carried out and within what timescale.

4.5 A clear distinction will be made in the letter between what is required by law and what is recommended good practice.

4.6 The premises will be revisited to ensure that the necessary action has been taken.

## **5.0 Formal Action**

5.1 If formal action is required under the criteria listed in paragraph 3.3, the following options are available according to the circumstances:-

- Hygiene Improvement Notices. These are statutory notices used when a food business is failing to comply with food hygiene or food processing regulations. They require the necessary remedial action to be taken by a proprietor of the food business in a relatively short space of time (a minimum of 14 days). A realistic timescale is set to comply with the Notice, which is discussed with the proprietor or their representatives, and wherever possible agreed with them taking into account the risk to public health and the relevant practicalities. The hygiene improvement notice itself can be appealed against, and an extension of time to comply with it can be requested if there are legitimate reasons. Failure to comply with the Notice however is an offence and would normally result in prosecution.
- Hygiene Emergency Prohibition Notices. Where there is an imminent risk of injury to health posed by a food premises or a process, the authorised officer will serve a Hygiene Emergency Prohibition Notice. This ensures the immediate closure of the premises or stops a particular process. An application must then be made within 3 days in Court to have the Notice confirmed with an Emergency Prohibition Order. If the Court is not satisfied that there was an imminent risk of injury to health at the time the Notice was served, compensation may be payable to the business concerned by the Council.

## **6.0 Prosecutions**

6.1 Where formal action is required under the circumstances specified in Paragraph 3.3, a prosecution may be necessary if the alleged offence is serious enough. Any decision to prosecute will be taken strictly in accordance with the Code for Crown Prosecutors, the Regulators' Enforcement Code and FSA Codes of Practice on prosecutions.

6.2 In considering a prosecution, the following factors will be taken into account:

- The previous history of the party concerned.
  - The willingness of the party to prevent a recurrence of the problem.
  - The probable public benefit of a prosecution.
  - The likelihood of the defendant being able to establish a due diligence defence, i.e. that they did all they could to prevent the offence and it was someone else who should be proceeded against or they took all reasonable steps to avoid the offence.
- 
- Whether the issuing of a simple caution would be more appropriate or effective.

## **7.0 Complaints and Appeals Procedures**

7.1 The Councils complaints procedure will be followed for complaints concerning the officer.

7.2 Hygiene Improvement Notices have a statutory appeals procedure, and proprietors of food businesses are entitled to appeal against any refusal of the Council to lift a Hygiene Emergency Prohibition Order.

7.3 A business has the right of appeal to the LFO with regard to the rating they received under FHRS. If not satisfied with the result of this appeal they may seek a judicial review.