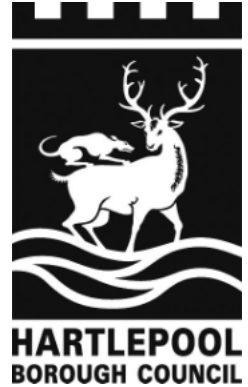


# CABINET AGENDA



**Monday, 16 August 2010**

**at 9.00 am**

**in Committee Room B,  
Civic Centre, Hartlepool**

MEMBERS: CABINET:

The Mayor, Stuart Drummond

Councillors Brash, Hall, Hargreaves, Hill, Jackson, Payne and H Thompson

**1. APOLOGIES FOR ABSENCE**

**2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**

**3. MINUTES**

To receive the Record of Decision in respect of the meeting held on 2<sup>nd</sup> August 2010  
(previously circulated)

**4. BUDGET AND POLICY FRAMEWORK**

4.1 Food Law Enforcement Service Plan 2010/2011 – *Director of Regeneration  
and Neighbourhoods*

**5. KEY DECISIONS**

No items

**6. OTHER ITEMS REQUIRING DECISION**

- 6.1 Job Evaluation Appeals – *Chief Customer and Workforce Services Officer and Chief Finance Officer*

**7. ITEMS FOR DISCUSSION/INFORMATION**

No items

**8. REPORTS FROM OVERVIEW OF SCRUTINY FORUMS**

No items

**EXEMPT ITEMS**

Under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information as defined in the paragraphs referred to below of Part 1 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) Act 1985

**9. EXEMPT ITEMS FOR DISCUSSION / INFORMATION**

- 9.1 Facilities Management Service Delivery Options Review (paras 3 and 4) – *Director of Regeneration and Neighbourhoods*

## CABINET REPORT

16 August 2010



**Report of:** Director of Regeneration & Neighbourhoods

**Subject:** FOOD LAW ENFORCEMENT SERVICE PLAN  
2010 / 2011

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### SUMMARY

#### 1. PURPOSE OF REPORT

To consider the Food Law Enforcement Service Plan for 2010/2011, which is a requirement under the Budget and Policy Framework.

#### 2. SUMMARY OF CONTENTS

The report sets out details of Hartlepool's Food Law Enforcement Service Plan 2010/11. The plan is a requirement of the Food Standards Agency and forms the basis on which the Authority may be monitored and audited to verify whether the service provided is effective in protecting the public. The plan sets out the Council's aims in respect of its food law service. Whilst focussing on 2010/11, it also identified longer term objectives as well as a review of performance for 2009/10.

#### 3. RELEVANCE TO CABINET

Executive to consider issues prior to presentation to Council.

#### 4. TYPE OF DECISION

The Food Law Enforcement Plan is part of the Budget and Policy Framework of the Council.

#### 5. DECISION MAKING ROUTE

As part of the Budget and Policy Framework, the Annual Food Law Enforcement Plan requires the involvement of Scrutiny (scheduled for 15 September 2010) and approval by full Council.

#### 6. DECISION(S) REQUIRED

Comments on the Food Law Enforcement Plan are invited.

**Report of:** Director of Regeneration & Neighbourhoods

**Subject:** FOOD LAW ENFORCEMENT SERVICE PLAN  
2010 / 2011

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## **1. PURPOSE OF REPORT**

- 1.1 To consider the Food Law Enforcement Service Plan for 2010/2011, which is a requirement under the Budget and Policy Framework.

## **2. BACKGROUND**

- 2.1 The Food Standards Agency has a key role in overseeing local authority enforcement activities. They have duties to set and monitor standards of local authorities as well as carry out audits of enforcement activities to ensure that authorities are providing an effective service to protect public health and safety.
- 2.2 On 4 October 2000, the Food Standards Agency issued the document "Framework Agreement on Local Authority Food Law Enforcement". The guidance provides information on how local authority enforcement service plans should be structured and what they should contain. Service Plans developed under this guidance will provide the basis on which local authorities will be monitored and audited by the Food Standards Agency.
- 2.3 The service planning guidance ensures that key areas of enforcement are covered in local service plans, whilst allowing for the inclusion of locally defined objectives.
- 2.4 The Food Law Enforcement Service Plan for 2010/11 is attached as **Appendix 1** and takes into account the guidance requirements.
- 2.5 The Plan will be considered by Neighbourhood Services Scrutiny Forum on 15 September 2010 and again by the Cabinet, prior to being considered by Council.

## **3. THE FOOD LAW ENFORCEMENT SERVICE PLAN**

- 3.1 The Service Plan for 2010/11 has been updated to reflect last year's performance.

### 3.2 The Plan covers the following:

#### (i) Service Aims and Objectives:

That the Authority's food law service ensures public safety by ensuring food, drink and packaging meets adequate standards.

#### (ii) Links with Community Strategy, Corporate Plan, Departmental and Divisional Plans:

How the Plan contributes towards the Council's main priorities (Jobs and the Economy, Lifelong Learning and Skills, Health and Wellbeing, Community Safety, Environment, Culture and Leisure and Strengthening Communities).

#### (iii) Legislative Powers and Other Actions Available:

Powers to achieve public safety include programmed inspections of premises, appropriate registration/approval, food inspections, provision of advice, investigation of food complaints and food poisoning outbreaks, as well as the microbiological and chemical sampling of food.

#### (iv) Resources, including financial, staffing and staff development.

#### (v) A review of performance for 2009/10.

## 4. SUMMARY OF MAIN ISSUES RAISED IN THE PLAN

4.1 During 2009/10 the service completed 100% of all programmed food hygiene inspections planned for the year. As a result of prioritising resources in this area we were unable to achieve the targets set in respect of food standards and feeding stuffs inspections; 86% of food standards inspections were achieved and 63.4% of feeding stuffs inspections. The outstanding inspections will be added to the programme for 2010/2011.

4.2 The results from the 2009/10 sampling programme were disappointing. A total of 218 microbiological samples were taken, of which 73 were regarded as unsatisfactory, mainly as a result of high bacteriological counts. Advisory visits have been carried out and the majority of follow up samples subsequently improved. Of the 246 compositional/labelling samples that were taken, 11 were unsatisfactory, mainly due to labelling irregularities.

4.3 On 1<sup>st</sup> April 2007 the Council launched the Tees Valley Food Hygiene Award Scheme. Each business is awarded a star rating which reflects the risk rating given at the time of the last primary inspection. The star

rating is made available to the public via the Council's website and the business is provided with a certificate to display on their premises.

- 4.4 The table below shows the results of the star ratings awarded to businesses at the start of the scheme on 1 April 2007, as compared with after 12 months (on 1 April 2008), after 24 months (on 1 April 2009) and after 36 months (on 1 April 2010):

Number of Stars	Number of Premises (1/4/07)	%	Number of Premises (1/4/08)	%	Number of Premises (1/4/09)	%	Number of Premises (1/4/10)	%
5 Stars	24/759	<b>3%</b>	85/762	<b>11.1%</b>	163/721	<b>22.6%</b>	237/709	<b>33.4%</b>
4 Stars	155/759	<b>20%</b>	217/762	<b>28.5%</b>	233/721	<b>32.3%</b>	205/709	<b>28.9%</b>
3 Stars	226/759	<b>30%</b>	294/762	<b>38.6%</b>	237/721	<b>32.9%</b>	195/709	<b>27.5%</b>
2 Stars	262/759	<b>35%</b>	137/762	<b>18.0%</b>	65/721	<b>9%</b>	60/709	<b>8.5%</b>
1 Star	60/759	<b>8%</b>	26/762	<b>3.4%</b>	17/721	<b>2.4%</b>	12/709	<b>1.7%</b>
0 Stars	32/759	<b>4%</b>	3/762	<b>0.4%</b>	6/721	<b>0.8%</b>	0/709	<b>0%</b>

- 4.5 It can be seen that the number of premises awarded 3 stars and above has risen significantly from 53% to 89.8%, with a more than tenfold increase in the number of premises awarded 5 stars. There are currently no zero rated premises.
- 4.6 Whilst the number of businesses trading fluctuates throughout the year the above figures show a decline in the number of food businesses operating in the borough. This information is consistent with national returns made for 2008/09 which indicate that there has been a slight decrease in the numbers of food businesses, but that there was a notable increase in business turnover and new business registrations, especially in relation to home catering and change in ownership.
- 4.7 Compliance levels of food businesses in our area are measured and reported on against National Indicator 184. As at the 1<sup>st</sup> April 2010, 91.5% of businesses in the borough were "Broadly Compliant" with food safety requirements (in 2008-09 the figure was 89.3%, which was 3.3% higher than the national average). For food standards 96.3% of businesses achieved broad compliance (in 2008-09 the figure was 93.3%). We aim to concentrate our resources to further increase our current rate by the end of 2010/11.
- 4.8 The service is committed to focussing its resources on carrying out interventions at those businesses which are deemed not to be 'broadly compliant' and has written to those awarded 2 stars or less offering advice and support. In the current financial climate we anticipate that it may become increasingly difficult to secure improvements however where necessary enforcement action will be taken.
- 4.9 During 2009/10, no emergency prohibition notices were served on businesses. A Hygiene Improvement Notice was served on a business

to ensure compliance with food safety issues. No prosecutions or formal cautions were undertaken.

- 4.10 During 2010/11 there are 394 programmed food hygiene interventions, 248 programmed food standards inspections and 47 feed hygiene inspections planned. The number of premises liable for inspection has increased on last years figures. (The number of premises liable for inspection fluctuates from year to year as the programme is based on the risk rating applied to the premises which determines the frequency of intervention). An estimated 80 re-visits and 70 additional visits to new / changed premises will be required during the year.
- 4.11 Further to the above planned inspections it is predicted that an additional 150 visits will need to be carried out in relation to the Tall Ships Event and Headland Carnival. Such inspections must be carried out by a small team of officers with the suitable qualifications and competencies to undertake them. The volume of planned inspections and the need to carry out visits outside normal working hours will place an additional demand on an already heavy workload.

## **5. RECOMMENDATIONS**

- 5.1 Members comments on the Food Law Enforcement Service Plan for 2010/2011 are invited prior to submission to Scrutiny.



# Hartlepool Borough Council

## Food Law Enforcement Service Plan

2010/11



# FOOD SERVICE PLAN 2010/11

This Service Plan accords with the requirements of the Framework Agreement on Local Authority Food Law Enforcement, and sets out the Council's aims in respect of its food law service and the means by which those aims are to be fulfilled. Whilst focussing primarily on the year 2010/11, where relevant, longer-term objectives are identified. Additionally, there is a review of performance for 2009/10 and this aims to inform decisions about how best to build on past successes and address performance gaps.

## 1. **Background Information**

Hartlepool is situated on the North East coast of England. The Borough consists of the town of Hartlepool and a number of small outlying villages. The total area of the Borough is 9,390 hectares.

Hartlepool is a unitary authority, providing a full range of services. It adjoins Durham County Council to the north and west and Stockton on Tees Borough Council to the south. The residential population is 90,161 of which ethnic minorities comprise 1.2% (2001 census).

The borough contains a rich mix of the very old and the very new. Its historic beginnings can be traced back to the discovery of an iron-age settlement at Catcote Village and the headland, known locally as "Old Hartlepool" is steeped in history. On the other hand, the former South Docks area has been transformed into a fabulous 500-berth Marina.

In August, Hartlepool will welcome up to one million visitors for the finale of the prestigious 2010 Tall Ships' Races; an internationally acclaimed annual competition held every summer in European waters. Approximately 70 vessels from 15-20 countries, crewed by some 5-6,000 young people from over 30 countries worldwide are expected to take part. A wide range of entertainment events are planned to coincide with the event.

The tourist industry impacts upon recreational opportunities, shopping facilities and leisure facilities, including the provision of food and drink outlets that include restaurants, bars and cafes. There are currently 735<sup>1</sup> food establishments in Hartlepool, all of which must be subject to intervention to ensure food safety and standards are being met.

## 2. **Service Aims and Objectives**

Hartlepool Borough Council aims to ensure:

- that food and drink intended for human consumption which is produced, stored, distributed, handled or consumed in the borough is without risk to the health or safety of the consumer;

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<sup>1</sup> This figure includes a number of low risk premises which fall outside the intervention programme.

- food and food packaging meets standards of quality, composition and labelling and reputable food businesses are not prejudiced by unfair competition; and
- the effective delivery of its food law service so as to secure appropriate levels of public safety in relation to food hygiene, food standards and feeding stuffs enforcement.

In its delivery of the service the Council will have regard to directions from the Food Standards Agency (FSA), Approved Codes of Practice, the Regulators Code of Compliance, and guidance from Local Authorities Co-ordinators of Regulatory Services (LACORS).

Service delivery broadly comprises:

- Programmed inspections of premises for food hygiene, food standards and feed hygiene;
- Registration and approval of premises;
- Microbiological sampling and chemical analysis of food and animal feed;
- Food & Feed Inspection;
- Contributing to the step change on imported food/feed control through inspection and checks of imported food/feed at retail and catering premises;
- Provision of advice, educational materials and courses to food/feed businesses;
- Investigation of food and feed related complaints;
- Investigation of cases of food and water borne infectious disease, and outbreak control;
- Dealing with food/feed safety incidents; and
- Promotional and advisory work.

Effective performance of the food law service necessitates a range of joint working arrangements with other local authorities and agencies such as the Health Protection Agency (HPA), Food Standards Agency (FSA), HM Revenue & Customs (HMRC), Meat Hygiene Service (MHS), Department of Environment, Food & Rural Affairs (Defra) & the Animal Medicines Inspectorate (AMI). The Council aims to ensure that effective joint working arrangements are in place and that officers of the service contribute to the on going development of those arrangements.

The service is also responsible for the following:

- Health and Safety enforcement;
- The provision of guidance, advice and enforcement in respect of Smoke free legislation;
- Water sampling; including both private and mains supplies & bathing water; and
- Provision of assistance for animal health and welfare inspections, complaint investigation and animal movement issues.

### 3. **Policy Content**

This service plan fits into the hierarchy of the Council's planning process as follows:

- Hartlepool's Community Strategy - the Local Strategic Partnership's (the Hartlepool Partnership) goal is to regenerate Hartlepool by promoting economic, social and environmental wellbeing in a sustainable manner.
- Corporate (Best Value Performance) Plan
- Regeneration and Neighbourhoods Departmental Plan
- Community Safety and Protection Divisional Plan
- Food Law Enforcement Service Plan - sets out how the Council aims to deliver this statutory service and the Consumer Services section's contribution to corporate objectives

The Council's Community Strategy, called Hartlepool's Ambition, looks ahead to 2020 and sets out its long-term vision and aspirations for the future:

***'Hartlepool will be an ambitious, healthy, respectful, inclusive, thriving and outward-looking community, in an attractive and safe environment, where everyone is able to realise their potential.'***

This Food Law Service Plan contributes towards the vision and the Council's main priorities in the following ways:

#### **Jobs and the Economy**

By providing advice and information to new and existing businesses to assist them in meeting their legal requirements with regard to food law requirements, and avoid potential costly action at a later stage;

#### **Lifelong Learning and Skills**

By providing and facilitating training for food handlers on food safety as part of lifelong learning, and promoting an improved awareness of food safety and food quality issues more generally within the community;

#### **Health and Wellbeing**

By ensuring that food businesses where people eat and drink, or from which they purchase their food and drink, are hygienic and that the food and drink sold is safe, of good quality and correctly described and labelled to inform choice;

#### **Community Safety**

By encouraging awareness amongst food businesses of the role they can play in reducing problems in their community by keeping premises in a clean and tidy condition;

## **Environment**

By encouraging businesses to be aware of environmental issues which they can control, such as proper disposal of food waste;

## **Culture and Leisure**

By exploring ways to promote high standards of food law compliance in hotels, other tourist accommodation, public houses and other catering and retail premises.

## **Strengthening Communities**

By developing ways of communicating well with all customers, including food business operators whose first language is not English, and ensuring that we deliver our service equitably to all.

This Food Law Enforcement Service Plan similarly contributes to the vision set out in the Regeneration and Neighbourhoods Department Plan *“to work hand in hand with communities and to provide and develop excellent services that will improve the quality of life for people living in Hartlepool neighbourhoods”*.

Within this, the Consumer Services Section has a commitment to ensure the safe production, manufacture, storage, handling and preparation of food and its proper composition and labelling.

The Council has in place a Food Law Enforcement Policy, which has been revised and subsequently approved by the Adult & Public Health Services Portfolio Holder on 21 March 2005.

The Council is committed to the principles of equality and diversity. The Food Law Enforcement Service Plan consequently aims to ensure that the same high standards of service is offered to all, and that recognition is given to the varying needs and backgrounds of its customers.

## **4. Interventions**

The Council has a wide range of duties and powers conferred on it in relation to food law enforcement.

The Council must appoint and authorise inspectors, having suitable qualifications and competencies for the purpose of carrying out duties under the Food Safety Act 1990 and Regulations made under it and also specific food regulations made under the European Communities Act 1972, which include the Food Hygiene (England) Regulations 2006 and the Official Feed and Food Controls (England) Regulations 2007.

Authorised officers can inspect food at any stage of the production, manufacturing, distribution and retail chain. The Council must draw up and implement an annual programme of risk-based interventions so as to ensure that food and feeding stuffs are inspected in accordance with relevant legislation, the Food Law Code of Practice and centrally issued guidance.

Prompted by the introduction of the Legislative and Regulatory Reform Act 2006 the Food Standards Agency (FSA) has made changes to the Food Law Code of Practice that took effect from June 2008.

The changes to the Code replaced an enforcement policy focussed primarily on inspections, with a new policy for a suite of interventions. This allows local authorities to choose the most appropriate action to be taken to drive up levels of compliance by food establishments with food law. This takes account of the recommendations in the 'Reducing Administrative Burdens: Effective Inspection and Enforcement'.

Interventions are defined as activities that are designed to monitor, support and increase food law compliance within a food establishment. They include:

- Inspections / Audit;
- Surveillance / Verification;
- Sampling;
- Education, advice and coaching provided at a food establishment; and
- Information and intelligence gathering.

Other activities that monitor, promote and drive up compliance with food law in food establishments, for instance 'Alternative Enforcement Strategies' for low risk establishments and education and advisory work with businesses away from the premises (e.g. seminars/training events) remain available for local authorities to use.

The revised Code also introduces the concept of 'Broadly Compliant' food establishments. In respect of food hygiene, "broadly compliant", is defined as an establishment that has an intervention rating score of not more than 10 points under each of the following components;

- Level of (Current) Hygiene Compliance;
- Level of (Current) Structural Compliance; and
- Confidence in Management/Control Systems

"Broadly Compliant", in respect of food standards, is defined as an establishment that has an intervention rating score of not more than 10 points under the following:

- Level of (Current) Compliance
- Confidence in Management/Control Systems

Local Authorities are required to report the percentage of “Broadly Compliant” food establishments in their area to the FSA on an annual basis through the Local Authority Enforcement Monitoring System (LAEMS). The Agency will use this outcome measure to monitor the effectiveness of a local authority’s regulatory service.

As at the 1<sup>st</sup> April 2010, 91.5% of businesses in the borough were “Broadly Compliant” with food safety requirements (in 2008-09 the figure was 89.3%, which was 3.3% higher than the national average). For food standards 96.3% of businesses achieved broad compliance (in 2008-09 the figure was 93.3%). We aim to concentrate our resources to further increase our current rate by the end of 2010/11 however given the current financial climate this will be extremely challenging.

Since April 2008 local authorities are required to report the same information to the National Audit Office under National Indicator 184. We are also required to report on business satisfaction rates with the service under NI 182.

The Food Law Enforcement Plan will help to promote efficient and effective approaches to regulatory inspection and enforcement that will improve regulatory outcomes without imposing unnecessary burdens. The term enforcement does not only refer to formal actions, it can also relate to advisory visits and inspections.

## **5. Service Delivery Mechanisms**

### **Intervention Programme**

Local Authorities must document, maintain and implement an interventions programme that includes all the establishments for which they have food law enforcement responsibility.

Interventions carried out for food hygiene, food standards and for feeding stuffs are carried out in accordance with the Council’s policy and standard operating procedures on food/feed premises inspections and relevant national guidance.

Information on premises liable to interventions is held on the APP computerised system. An intervention schedule is produced from this system at the commencement of each reporting year.

The food hygiene, food standards and feeding stuffs intervention programmes are risk-based systems that accord with current guidance. The current premises profiles are shown in the tables overleaf:

### Food Hygiene:

<b>Risk Category</b>	<b>Frequency of Inspection</b>	<b>No of Premises</b>
A	6 months	1
B	12 months	38
C	18 months	290
D	24 months	185
E	36 months or other enforcement	202
Unclassified	Requiring inspection/risk rating	0
No Inspectable Risk (NIR)		19
Total		735

### Food Standards:

<b>Risk Category</b>	<b>Frequency of Inspection</b>	<b>No of Premises</b>
A	12 months	2
B	24 months	118
C	36 months or other enforcement	595
Unclassified		1
No Inspectable Risk (NIR)		19
Total		735

### Feed Hygiene

<b>Risk Category</b>	<b>Frequency of Inspection</b>	<b>No of Premises</b>
A	12 months	0
B	24 months	23
C	60 months	41
Unclassified		23
Total		87

The intervention programme for 2010/11 comprises the following number of scheduled food hygiene and food standards interventions:

**Food Hygiene:**

<b>Risk Category</b>	<b>Frequency of Inspection</b>	<b>No of Interventions</b>
A	6 months	1
B	12 months	39
C	18 months	205
D	24 months	86
E	36 months or alternative enforcement strategy	63
Unclassified		0
<b>Total</b>		<b>394</b>

**Approved Establishments:**

There are 2 approved food establishments in the borough; a fishery products establishment and a manufacturer of food ingredients. These premises are subject to more stringent hygiene provisions than those applied to registered food businesses. These premises require considerably more staff resources for inspection, supervision and advice on meeting enhanced standards.

**Primary Producers**

From 1 January 2006 EU food hygiene legislation applicable to primary production (farmers & growers) came into effect. On the basis that the local authority officers were already present on farms in relation to animal welfare and feed legislation, the responsibility was been given to the Consumer Services Section to enforce this legislation. The service has an estimated 68 primary producers. Targets have been set for Councils to inspect 25% of farms classified as high risk and 2% of low risk premises. We currently do not have any high risk premises.

**Food Standards:**

<b>Risk Category</b>	<b>Frequency of Inspection</b>	<b>No of Interventions</b>
A	12 months	2
B	24 months	51
C	36 months or alternative enforcement	194
Not classified		1
<b>Total</b>		<b>248</b>



## Feed Hygiene :

Risk Category	Frequency of Inspection	No of Interventions
A	12 months	0
B	24 months	21
C	60 months	0
Unclassified		23
Total		47

An estimated 10% of programmed interventions relate to premises where it is more appropriate to conduct visits outside the standard working time hours. Arrangements are in place to visit these premises out of hours by making use of the Council's flexible working arrangements, lieu time facilities and, if necessary, paid overtime provisions. In addition, these arrangements will permit the occasional inspection of premises which open outside of, as well as during standard work time hours. The Food Law Code of Practice requires inspections of these premises at varying times of operation.

As a follow-up to primary inspections, the service undertakes revisits in accordance with current policy. For the year 2010/11, the inspection programme is expected to generate an estimated 80 revisits. A number of these premises revisits will be undertaken outside standard working hours and arrangements are in place as described above to facilitate this.

It is anticipated that consistent, high quality programmed inspections by the service will, over time, result in a general improvement in standards, reducing the frequency for recourse to formal action.

The performance against inspection targets for all food hygiene and food standards inspections is reported monthly as part of the Regeneration & Neighbourhoods Department internal performance monitoring. In addition, performance against inspection targets is reported quarterly to the Adult & Public Health Services Portfolio Holder as part of the Regeneration & Neighbourhoods Department plan update and recorded on Covalent.

### Tall Ships Event

In addition to the above planned inspection programme of fixed establishments, in the first quarter of the year we aim to visit all food businesses which are likely to be affected during the Tall Ships Event. We will provide tailored advice regarding planning for additional demands for service, changes to delivery times etc. In addition we aim to inspect all of the food vendors which will be operating as part of the Tall Ships Event (7-10<sup>th</sup> August) and the Headland Carnival. We anticipate that this will generate an additional 150 visits.

## Port Health

Hartlepool is a Port Health Authority however it is not a Border Inspection Post or Point of Entry, therefore no food enters the port.

## Fish Quay

There is a Fish Quay within the Authority's area which provides a market hall although it is not currently operational and there are associated fish processing units, one of which is an approved establishment.

## Registration and Approval of Premises

Food and feed business operators must register their establishments with the relevant local authority. This provision allows for the service to maintain an up-to-date premises database and facilitates the timely inspection of new premises and, when considered necessary, premises that have changed food/feed business operator or type of use.

The receipt of a food/feed premises registration form initiates an inspection of all new premises. In the case of existing premises, where a change of food/feed business operator is notified, other than at the time of a programmed inspection, an assessment is made of the need for inspection based on the date of the next programmed intervention, premises history, and whether any significant change in the type of business is being notified. It is anticipated that approximately 70 additional premises inspections will be generated for new food businesses during 2010/11.

A competent authority must with some exceptions, approve food business establishments that handle food of animal origin. If an establishment needs approval, it does not need to be registered as well.

Food premises which require approval include those that are producing any, or any combination of the following; minced meat, meat preparations, mechanically separated meat, meat products, live bivalve molluscs, fishery products, raw milk (other than raw cows' milk), dairy products, eggs (not primary production) and egg products, frogs legs and snails, rendered animal fats and greaves, treated stomachs, bladders and intestines, gelatine and collagen and certain cold stores and wholesale markets.

The approval regime necessitates full compliance with the relevant requirements of Regulation (EC) No 852/2004 and Regulation (EC) 853/2004.

There are 2 premises in the Borough which are subject to approval; a fishery products establishment and a manufacturer of food ingredients.

## Microbiological and Chemical Analysis of Food/Feed

An annual food/feed sampling programme is undertaken with samples being procured for the purposes of microbiological or chemical analyses. This programme is undertaken in accordance with the service's Food/Feed Sampling Policy.

All officers taking formal samples must follow the guidance contained in and be qualified in accordance with relevant legislative requirements and centrally issued guidance, including that contained in the Food Law Code of Practice/Feed Law Enforcement Policy and associated Practice Guidance. Follow-up action is carried out in accordance with the service's sampling policy.

Microbiological analysis of food and water samples is undertaken by the Health Protection Agency's Laboratory based at Leeds. Chemical analysis of informal food/feed samples is undertaken by Tees Valley Measurement (a joint funded laboratory based at Canon Park, Middlesbrough) and formal samples are analysed by Durham Scientific Services, who the Authority has appointed as their Public/Agricultural Analyst.

From April 2005 sampling allocations from the Health Protection Agency, which is responsible for the appropriate laboratory facilities, has been based on a credits system dependant on the type of sample being submitted and examination required.

The allocation for Hartlepool is 8,300 credits for the year 2010/11.

Points are allocated as follows:

<b>Sample type</b>	<b>No of credits</b>
Food Basic	25
Food Complex	35
Water Basic	20
Water Complex	25
Dairy Products	10
Environmental Basic	25
Environmental Complex	35
Certification	15

A sampling programme is produced each year for the start of April. The sampling programme for 2010/11 includes national and regional surveys organised by LACORS and HPA/Local Authority Liaison Group.

Sampling programmes have been agreed with the Food Examiners and Tees Valley Measurement. These have regard to the nature of food/feed businesses in Hartlepool and will focus on locally manufactured/processed foods/feed and food/feed targeted as a result of previous sampling and complaints.

In 2007 the Food Standards Agency, the Local Authorities Coordinators of Regulatory Services (LACORS) and the Association of Port Health Authorities set a national target that imported food should make up 10% of the food samples taken by local and port health authorities. The service shall therefore aim to meet this target.

Microbiological Food Sampling Plan 2010 /11

<p><b>April</b> Butchers Survey (re-samples)  Rice from Chinese Takeaways (re-samples)</p>	<p><b>May</b> Butchers Survey (re-samples)  Rice from Chinese Takeaways (re-samples)</p>	<p><b>June</b> Mobile Survey  LACORS/HPA Pennington Study  Dishwasher Study</p>
<p><b>July</b> Ice-cream vendors  LACORS/HPA Pennington Study  Dishwasher Study</p>	<p><b>August</b> Ice-cream vendors  LACORS/HPA – Listeria in RTE Foods  Dishwasher Study</p>	<p><b>September</b> Sandwich shops/Cafes Salmonella in Fresh Herbs LACORS/HPA – Listeria in RTE Foods Dishwasher Study</p>
<p><b>October</b> Sandwich shops/Cafes  LACORS/HPA – Listeria in RTE Foods  Dishwasher Study</p>	<p><b>November</b> Sandwich shops/Cafes  LACORS/HPA – Listeria in RTE Foods  Dishwasher Study</p>	<p><b>December</b> Pubs/Restaurants  LACORS/HPA – Listeria in RTE Foods  Dishwasher Study</p>
<p><b>January</b> Pubs/Restaurants  LACORS/HPA – Listeria in RTE Foods  Dishwasher Study</p>	<p><b>February</b> Pubs/Restaurants  LACORS/HPA Pennington Study  Dishwasher Study</p>	<p><b>March</b> LACORS/HPA – Cleaning Cloths  LACORS/HPA Pennington Study  Dishwasher Study</p>

Composition and Labelling Sampling Plan 2010 /11

MONTH	TEST	SAMPLES
April	Added water - processed meats Labels of the above products	7 7
May	Fat, salt & sugars – canned meals Labels of the above products	6 6
	<u>FSA Imported Food Survey:</u>  The following foods will be sampled:  Honey – moisture, sugars, HMF, labelling Crab – cadmium Chicken – added water, salt	6 2 4
June	Reformed meats in locally produced sandwiches	19
July	Saturated fat – fish & meat ready meals Labels of the above products	12 12
Aug	Meat content of locally produced sausage	3
Sept	Meat content of locally produced sausage	3
Oct	Gluten free – pre-packed goods Labels of the above products	12 12
Nov	Sodium – breakfast cereals/bars Labels of the above products	12 12
Dec	ABV – alcohol in restaurants Spirit testing	15
Jan	Added sugars – soft drinks Labels of the above products	8 8
Feb	Vegetarian foods, peanuts	12
Mar	Imported canned vegetables – heavy metals Labels of the above products	4 4

Total samples = 186

### Feeding Stuffs

It is planned that six informal animal feeding stuffs samples will be taken this year.

At present feeding stuffs sampling is being given a low priority due to the lack of local manufacturers and packers. An annual feeding stuffs sampling plan however has been drawn up to carry out informal sampling at the most appropriate time of the year in respect of farms, pet shops and other retail establishments.

### Feeding stuffs Sampling Plan 2010/11

April - June	0
July - September	2 feed samples (statutory statements)
October - December	2 samples from grain stores for mycotoxins
January - March	2 supplements

### Private Water Supplies

A local brewery uses a private water supply in its food production. Regular sampling is carried out of this supply in accordance with relevant legislative regulations.

### Food inspection

The purpose of food inspection is to check that food complies with food safety requirements and is fit for human consumption, and is properly described and labelled. As such, the activity of inspecting food commodities, including imported food where relevant, forms an integral part of the food premises inspection programme. Food inspection activities are undertaken in accordance with national guidelines.

### Provision of advice, educational materials and courses to food/feed businesses

Following changes in relation to certified courses we are reviewing the training courses offered by the section. Where we are unable to deliver courses we will advise businesses of alternative local providers.

It is recognised that for most local food businesses contact with an officer of the service provides the best opportunity to obtain information and advice on legislative requirements and good practice. Officers are mindful of this and aim to ensure that when undertaking premises inspections sufficient opportunity exists for business operators to seek advice. Leading up to the Tall Ships Event officers will be providing tailored advice to businesses.

In addition, advisory leaflets including those produced by the Food Standards Agency are made available.

In February 2006 the Food Standards Agency introduced Safer Food Better Business (SFBB) aimed at assisting smaller catering businesses to introduce a documented food safety management system. Since this time significant resources have been directed towards assisting businesses to fully implement a documented food safety management system.

Guidance is also prepared and distributed to food businesses relating to changes in legislative requirements. The service also encourages new food/feed business operators and existing businesses to seek guidance and advice on their business. It is estimated that 35 such advisory visits will be carried out during the year.

On 1<sup>st</sup> April 2007 the Council launched the Tees Valley Food Hygiene Award Scheme. At this time each business was awarded a provisional star rating which reflected the risk rating given at the time of the last primary inspection. The star rating was made available to the public via the Council's website and the business was provided with a certificate to display on their premises. The service has made a commitment to work with businesses to improve their rating.

Feeding stuffs advice is available via the Council's web site.

A limited level of promotional work is also undertaken by the service on food safety, with minimal impact on programmed enforcement work.

#### Investigation of Food / Feed and Food / Feed-Related Complaints

The service receives approximately 21 complaints, each year concerning food/feed, all of which are subject to investigation. An initial response is made to these complaints within two working days. Whilst many complaints are investigated with minimal resource requirements, some more complex cases may be resource-intensive and potentially affect programmed inspection workloads.

All investigations are conducted having regard to the guidance on the 'Home Authority Principle'.

The procedures for receipt and investigation of food/feed complaints are set out in detailed guidance and internal policy documents.

#### Investigation of cases of Food Poisoning and Outbreak Control

Incidents of food related infectious disease are investigated in liaison with the North East Health Protection Unit and in the case of outbreaks in accordance with the Health Protection Unit's Outbreak Control Policy.

Where it appears that an outbreak exists the Principal EHO (Commercial Services) or an EHO, will liaise with the local Consultant in Communicable Disease Control and, where necessary, the North East Health Protection Unit, to determine the need to convene an Outbreak Control Team. Further liaison may be necessary with agencies such as the Food Standards Agency, the Health Protection Agency, Hartlepool Water and Northumbrian Water.

Statistical returns are made weekly by the service to the Communicable Disease Surveillance Centre. It is estimated that between 90-100 food poisoning notifications are received each year, a large proportion of which are confirmed cases of Campylobacter. Historically we have investigated all reports either by interviewing cases or sending out questionnaires and advice leaflets.

It was identified that there was variation in the practice of Environmental Health departments both regionally and nationally in relation to the investigation of sporadic cases of Campylobacter therefore the Health Protection Agency (HPA) proposed that a common approach be agreed by North East Environmental Health Departments. As relatively little benefit has been demonstrated from the investigation of individual sporadic cases of Campylobacter only those who are food handlers or live/work in a residential setting will now be routinely investigated.

Any cluster or outbreak identified by the HPA or Environmental Health will be investigated following the agreed outbreak investigation arrangements. In the event of any major food poisoning outbreak a significant burden is likely to be placed on the service and this would inevitably impact on the performance of the inspection programme.

#### Dealing with Food / Feed Safety Incidents

A national alert system exists for the rapid dissemination of information about food and feed hazards and product recalls, this is known as the food/feed alert warning system.

All food and feed alerts received by the service are dealt with in accordance with national guidance and internal quality procedures.

Food and feed alert warnings are received by the service from The Food Standards Agency via the electronic mail system, and EHCNet during working hours. Several officers have also subscribed to receive alerts via their personal mobile phones.

The Principal EHO (Commercial Services) or, if absent, the Public Protection Manager ensures that a timely and appropriate response is made to each alert.

Out of hours contact is arranged through Hartlepool Housing's Greenbank Offices, telephone number 01429 869424.



In the event of a serious local incident, or a wider food safety problem emanating from production in Hartlepool, the Food Standards Agency will be alerted in accordance with guidance.

Whilst it is difficult to predict with any certainty the number of food safety incidents that will arise, it is estimated that the service is likely to be notified of 50 food alerts during 2010/11, a small proportion of which will require action to be taken by the Authority. This level of work can ordinarily be accommodated within the day-to-day workload of the service, but more serious incidents may require additional resources which may have an effect on the programmed inspection workload and other service demands.

In addition a significant number of Allergy Alerts are being sent to local authorities. A total of 34 were received during 2009/10 many relating to labelling irregularities by UK manufacturers who have for example omitted to declare the presence of an allergen in the food.

#### Investigation of Complaints relating to Food/Feed Safety and Food Standards in Premises

The service investigates all complaints that it receives about food/feed safety and food standards conditions and practices in food/feed businesses. An initial response to any complaint is made within two working days. In such cases the confidentiality of the complainant is paramount. All anonymous complaints are also currently investigated.

The purpose of investigation is to determine the validity of the complaint and, where appropriate, to seek to ensure that any deficiency is properly addressed. The general approach is to assist the food/feed business operator in ensuring good standards of compliance, although enforcement action may be necessary where there is failure in the management of food/feed safety, or regulatory non-compliance.

Based on the number of complaints in 2009/10 it is estimated that approximately 21 such complaints will be received in 2010/11.

#### Feed Law Enforcement

From 1 January 2006 feed businesses must be approved or registered with their local authority under the terms of the EC Feed Hygiene Regulation (1831/2003).

This legislation relates to nearly all feed businesses. This means, for example, that importers and sellers of feed, hauliers and storage businesses now require approval or registration. Livestock and arable farms growing and selling crops for feed are also within the scope of the provisions of the regulation.

### Liaison arrangements

The service actively participates in local and regional activities and is represented on the following:

- North East Regional Heads of Regulatory Services Group
- Tees Valley Heads of Public Protection Group
- Tees Valley Food Liaison Group
- The Local HPA/Local Authority Sampling Group
- Tees Valley Public Health Group
- North East Trading Standards Liaison Group
- North East Trading Standards Animal Feed Group

There is also liaison with other organisations including the Chartered Institute of Environmental Health, the Trading Standards Institute, LACORS, the Health Protection Agency, Defra, OFSTED and the Care Quality Commission.

Officers also work in liaison with the Council's Planning, Building Control and Licensing Sections.

### Home Authority Principle / Primary Authority Scheme

The introduction of the Primary Authority Scheme in April 2009 under the provisions of the Regulatory Enforcement and Sanctions Act 2008 placed a statutory obligation on the Council to provide a significantly expanded range of Home Authority services to local businesses when requested by that business. There are opportunities for local authorities to recover costs from businesses to provide this premium service.

The Authority is committed to the LACORS Home Authority Principle, although at present there are no formal arrangements with food/feed businesses to act as a Primary Authority. The Authority does however act as Originating Authority for a brewery and a food manufacturer. Regular visits are made to these premises to maintain dialogue with management and an up to date knowledge of operations.

### General

The delivery point for the food/feed law enforcement service is at:

Bryan Hanson House  
Hanson Square  
Hartlepool  
TS24 7BT

Members of the public and businesses may access the service at this point from 08.30 - 17.00 Monday to Thursday and 08.30 - 16.30 on Friday.

A 24-hour emergency call-out also operates to deal with Environmental Health emergencies, which occur out of hours.

## 6. Resources

### Staffing Allocation

The Director of Regeneration & Neighbourhoods has overall responsibility for the delivery of the food/feed law service. The Assistant Director Community Safety & Protection has responsibility for ensuring the delivery of the Council's Environmental Health service, including delivery of the food/feed law service, in accordance with the service plan.

The Public Protection Manager, with the requisite qualifications and experience, is designated as lead officer in relation to food safety and food standards functions and has responsibility for the management of the service.

The resources determined necessary to deliver the service in 2010/11 are as follows:

1 x 0.10 FTE Public Protection Manager (with responsibility also for Health & Safety, Licensing, Trading Standards, Private Sector Housing & Environmental Protection)

1 x 0.35 FTE Principal EHO (Commercial Services) (with responsibility also for Health & Safety and Animal Health)

3 x FTE EHO (with requisite qualifications and experience and with responsibility also for Health & Safety)

1 x 0.56 FTE Part-time EHO (with requisite qualifications and experience and with responsibility also for Health & Safety)

1 x FTE Technical Officer Food (with requisite qualifications and experience)

The Public Protection Manager has responsibility for planning service delivery and management of the Food Law service, Health & Safety at Work, Licensing, Public Health, Water Quality, Trading Standards, Animal Health & Welfare, Private Sector Housing, Environmental Protection and I.T. as well as general management responsibilities as a member of the Community Safety & Protection Management Team.

The Principal EHO (Commercial Services) has responsibility for the day to day supervision of the Food/Feed Law Service, Health & Safety at Work, Public Health, Water Quality and Animal Health & Welfare. The Principal EHO (Commercial Services) is designated as lead officer in relation to animal feed and imported food control.

The EHO's have responsibility for the performance of the food premises inspection programme as well as the delivery of all other aspects of the food law service, particularly more complex investigations. In addition these officers undertake Health & Safety at Work enforcement.

The Technical Officer (Food) is also responsible for inspections, as well as revisits, investigation of less complex complaints and investigation of incidents of food-borne disease.

Authorised Trading Standards Officers have responsibility for the performance of the feed premises inspection programme as well as the delivery of all other aspects of the feed law service.

Administrative support is provided by Support Services based within the Regeneration & Neighbourhoods department.

All staff engaged in food/feed safety law enforcement activity will be suitably trained and qualified and appropriately authorised in accordance with guidance and internal policy.

Staff undertaking educational and other support duties will be suitably qualified and experienced to carry out this work.

### Financial Resources

The annual budget for the Consumer Services section in the year 2010/11 is:

	£ 000.0
Employees	457.9
Other Expenditure	182.5
Income	(4.3)
Net Budget	807.6

This budget is for all services provided by this section including Health & Safety, Animal Health, Trading Standards and resources are allocated in accordance with service demands. The figures do not include the budget for administrative / support services which are now incorporated into the overall budget.

### Equipment and Facilities

A range of equipment and facilities are required for the effective operation of the food/feed law service. The service has a documented standard operating procedure that ensures the proper maintenance and calibration of equipment and its removal from use if found to be defective.

The service has a computerised performance management system, the Authority Public Protection computer system (APP). This is capable of maintaining up to date accurate data relating to the activities of the food/feed law service. A documented database management standard operating procedure has been produced to ensure that the system is properly maintained, up to date and secure. The system is used for the generation of the inspection programmes, the recording and tracking of all food/feed interventions, the production of statutory returns and the effective management of performance.

## Training Plans

The qualifications and training of staff engaged in food/feed law enforcement are prescribed and this will be reflected in the Council's policy in respect of appointment and authorisation of officers.

It is a mandatory requirement for officers of the food/feed law service to maintain their professional competency by undertaking a minimum of 10 hours core training each year through attendance at accredited short courses, seminars or conferences. This is also consistent with the requirements of the relevant professional bodies.

The Council is committed to the personal development of staff and has in place Personal Development Plans for all members of staff.

The staff Personal Development Plan scheme allows for the formal identification of the training needs of staff members in terms of personal development linked with the development needs of the service on an annual basis. The outcome of the process is the formulation of a Personal Development Plan that clearly prioritises training requirements of individual staff members. The Personal Development Plans are reviewed six monthly.

The details of individual Personal Development plans are not included in this document but in general terms the priorities for the service are concerned with ensuring up to date knowledge and awareness of legislation, building capacity within the team with particular regard to approved establishments, the provision of food hygiene training courses, developing the role of the Food Safety Officer, and training and development of new staff joining the team.

Detailed records are maintained by the service relating to all training received by officers.

## **7. Service Review and Quality Assessment**

### Quality Assessment

The Council is committed to quality service provision. To support this commitment the food law service seeks to ensure consistent, effective, efficient and ethical service delivery that constitutes value for money.

A range of performance monitoring information will be used to assess the extent to which the food service achieves this objective and will include on-going monitoring against pre-set targets, both internal and external audits and stakeholder feedback.

Specifically the Principal EHO (Commercial Services) will carry out accompanied visits with officers undertaking inspections, investigations and other duties for the purpose of monitoring consistency and quality of the inspection and other visits carried out as well as maintaining and giving feedback with regard to associated documentation and reports.

It is possible that the Food Standards Agency may at any time notify the Council of their intention to carry out an audit of the service.

### Review

It is recognised that a key element of the service planning process is the rational review of past performance. In the formulation of this service plan a review has been conducted of performance against those targets established for the year 2009/10.

This service plan will be reviewed at the conclusion of the year 2010/11 and at any point during the year where significant legislative changes or other relevant factors occur during the year. It is the responsibility of the Public Protection Manager to carry out that review with the Assistant Director Community Safety & Protection.

The service plan review will identify any shortfalls in service delivery and will inform decisions about future staffing and resource allocation, service standards, targets and priorities.

Following any review leading to proposed revision of the service plan Council approval will be sought.

### Performance Review 2009/10

This section describes performance of the service in key areas during 2009/10.

### Inspection Programme

Our target is to complete 100% of the inspection programme for food hygiene, food standards and feeding stuffs. These are extremely challenging targets particularly since the section lost three posts due to budget pressures during 2008/09. Although none of these posts directly enforced food legislation their workload had to be distributed to the remaining workforce.

During the year we successfully completed all planned food hygiene inspections, however as a result of prioritising resources in this area we were unable to achieve our targets in respect of food standards and feeding stuffs inspections; 86% of food standards inspections were achieved and 63.4% of feeding stuffs. The outstanding inspections will be added to the programme for 2010/11.

We met our 2 working day response time, for all complaints with one exception, which related to a food labelling issue.

### Registration and Approval of premises

Premises subject to approval were inspected and given relevant guidance.

### Food Sampling Programme

The food sampling programme for 2009/10 has been completed. The microbiological results are as follows:

### Microbiological Sampling (1/4/09 - 31/3/10)

<b>Bacteriological Surveys</b>	<b>Total no. of samples</b>	<b>Number of Samples</b>	
		<b>Satisfactory</b>	<b>Unsatisfactory</b>
Local Shopping Basket Survey (foods sampled included: pasta salad, trifle, quiche, smoked/cured meats)	14	13	1*
LACORS/HPA Butchers Survey	77		
Meat	33	21	12*
Sw abs	33	8	25*
Cloths	11	6	5
Imported Food Survey - Herbs	10	10	
LACORS/HPA Butchers Survey (Re-samples)	50		
Meat	23	20	3
Sw abs	22	18	4
Cloths	5	1	4
LACORS / HPA Pre-Packed Sandwich Survey	16	14	2
Raw Shell Eggs from Residential Care Homes	5	5	
Take Away Premises Survey	46		
Rice	23	17	6*
Salad	9	8	1
Cloths	14	4	10
<b>Total:</b>	<b>218</b>	<b>145</b>	<b>73</b>

\* Resampled and found to be satisfactory

The results from this years sampling programme were disappointing. A high proportion of the samples obtained from butchers' shops failed to comply with the Guidelines for Assessing the Microbiological Safety of Ready-to-Eat Foods. Advice was given and the results upon resampling showed a marked improvement.

A significant number of wiping cloths taken from butchers shops and takeaway premises were also found to be unsatisfactory. (63%). This trend has been mirrored across the region. Advice has been given and a guidance note is currently being prepared in conjunction with the Health Protection Agency and other Local Authorities who participated in the survey. A follow up survey is planned.

Whilst six rice samples were reported as unsatisfactory, all of these samples were taken after the initial cooking stage. All samples taken after the secondary cook were found to be satisfactory.

The composition and labelling results are shown below:

**Food Standards Sampling (01.04.09 – 31.03.10):**

<b>Nature of Sample</b>	<b>Reason for Sampling</b>	<b>Satisfactory</b>	<b>Unsatisfactory</b>
Soft Drinks	Sugar Free Declaration	16	
Honey	Floral Origin	12	
	Labelling	12	
Canned Vegetables	Sodium Content	3	1
	Labelling	4	
Ready Meals	Fat, Sodium & Total Sugars	5	1
	Labelling	6	
Basmati Rice*	Authenticity	10	
	Aflatoxins	10	1**
Ready Meals	Fish Content	5	
	Labelling	4	1
Fish*	Mercury, Lead, Cadmium	10	1**
	Labelling	5	5
Pre-Packed Food	Calcium Claims	12	
	Labelling	12	
Margarine	Saturated Fat Levels	15	1**
	Labelling	15	
Sandwiches	Distinguishing between Mayonnaise & Salad Cream	24	
Ground Nuts	Species	6	
	Labelling	6	
Fish	Species	15	
Cooked Meat	Species	12	
Canned Fruit or Veg	Arsenic	8	
	Labelling	8	
Totals:	246	235	11

\* The Authority received funding from the FSA in conjunction with Stockton Borough Council to sample food originating from outside the EU (Basmati Rice & Fish were sampled).

\*\* Resampled and found to be satisfactory



Overall there were relatively few food standards samples which failed to meet statutory requirements. All five of the imported fish samples did however fail to comply with the Food Labelling Regulations 1996 (e.g. some of the products did not include a 'Best Before' date on their labels.) Advice was provided to the businesses concerned.

Routine sampling of animal feeding stuffs has been given a low priority due to the lack of local manufacturers and packers. We were unable to complete the feeding stuffs sampling programme due to staffing resources however four samples of a molassed feeding stuff were taken in response to a complaint, one of which was submitted as a formal sample.

The composition of the samples was found to significantly differ from the information on the statutory statement which accompanied the product. The Home Authority for the manufacturer of the feeding stuff was contacted and an investigation was undertaken, the Food Standards Agency was also notified of the incident.

### Food Inspection

The service undertook no formal seizure of unfit food in the year.

### Promotional Work

Food safety promotion whether by advice, education, training or other means is a key part of the food team's strategy in changing behaviour and increasing compliance in businesses.

In February 2006 the Food Standards Agency (FSA) introduced Safer Food Better Business (SFBB) aimed at assisting smaller catering businesses to introduce a documented food safety management system. Since this time our resources have been directed towards continuing to assist businesses to fully implement a documented food safety management system.

The service was unable to provide food hygiene training during the year due to insufficient resources. The team has however continued to offer advice and information on request with 35 advisory visits to businesses being carried out during the year.

A variety of information leaflets, some in foreign languages, are available. Circular letters are issued as required to inform food business operators of food safety matters relevant to their operations e.g. changes in legislation, food alerts.

### Food Hygiene Award Scheme

On 1 April 2007 the Authority in conjunction with the other Tees Valley authorities launched the Tees Valley Food Hygiene Award scheme. The scheme was based around a national pilot being undertaken by the Food Standards Agency.

In accordance with the 'Food Law Code of Practice', following every 'primary' inspection a risk rating is undertaken which is used to determine the frequency of inspection for the business. Of the seven main categories used to determine the overall rating score the following three factors are used to create a star rating:

1. Food Hygiene and Safety
2. Structure and Cleaning
3. Management and Control

These ratings are the only ones that are directly controllable by the business and are the reason they have been used to obtain the food businesses star rating.

The total score from the 3 categories is then used to derive the star rating ranging from 0 (major improvements needed) through to 5 stars (excellent).

The table below shows the results of the star ratings awarded to businesses at the start of the scheme on 1 April 2007, as compared with after 12 and 24 months of operation:

Number of Stars	Number of Premises (1/4/07)	%	Number of Premises (1/4/08)	%	Number of Premises (1/4/09)	%	Number of Premises (1/4/10)	%
5 Stars	24/759	<b>3%</b>	85/762	<b>11.1%</b>	163/721	<b>22.6%</b>	237/709	<b>33.4%</b>
4 Stars	155/759	<b>20%</b>	217/762	<b>28.5%</b>	233/721	<b>32.3%</b>	205/709	<b>28.9%</b>
3 Stars	226/759	<b>30%</b>	294/762	<b>38.6%</b>	237/721	<b>32.9%</b>	195/709	<b>27.5%</b>
2 Stars	262/759	<b>35%</b>	137/762	<b>18.0%</b>	65/721	<b>9%</b>	60/709	<b>8.5%</b>
1 Star	60/759	<b>8%</b>	26/762	<b>3.4%</b>	17/721	<b>2.4%</b>	12/709	<b>1.7%</b>
0 Stars	32/759	<b>4%</b>	3/762	<b>0.4%</b>	6/721	<b>0.8%</b>	0/709	<b>0%</b>

Whilst the number of businesses trading fluctuates throughout the year the above figures show a decline in the number of food businesses operating in the borough. This information is consistent with national returns made for 2008/09 which indicate that there has been a slight decrease in the numbers of food businesses, but that there was a notable increase in business turnover and new business registrations, especially in relation to home catering and change in ownership.

It can be seen that the number of premises awarded 3 stars and above has risen significantly from 53% to 89.8%, with a more than tenfold increase in the number of premises awarded 5 stars.

The service is committed to focussing its resources on carrying out interventions at those businesses which are deemed not to be 'broadly compliant' and has written to businesses that have been awarded 2 stars or less offering advice and support. Where necessary enforcement action will be taken to secure compliance.

In December 2008 the Food Standards Agency confirmed its intention to introduce a National 'scores on the doors' scheme for England, Wales and Northern Ireland. A UK steering group has been established to ensure that the new scheme will be clear, robust and easy to use for both businesses and consumers. The scheme will have six tiers, which is consistent with the existing Tees Valley Scheme, although the band widths may differ.

### Complaints

During the year the service dealt with 8 complaints relating to the condition of food premises and/or food handling practice. In addition, 13 complaints were received regarding unfit or out of condition food or extraneous matter and 10 complaints concerning the composition or labelling of food items. One complaint was received regarding animal feeding stuffs.

With one exception, investigations into the above were undertaken within our target of 2 working days.

### Food Poisoning

The service received 100 notifications of food borne illness during the year, this figure was significantly higher than the previous year (61 notifications were received during 2009-10). No outbreak investigations were conducted.

### Food Safety Incidents

The Service received 37 food alerts and 34 allergy alerts from the Food Standards Agency during the year. All requiring action were dealt with expeditiously. No food incidents were identified by the Authority that required notification to the Food Standards Agency, however the feed complaint referred to above was referred as a localised incident. No further action was required.

### Enforcement

During 2009/10, no emergency prohibition notices were served on businesses. A Hygiene Improvement Notice was served on a business to ensure compliance with food safety legislation. No prosecutions or formal cautions were undertaken.

### Improvement Proposals/Challenges 2009/10

The following areas for improvement/challenges were identified in the 2009/10 Food Service Plan.

1. Resources challenging. The section has lost 3 posts due to budget pressures during 2008/09. Although none of these posts directly enforced food legislation their workload has to be distributed to the remaining workforce this will result in extremely challenging targets in 2009/10.

Whilst officers attained the 100% target to complete all food hygiene inspections it was not possible to complete all planned food standards and feeding stuffs inspections. The outstanding inspections will be added to the inspection programme for 2010/11.

2. We will continue to review and update our standard operating procedures to reflect the requirements of the revised Code of Practice and in response to the recommendations made in the Public Inquiry Report into the 2005 *E.coli* O157 outbreak in South Wales, which was published in March 2009.

We have reviewed our procedures in light of the recommendations made in the Public Inquiry Report into the 2005 *E.coli* O157 outbreak in South Wales, which was published in March 2009. Officers have also received further update training in respect of hazard analysis.

3. Produce a summary of the Food Enforcement Policy.

Due to other priorities and resource constraints this was not completed.

## **8. Key Areas for Improvement & Challenges 2010/11**

In addition to committing the service to specific operational activities such as performance of the inspection programme, the service planning process assists in highlighting areas where improvement is desirable. Detailed below are specifically identified key areas for improvement that are to be progressed during 2010/11.

1. We aim to visit all established food businesses which may be affected by the Tall Ships event beforehand to offer advice. We also aim to inspect all food vendors trading as part of the Tall Ships Event and Headland Carnival.
2. Resources challenging. The section lost 3 posts due to budget pressures during 2008/09. Although none of these posts directly enforced food legislation their workload has had to be distributed to the remaining workforce. Allocating targets for 2010/11 with existing resources will be extremely challenging with the additional workload associated with the Tall Ships Event.
3. Review the Food Enforcement Policy and produce a summary.

# CABINET REPORT

16 August 2010



**Report of:** Chief Customer and Workforce Services Officer and  
Chief Finance Officer

**Subject:** JOB EVALUATION APPEALS

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## SUMMARY

### 1. PURPOSE OF REPORT

To determine the Council's approach to overpayments arising from Job Evaluation appeals and other associated matters.

### 2. SUMMARY OF CONTENTS

The report sets out a proposed approach for the recovery of overpayments which may be made as a result of appeals being lodged following job evaluation and associated matters to avoid overpayments occurring in the future.

### 3. RELEVANCE TO CABINET

Cabinet made the original decision regarding the Single Status Agreement.

### 4. TYPE OF DECISION

Non Key.

### 5. DECISION MAKING ROUTE

Cabinet only.

**6. DECISION(S) REQUIRED**

The approach to be taken to recover any overpayments arising from job evaluation appeals and other associated matters and prevent overpayments in future.

**Report of:** Chief Customer and Workforce Services Officer

**Subject:** JOB EVALUATION APPEALS

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**1. PURPOSE OF REPORT**

1.1 To determine the Council's approach to overpayments arising from Job Evaluation appeals and other associated matters.

**2. BACKGROUND**

2.1 The Single Status Agreement was implemented from Spring 2008 onwards, backdated to 1 April 2007. As a consequence employees were assimilated to the new pay and grading structure following job evaluation and given a right of appeal. Approximately 400 employees appealed and approximately one quarter of appeals have been processed and the results ratified by the Finance and Performance Portfolio Holder.

2.2 Cabinet have previously received a number of reports in respect of equal pay risks and strategies to minimise these. This report outlines a strategy for managing an additional equal pay risk which has arisen as a result of increased challenges of pay issues and continued assessment of risks facing the Council.

**3. SPECIFIC ISSUES**

3.1 As appeals were being processed it became apparent that there was the potential for employees to be overpaid if the outcome of the appeal is that the pay band reduces. This overpayment arises because employees whose pay band reduces on appeal will have received pay awards and possibly increments in the pre-appeal pay band which, on appeal, they are no longer entitled to.

3.2 The current Single Status Agreement specifies that the employee's earnings are protected at their 1 April 2007 value (or the date immediately prior to the change if later) and therefore no protection is automatically afforded to any subsequent increments or pay awards.

3.3 If the overpayment is not recovered there is an equal pay risk as a greater level of protection will effectively have been afforded to employees whose pay band reduces on appeal compared to

employees in the same (lower) pay band as the latter will not have received pay awards and increments.

- 3.4 The Chief Solicitor advises that in order to protect the Council, it is necessary to recover the overpayment. The employees however will not have known they have been overpaid, and until the appeal has been concluded, will have been paid in accordance with their contract of employment. There are therefore significant difficulties in enforcing the recovery and a sensitive approach will be required to support employees address the financial implications of the overpayment.
- 3.5 The overpayments outlined above apply when the pay band reduces on appeal for employees whose pay band originally increased or stayed the same (often referred to as green and white circle appeals respectively). It does not apply to employees whose pay band originally reduced (red circle appeals) and on appeal reduced further as they continue to be in protection. (The effect is to increase the value of the protected amount and decrease the substantive pay but the actual salary paid remains constant until the end of the protection period).
- 3.6 The potential risk of not seeking to recover these overpayments is significant as it would set a precedent for nearly all employees and has been estimated as being in the order of £25m. This is in addition to Equal Pay risks reported previously to Cabinet. It is therefore important that the necessary arrangements are agreed to protect the Council's financial position as no funding is available to fund such claims. It would be appropriate to advise staff that the Council will be seeking to recover such overpayments before these appeals are considered and decisions made. This will help green and white circled employees determine whether they wish to pursue their appeal
- 3.7 To date no appeals have been considered where there is the potential for the employee to have been overpaid as appeals from employees in protection (red circled) were given the highest priority.
- 3.8 Whilst the focus of this report is on Job Evaluation appeals, there are other circumstances related to Job Evaluation and the inadvertent mis-application of the Single Status Agreement where overpayments may potentially occur.

#### **4. PROPOSALS**

It is proposed:

- 4.1 That arrangements are made to recover all overpayments arising from Job Evaluation appeals and the inadvertent mis-application of the Single Status Agreement. This is considered to be fair to the majority of employees who have not received any additional pay/overpayment



and is an important defence for the Council should any challenges be made by employees because they have received less pay than another employee whose grade is ultimately the same after an appeal decision.

4.2 That employees who have already appealed be advised that the Council will seek to recover any overpayment should the circumstances arise and be given the opportunity to withdraw their appeal should they wish.

4.3 That in future, increases in pay bands are not implemented until either:

- the time limit for appealing has expired and the employee has not appealed or;
- an appeal outcome has been ratified by the Performance Portfolio Holder/Governors where an employee has appealed;

and that employees are advised accordingly.

4.4 That the arrangements in 4.1 apply equally to other employees matched to the same job whose pay band may reduce as a consequence of the appeal.

4.5 That appropriate arrangements are made to ensure that overpayments arising from Job Evaluation appeals do not arise in future.

4.6 Corporate Management Team support the proposals outlined above.

## 5. RECOMMENDATIONS

5.1 It is recommended that the proposals outlined in paragraph 4 above be agreed.

## 6. CONTACT OFFICERS

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