

<b>Subject:</b>	Food Law Service Plan 2019/20	<b>Status:</b>	For Publication
<b>Report to:</b>	Full Council	<b>Date:</b>	17 <sup>th</sup> July 2019
<b>Report of:</b>	Public Protection Manager	<b>Portfolio Holder:</b>	Communities and Customers
<b>Key Decision:</b>	<input checked="" type="checkbox"/> Forward Plan <input checked="" type="checkbox"/>	General Exception <input type="checkbox"/>	Special Urgency <input type="checkbox"/>
<b>Equality Impact Assessment:</b>	Required:	Initial EIA only	Attached: Yes
<b>Biodiversity Impact Assessment</b>	Required:	No	Attached: No
<b>Contact Officer:</b>	Phil Morton	<b>Telephone:</b>	01706 252442
<b>Email:</b>	philmorton@rossendalebc.gov.uk		

1.	<b>RECOMMENDATION(S)</b>
1.1	That the Food Law Service Plan 2019/20 be approved.

## 2. PURPOSE OF REPORT

2.1 This report seeks approval for the Food Law Service Plan for the year 2019/20.

## 3. CORPORATE PRIORITIES

3.1 The matters discussed in this report impact directly on the following corporate priorities:

- **A clean and green Rossendale:** our priority is to keep Rossendale clean and green for all of Rossendale's residents and visitors, and to take available opportunities to recycle and use energy from renewable sources more efficiently.
- **A proud, healthy and vibrant Rossendale:** our priority is to ensure that we are creating and maintaining a healthy and vibrant place for people to live and visit.

## 4. RISK ASSESSMENT IMPLICATIONS

4.1 Not producing a plan would place the Council at risk of criticism in the event of an audit and weaken the reputation of the Council and its ability to influence businesses with regards to food safety.

## 5. BACKGROUND AND OPTIONS

5.1 The Food Standards Agency's (FSA) "Framework agreement on official feed and food controls by local authorities" (Framework agreement) sets out what the FSA expects from local authorities in their delivery of official controls on feed and food law.

5.2 One of the requirements of the framework agreement is that local authorities agree a service plan for the delivery of the official food controls. The Food Law Service Plan for 2019/20 is at **Appendix A** to this report.

5.3 The plan makes reference to the requirements in the FSA's Food Law Code of Practice.

This in particular details the frequency at which food businesses should be inspected or have some other intervention to ensure compliance with legislation designed to make sure food is safe.

The frequency of inspection depends on the risk of the business causing food poisoning or selling food which is unsatisfactory in some other way.

The risk is calculated using a formula in the Food Law Code of Practice which takes account, amongst other things, of the type of foods sold, suitability of food handling practices, state of repair and cleanliness of the premises and confidence in management in maintaining safe standards.

The higher the risk the more often an inspection needs to be carried out.

- 5.4 The Food Law Service Plan details the numbers of the various types of inspections and interventions which the Environmental Health Service needs to do in 2019/20 to fulfil its duties to the satisfaction of the FSA. The details of this work are on pages 6-7 of the Service Plan.
- 5.5 It is anticipated that in 2019/20 there is sufficient resource within the Environmental Health Service to deliver the Council's obligations.

**COMMENTS FROM STATUTORY OFFICERS:**

**6. SECTION 151 OFFICER**

- 6.1 Any financial implications arising will be contained within existing budget resources.

**7. MONITORING OFFICER**

- 7.1 The Council must have an up-to-date Food Law Service Plan that is readily available to food business operators and consumers and which ensures that its approach to regulatory activities is transparent and clear.

**8. POLICY IMPLICATIONS AND CONSULTATION CARRIED OUT**

- 8.1 Consultation with:  
Internal Council departments  
Portfolio Holder for Communities and Customers

**9. CONCLUSION**

- 9.1 The Food Law Service Plan for 2019/20 will deliver the Council's obligation to comply with the Food Standards Agency's Food Law Code of Practice.

**Associated Documents**

**Appendix A Food Law Service Plan**

**Attached**

**INITIAL EQUALITY IMPACT ASSESSMENT**

<b>Name of Policy, Decision, Strategy, Service or Function, Other: (please indicate)</b>	<b>Food Law Service Plan 2018/19</b>	
<b>Lead Officer Name(s) &amp; Job Title(s) :</b>	Phil Morton, Public Protection Manager	
<b>Department/Service Area:</b>	Environmental Health	
<b>Telephone &amp; E-mail Contact:</b>		
<b>Date Assessment:</b>	<b>Commenced:</b> 27/2/19	<b>Completed:</b>

**We carry out Equality Impact Assessments (EIAs) to analyse the effects of our decisions, policies or practices. The EIA should be undertaken/started at the beginning of the policy development process – before any decisions are made.**

**1. Overview**

<b>The main aims/objectives of this policy<sup>1</sup> are:</b>
This report seeks approval for the Food Law Service Plan for the year 2019/20.

(Refer to **EIA Guidance** for details)

Is the policy or decision under review (please tick)

New/proposed

Modified/adapted

Existing

**INTERNAL ONLY**

**MANAGEMENT ACTION REQUIRED (to be completed by the relevant Head of Service following review by Management Team / Programme Board)**

- Outcome of EIA agreed/approved by Management Team / Programme Board:  
Yes  No
- Is a full EIA required Yes  No
- Referred back to Assessor for amendment : (date)
- Published/made publicly available on: (date)

Signed:..... (Head of Service / Director) Date:

Date of Review<sup>2</sup>:

**[To be completed by Lead Officer]**

<sup>1</sup> Policy refers to any policy, strategy, project, procedure, function, decision or delivery of service.

<sup>2</sup> This date will be set on an annual basis as default for review unless otherwise specified by you.

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## 2. Equality Impact

Using the table below please indicate whether the policy/strategy/decision has a positive, negative or no impact **from an equalities perspective** on any of the protected equality groups listed below. **Please also give consideration to wider equality of opportunity and community cohesion impacts within and between the groups identified. If you have identified any negative impact and mitigating actions are not sufficient, you will need to complete a Full Equality Impact Assessment.**

Equality		Positive Impact (It could benefit)	Negative Impact (It could disadvantage)	Reason and any mitigating actions already in place (to reduce any adverse /negative impacts or reasons why it will be of positive benefit or contribution)	No Impact
Age	Older people	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
	Younger people and children	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
Disability	Physical/learning/mental health	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
Gender Reassignment	Transsexual people	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
Pregnancy and Maternity		<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
Race (Ethnicity or Nationality)	Asian or Asian British people	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
	Black or black British people	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
	Irish people	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
	White British	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
	Chinese people	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
	Gypsies & Travellers	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
	Other minority communities not listed above (please state)	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
Belief or Religion		<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
Sex	Women	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
	Men	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
Sexual Orientation	Gay men, gay women / lesbians and bisexual people	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
Marriage and Civil Partnership (employment only)		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Contribution to equality of opportunity		<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
Contribution to fostering good relations between different groups (people getting on well together – valuing one another, respect and understanding)		<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
Human Rights <a href="http://intranet/site/scripts/documents_info.php?categoryID=86&amp;documentID=251">http://intranet/site/scripts/documents_info.php?categoryID=86&amp;documentID=251</a>		<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>

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# Food Service Plan

2019/20

Other formats are available.  
Please call 01706 217777 or  
visit our One Stop Shop at  
Futures Park, Bacup.

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## 1.0 INTRODUCTION

### 1.1 Rossendale Food Service Plan

This document is the Rossendale Food and Safety Service Plan and includes reference to other relevant documents. It sets out:

- Links with corporate priorities
- A profile of the Borough including the political and managerial arrangements
- The demands on the service
- Summary of service activity in relation to premises inspection, complaints investigation, advice, sampling, food safety incidents, liaison arrangements and promotional activities
- The resources deployed to meet these demands
- Relevant performance indicators

## 2.0 SERVICE AIMS AND OBJECTIVES

### 2.1 Service Aims

To contribute to Rossendale Council's corporate objectives identified in the Corporate Strategy 2017-2021.

- **A clean and green Rossendale:** our priority is to keep Rossendale clean and green for all of Rossendale's residents and visitors, and to take available opportunities to recycle and use energy from renewable sources more efficiently.
- **A connected and successful Rossendale that welcomes sustainable growth:** our priority is to ensure that we are well connected to our residents, key partners and stakeholders. We want to make the most of every pound we spend and we are always looking for new and innovative ways to make the resources we do have, work harder for us.
- **A proud, healthy and vibrant Rossendale:** our priority is to ensure that we are creating and maintaining a healthy and vibrant place for people to live and visit.

This will be achieved by:

- Supporting local food businesses and Small and Medium Enterprises to grow and flourish.
- Directing businesses to the necessary training, e.g. training centres, on line etc.
- Inspecting food businesses to ensure that food is produced in a safe and hygienic manner

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- Providing food hygiene ratings for public access so consumers can make informed choices
- Controlling premises where an imminent risk to health exists, thereby protecting the general public
- Supporting the withdrawal of food identified by way of the Food Standards Agency Food Alert scheme

### **3.0 BACKGROUND.**

#### **3.1 Profile of the Local Authority**

Rossendale is a district with borough status in East Lancashire holding a number of small former mill towns centered on the valley of the River Irwell in the industrial North West.

In the Census of 2011 the population was 67,922 spread between the larger towns of Bacup, Haslingden and Rawtenstall; the villages of Crawshawbooth, Edenfield, Helmshore, Waterfoot, Whitworth; and as well as Britannia, Broadclough, Chatterton, Cloughfold, Cowpe, Irwell Vale, Loveclough, Newchurch, Shawforth, Stacksteads, Stubbins, Turn and Weir. Rossendale is twinned with the German town of Bocholt, located close to the Netherlands border.

The Council is one of 12 District Councils, 1 County Council and 2 Unitary Authorities within the County of Lancashire. Within the Borough, some functions relating to food safety are the responsibility of Lancashire County Council e.g. Trading Standards and Food Standards inspections.

Rossendale, in common with some of the other districts in East Lancashire, have significant issues with regard to the quality and price of housing, net population migration, health, job creation and areas of severe deprivation.

In Rossendale there still continues to be a bias towards a larger proportion of employees in the manufacturing sector than is the national norm and a lower proportion of jobs in the service sector.

There is a diverse range of food businesses within Rossendale from single run operations to large food retailers. A major pie manufacturer sits within the Borough. The majority of food businesses employ less than 5 people

#### **3.2 Organisational Structure.**

The responsibility for food safety sits within the Public Protection Team. The following shows the organisational structure

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4 FTE EHO and 1 FTE Private Sector Housing Enforcement Officer

The Environmental Health Team provides a full range of Environmental Health Services including occupational health and safety, infectious disease control, public health licensing, environmental protection, air quality, private sector housing standards and private water supplies.

### 3.3 Political arrangements

Chief Executive

The political arrangements for the Borough are:

- 36 Local District Councillors
- 1 Parish Council
- 2 Member of Parliament

The food delivery element of the Environmental health service comes under the Operations Portfolio. /

### 3.4 Scope of the Food and Safety Section

As a Borough Council, the Authority is responsible for a range of food safety duties under the Food Safety Act 1990 and the Food Safety and Hygiene (England) Regulations 2013. Food Standards and Animal Feeding Stuffs are the responsibility of the Lancashire County Council Trading Standards Division.

The number and type of food businesses within the Borough are as follows.

Total number of Food Premises	1 April 2019
Categories A-C (High Risk)	104

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Categories D-E (Others)	611
Not Rated	35
<b>Total</b>	<b>756</b>
Caring Premises	53
Distributor/Transporter	1
Hotel/Guest House	7
Manufacturer/Packer	19
Mobile Food Unit	10
Pub/Club	84
Restaurant/café/canteen	112
Home and outside caterers	60
Child minders	95
School/college/nursery	65
Small Retailer	120
Supermarket/Hypermarket	12
Take Away	80
Total	717

### 3.5 Demands on the Food Service

In relation to food safety, the area contains a mix of small scale manufacturing, retail and catering premises. Catering and retail are the dominant sectors within this mix. The businesses are predominantly small to medium sized establishments.

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External factors impacting on Food Safety enforcement service delivery:

- Seven day local economy
- Transition from manufacturing to service industry economy
- Turn-over of occupancy/use
- High number of fast food outlets
- Cross boundary/Cross County nature of food crime issues
- Nationally set priorities and initiatives, programmes etc.

The Council had adopted the following Performance Indicators in relation to food premises interventions for 2019/20:

To undertake all scheduled food hygiene inspections for 2019/20.

The number of food premises (Cat A-D) that scored 0, 1, or 2 in the Food Hygiene Rating Scheme to be less than 10% of total food businesses

Initial inspections of new high risk businesses should take place within 28 days of registration or from when the authority becomes aware that the establishment is in operation

### 3.6 Service Delivery Arrangements

#### Address:

Business Directorate, Rossendale Council, The Business Centre, Futures Park, Bacup, OL13 0BB.

Telephone: 01706 217777

Web: <http://www.rossendale.gov.uk>

Telephone Contact Centre Opening Hours: 09.00 – 17.00 Monday – Friday

Emergency out of hours contact number – 0300 222 5946

### 3.7 Policy and Standards

Delivery of Food Controls is carried out in accordance with national procedures and guidance including:

- Regulators' Code
- Food Law Code of Practice

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- Food Law Practice Guidance
- Food Standards Agency Guidance

In addition, the council has adopted the following relevant policies which are currently under review:

- Enforcement Policy
- Food Complaint Policy/Procedure
- Sampling Policy/Procedure
- Internal Monitoring Procedure of Food Safety Operations

Copies of the documents are available upon request.

## 4.0 SERVICE DELIVERY

### 4.1 Interventions at Food Establishments

The Service will undertake a programme of comprehensive and targeted interventions at food premises in accordance with the Food Law Code of Practice, to ensure compliance with relevant legislation and the promotion of best practice.

The following table outlines the intervention programme for the financial year 2018/19:

<b>RISK CATEGORY (INSPECTION FREQUENCY)</b>		<b>Food Premises requiring inspection in 2019/20</b>	<b>Outstanding from 18/19</b>
	<b>A (at least every 6 months)</b>	0	2
	<b>B (at least every 12 months)</b>	24	0
	<b>C (at least every 18 months)</b>	58	5
	<b>D (at least every 24 months)</b>	93	16
	<b>E (at least every 36</b>	90	0

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	<b>months –dealt with by questionnaire and figure not included in total inspection figures)-</b>		
	<b>Unrated</b>	64	23
	<b>AES Sample 19/20</b>	9	n/a
	<b>Sub total</b>	248	46
	<b>Total</b>	<b>294</b>	

For the premises falling within category E risk rating an alternative enforcement questionnaire strategy will be used. A 10% sample of businesses returning questionnaires will be visited to check accuracy of completed forms.

### **Food hygiene rating & non-compliant premises**

The Council has adopted the National Food Hygiene Rating Scheme. The rating profile is as follows:

Rating	July 2018	June 2019
0	0	2
1	2	14
2	4	3
3	23	29
4	55	71
5	416	402
Awaiting Inspection	49	34
Exempt	46	45

The total number of broadly compliant premises operating within the Borough in 2018/19 was 96% of the premises within the FHRs eligibility.

The FHRs scores can be viewed on the Food Standards Agency website at <http://ratings.food.gov.uk/>

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Priority will be given to completing interventions at premises rated Cat A – C, non-compliant businesses (FHRS 0 - 2), and overdue interventions which have been prioritised in order of risk.

Initial inspections at unrated premises should take place within 28 days of registration or from when the authority becomes aware that the establishment is in operation.

Revisits will be limited to non-compliant premises (Food Hygiene Rating 0 – 2 inclusive), to follow up formal action and to premises with a Food Hygiene Rating of 3 with a poor compliance history. Enforcement action will be taken on a graduated basis in accordance with current guidance.

The current staffing levels available are considered sufficient to deliver the food hygiene inspection program for 2019/20.

## Competency

Officer competencies are managed by means of the Corporate Performance Development Review process with individual training and development records being maintained. A competency matrix matching the competencies in the Food Law Code of Practice is used when assessing officer competency to act as the lead officer and authorised officer.

Specialised training previously undertaken within the section includes:

- HACCP Evaluation
- Vacuum and modified atmosphere packing
- Evidence Gathering and Investigation skills
- Regulatory and legal skill competencies
- E coli/control of cross contamination
- Annex 5 risk rating consistency exercises
- Microbiological Criteria for Food with an emphasis on *Listeria monocytogenes*
- Approved establishments
- Food Allergens

## 4.2 Food and Food Premises Complaints

It is the policy of Rossendale Council to give a first response within 3 working days to all food and food premises complaints/service requests. Where the complaint is about an issue which may give rise to an imminent risk to health, such as rodent infestations or leaking sewage in premises, the target response is within 1 working day.

The number of complaints received over the past 3 years is shown below:

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	Number received 16/17	Number received 17/18	Number received 18/19
Number of hygiene of premises complaints	24	44	45
Number of food complaints	27	53	32
Request For Advice on Legislation	7	17	15
Food Registration Enquiry	7	15	16
Request for FHRS rescore	n/a	n/a	7

### 4.3 Primary Authority Scheme

The Authority is committed to supporting local businesses. Currently, Rossendale Council does not have any Primary Authority Partnerships. Consideration would be given on a case by case basis should a company wish to enter into a partnership with Rossendale Council.

### 4.4 Advice to Businesses

The Authority has a policy of offering advice to any business which has trading premises within our area unless the trader has entered into a Primary Authority or Home Authority arrangement with another Local Authority. Initial advice will be normally limited to telephone advice, provision of advisory material or sign-posting to relevant sources of information. Advisory visits will be undertaken at the discretion of the officers.

### 4.5 Food Sampling

Programmed food sampling will be carried out to contribute to the program drawn up in liaison and co-ordination with other Lancashire Environmental Health Services and Public Health England.

Other sampling which may be carried out includes:

- Sampling as part of an official control intervention
- In response to complaints
- Where local intelligence indicates a potential risk to health, and sampling forms part of the service's response

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All formal food samples will be submitted to the Lancashire County Public Analyst for compositional analysis or to the Public Health England Food, Water and Environmental Laboratory Service for microbiological examination.

#### **4.6. Control and Investigation of Outbreaks and Food Related Infectious Disease**

Rossendale Council aims to ensure the efficient investigation of notified infectious diseases or suspected infectious diseases in order to minimise the risk of spread and if possible to locate the source of a disease. Notifications may arise as formal notifications from Public Health England, GPs or laboratory notifications.

Investigations are carried out by either the Council or Public Health England depending on the nature of the specific disease notification.

Rossendale Council will take a risk-based approach to suspected viral outbreaks. Environmental Health will only carry out intervention or further investigations where:

- The risk assessment indicates that there is a suspected food/food handler link in the source of the outbreak or significant further spread of the infection; or
- The risk assessment indicates that food/food handlers are not significant features in the outbreak but the circumstances indicate a need for regulatory intervention (e.g. under HASAWA, Health Protection Regulations etc.) which will be considered in liaison with other regulators as appropriate (e.g. CQC, HSE).

In these cases the EH intervention may focus on regulatory action for non-compliance with relevant legislation as opposed to following up individual cases or pursuing specimens.

The Council has a Joint Major Outbreak Plan for Managing an Outbreak of Food Poisoning or Communicable Disease in the Community developed in conjunction with partner agencies.

In 2018/19 there were 114 reports received about cases of food borne illness.

#### **4.7 Food Safety Incidents**

It is the policy of Rossendale Council to comply with Food Law Act Code of Practice (England) in relation to the handling of Food Hazard Warnings and Food Safety Incidents.

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## 4.8 Liaison with Other Organisations

Rossendale Council works with other enforcement agencies, partners and other stakeholders for the purpose of developing consistency of enforcement, openness and transparency. The following lists the partners involved:

Other Local Authorities/Scientific support through the local Food Liaison Group coordinated by Environmental Health Lancashire. This group considers enforcement issues, sampling, policy development, sharing best practice, training, inter-authority audits etc.

Lancashire County Council Trading Standards – Food liaison.

Lancashire County Council Public Health – Public Health Issues

Lancashire County Council Public Analyst – Chemical analysis etc.

Public Health England – Food Sampling and examination, Communicable Disease control.

CIEH – professional practice, consultation, training.

FSA – statutory plans, guidance, training, annual returns, consistency of enforcement, best practice, training.

BEIS – Primary Authority support.

## 5.0 RESOURCES

### 5.1 Financial Allocation and staffing

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The annual budget for providing the Environmental Health Service for 2019/20 is detailed below. The Service also carries out a wide range of other environmental health functions including health and safety, housing standards, environmental protection and private water supplies.

Details	2019/20
Staffing	£330,330
Travel	£11,880
Equipment	£2,600
Total	£344,310
Element for food safety delivery	<b>£107,000</b>

The officers involved in providing Food Hygiene work have the appropriate qualifications, experience and competencies and have knowledge of the Borough's food business environment. 1.6 FTE staff deliver work contributing to the food service plan.

## 5.2 Staff Development

All Officers receive an annual performance development review which includes a review of training and development needs.

As required under the Code of Practice a minimum of 10 core food related hours per officer per year is undertaken. Training is provided to address needs identified within the Council's Performance Development Review framework and the FSA competency framework. Additional training will be resourced subject to emerging demands.

## 6.0 QUALITY ASSESSMENT AND SERVICE REVIEW

### 6.1 Quality and consistency

In order to assist with consistent quality of service delivery, the Service continues to:

- Participate in Inter-authority auditing as available
- Participate in regional peer-review processes as available
- Participate in FSA FHRs brand standard consistency exercise

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Delivery of the food service plan is monitored through quarterly corporate performance indicator monitoring of progress towards achieving the inspection program.

## **6.2 Review against 2018/19 Service plan**

At the end of the 2018/19 financial year only 15 inspections due within the year remained outstanding.

## **6.3 Areas for development**

Due to staffing changes within the team the focus of development work for 2019/20 will be inducting a new employee into the role of lead food officer for the Borough.

To improve compliance with legislation designed to control allergens in foods free training courses will be provided for businesses.

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