



MID KENT ENVIRONMENTAL HEALTH

FOOD SERVICE PLAN

2018 – 2020

Introduction

This plan explains the work of the Food and Safety Team in the Mid Kent Environmental Health Service (MKEH), produced having regard to the Food Standards Agency's Food Law Code of Practice and covers the period from 2018 to 2020.

MKEH Food and Safety Service aims to protect and improve the quality of life of the local community, workforce and visitors to the districts of Maidstone, Swale and Tunbridge Wells based at two locations – Sittingbourne and Tunbridge Wells.

The overall aim of the Food & Safety Service in relation to its food enforcement activity is to reduce the risk to public health from food purchased, produced or eaten in the Mid Kent area. We also have a responsibility to ensure we provide accurate and timely advice to food businesses based on national guidance produced by the Food Standards Agency [FSA]. The majority of the work is concentrated in food safety, health and safety at work, infectious disease control and the registration of tattooing, cosmetic piercing etc. with animal welfare also being delivered for Tunbridge Wells.

Food composition, labelling, and feeding stuffs are dealt with by Kent County Council Trading Standards.

Included in this service plan is:

- Where we work
- Our service standards
- How we deliver our food service
- Our achievements in 2016-17 compared with the previous two years
- The challenges we face in the coming years

1. Where we work

The service is delivered from Swale House, Sittingbourne and Town Hall, Tunbridge Wells. Officers use Maidstone House as a place of work when working in or near the town, for meetings with other service areas and for administrative needs.

We support home working in line with HR policies and working from home to ensure that officers work efficiently and flexibly. We work according to business demands involving evening and weekend visits to premises that are inaccessible during 'normal' working hours.

All districts have a proportion of food establishments catering for world cuisines such as, European, Asian, Indian, Chinese, Nepalese, Mexican and many employees whose first language is not English.

Tunbridge Wells

There are thirteen premises approved under EU Vertical Directives, including a cheese manufacturer, meat and fish products and cold stores. The main urban area is the historic town of Royal Tunbridge Wells and Southborough and the two market towns of Cranbrook and Paddock Wood. Beyond these towns, the Borough is predominantly rural in character and nearly 70% of the borough is designated as an area of outstanding natural beauty.

Swale

There are ten premises approved under EU Vertical Directives, including a cheese manufacturer, meat and fish products and a cold store. Sittingbourne has one of the largest bottling and packing plants for cherries and other fruit in Europe, whilst Faversham has one of the oldest breweries in the country. In the summer months there is an increase in fast food and mobile food operators within the district and a general increase in business as tourism attracts an influx of people, especially on caravan and chalet sites on the Isle of Sheppey. As a coastal authority the Council has responsibility for sampling of shellfish from the Swale.

Maidstone

Maidstone is the county town of Kent and has the largest population of all the Kent Districts. There are seven premises approved under EU Vertical Directives, including dairy, meat and egg products. A large, diverse number of food premises are situated in the town centre which also has a vibrant night time economy. There are many catering establishments in the rural communities with much of the countryside designated areas of outstanding natural beauty. The M20 corridor along the north of the borough provides easy access to Europe and the rest of Britain for a number of food distribution sites. Maidstone has a flourishing weekly market (Tuesdays and Saturdays).

Table 1

	Maidstone	Swale	Tunbridge Wells
EU Approved Premises	7	10	13
Total Number of Food Establishments (as reported in 2017 Food Standards Agency return 31.3.17)	1,303	1,260	1,212

1.1. Our Service Standards

We pride ourselves on the professionalism, integrity and experience of the officers. The service reports to the MKS Shared Service Board for Environmental Health, Members at each authority, and the public. As food authorities we are obliged to ensure we work to the standards defined by the Food Standards Agency Code of Practice and associated Practice Guidance as well as meeting the standards set by the Health and Safety Executive. We also ensure that food & safety officers adhere to the professional body the Chartered Institute of Environmental Health, the organisation that currently certify the competency of food officers through the Environmental Health Officer Registration Board (EHORB). We also ensure that each officer working in food safety maintains their annual minimum of 10 hours Continuing Professional Development (CPD) in food safety matters to comply with the Food Law Code of Practice.

Our performance standards include:

- Responding to service requests within 5 working days
- Carrying out all food interventions within the timescales in the Food Standards Agency Code of Practice
- Ensuring regular updates of national food hygiene rating scores (FHRS) to the Food Standards Agency website
- Visiting new food businesses

1.2. How we provide information, guidance and advice

We carry out advisory visits to food premises on request; respond to enquiries via the telephone or e-mail. We provide technical information and signpost to national standards, guidance and legal requirements. Each authority website provides help and guidance with links to other reference sources and is updated regularly.

MKEH have a dedicated administration team who can be contacted at:

01622 602460 or 01622 602450
e-mail: ehadmin@midkent.gov.uk

1.3. How we check compliance with the law, assess risks and let those we regulate know what they should expect from us.

We visit food businesses and respond to customer service requests. Using the Food Standards Agency Food Law Code of Practice we assess the risks to food safety and rate businesses accordingly. This process governs how often we will visit a food premises with A rated businesses (the highest risk) receiving visits every 6 months. Most of our food businesses are rated C or D and receive programmed visits at 18 month or 2 year frequencies respectively.

We give feedback to food business operators, verbally and in writing at the time of visiting, distinguishing between what is required by law and recommendations of good practice. If a business is rated 0-2 for National Food Hygiene Rating then a formal typed letter is also sent providing further detail. These letters are sent to ensure that the food business operator is very clear about the work needed to comply with food laws.

We also give eligible businesses a rating under the National Food Hygiene Rating Scheme (FHRS) which is published on the Food Standards Agency website. Ratings can vary between 0 [urgent improvement necessary] to 5 [very good].

We will undertake enforcement revisits to food premises where the risk to health requires action to be taken before the next inspection, usually premises with a rating of 0, 1 or 2. From 1st April 2018 we will charge £160 for requests for re-inspection for re-rating purposes. This will ensure that those businesses that wish to improve their score quickly and can demonstrate to officers they have completed the necessary work will get the opportunity to have their rating reviewed, from 1 April 2018 there will be no limit to the number of times they can request a re-inspection for re-rating purposes. Businesses also retain their 'right to appeal' the officers original risk rating and a 'right to reply'. By publishing the ratings consumers can make informed decisions about premises they may visit.

- **How we deal with non-compliance**

We advise and educate and achieve compliance through the least punitive measures. Persistent and/or serious non-compliance may lead us to serve statutory notices requiring action within a specified time and/or to prosecute offenders.

- **Our Enforcement Policy**

This explains in more detail our aim to provide a service that is proportionate, targeted, transparent and consistent.

The three local authorities have adopted the Government's Enforcement Concordat and we have a common Enforcement Policy based upon its principles. The Enforcement Policy is consistent with the Regulator's Compliance Code.

We seek to ensure that local businesses comply with important statutory requirements designed to protect the health, safety and welfare of employees, the public and the environment whilst placing the minimum possible burden on businesses.

This is achieved by targeting food business operators posing the highest risk to food safety and taking a 'softer touch' to lower risk and fully compliant operators.

▪ **Our fees and charges and the reasons behind them**

We carry out our services because we are legally obliged to as a 'Food Authority'. We charge for the following services.

- Food exporters with certificates for exporting goods
- Voluntary surrender certificates for insurance claims
- Fees per person for training food handlers
- Requests for a re-inspection for re-rating purposes

Fees are calculated according to how much it costs us to provide the service. These must be reasonable and we do not make a profit.

▪ **How to comment or complain about our service**

Each council has a complaints policy that can be found on their respective websites or by contacting the team.

2. How We Deliver our Food Service

We do this by:

Enforcing food safety in all food premises through targeted interventions, investigate and respond to food service requests/complaints, investigate food poisoning notifications and outbreaks, undertake food sampling, imported food, infectious disease control, sampling and classification of shellfish, and dealing with general enquiries from the public.

2.1. Programmed food hygiene inspections & Food Hygiene Rating Scheme

We target those businesses posing the highest risk to food safety, interventions are carried out in premises risk-rated as A - D, with A rated posing the highest risk. Premises rated E-risk are targeted as part of an alternative enforcement strategy, using questionnaires every 3 years to track changes in food operations that may trigger an intervention. If a response to the questionnaire indicates higher risk activities are being carried out an inspection will be made. It may also be made if a follow-up to a non-response does not provide the information needed to make a decision about risk.

Other premises will be targeted where intelligence arises from various sources including the Food Standards Agency and neighbouring authorities.

Premises profile

On the 1st April 2017 there were 3775 operating food premises within the Mid Kent Shared Service. The table below shows the number of food businesses in each risk category per area.

A = indicates the category with the highest risk.

N = those premises registered but outside of the inspection regime, usually because the risk is perceived to be so low or they may be inspected by other agencies.

The figures vary during the year as new businesses open, some premises close or change food business operators. Table 2 shows the FSA Local Authority Enforcement Management return figures for 2016 – 17.

Table 2

Category	Maidstone	Swale	Tunbridge Wells	Total
A	2	0	1	3
B	20	21	27	68
C	140	170	172	482
D	512	488	366	1366
E	596	545	533	1674
N	33	36	113	182
TOTAL	1303	1260	1212	3775

2.2. New premises

New premises are required to register with us and are allocated to officers for inspection by the team leaders. This figure varies but averages about 11 new businesses per local authority per month. An initial inspection will be carried out to assess the business risk rating and subsequent routine inspections will be based on the overall risk profile.

2.3. Investigating complaints about food and food premises.

All officers are expected to respond to all food service requests within the time scales specified in the service Standard Operating Procedures, currently 5 working days. Priority is given according to the perceived risk to health and depends on information received from the complainant, the resource available and experience. Some service requests will not be investigated as they pose no risk or we have no powers, however, the contact will still be made with the complainant to advise them of this.

2.4. Investigating cases of food poisoning, food borne diseases & other infectious diseases.

We investigate cases of food poisoning, or suspected food poisoning, usually associated with food consumption. Notifications are received from the Kent branch of Public Health England and are investigated using Department of Health Guidelines and our Food Poisoning / Infectious Disease Investigation Procedure.

'Other' infectious diseases generally refer to Hepatitis or Legionella but we can be called upon to assist Public Health England in the investigation and prevention process of a variety of infections, either locally or part of a wider outbreak.

We also deal with outbreaks of sickness and diarrhoea, often associated with Norovirus type infections. Although a number of people are usually affected these are rarely associated with food safety. Where a problem of wider importance is discovered, relevant food enforcement authorities and the Food Standards Agency will be notified in accordance with the Food Law Code of Practice

2.5. Approving and monitoring compliance with food law in businesses manufacturing products of animal origin.

These 'specialist' food premises often pose a potential higher risk to food safety because they distribute their food products over wide areas, sometimes internationally. Typically, producers of meat, fish and dairy products are required to be 'approved' rather than registered with their local authority to reflect slightly more stringent requirements of food law.

2.6. Sampling and arranging for microbiological analysis of food.

Sampling is carried out in accordance with our Sampling Policy. To prioritise resources, this is confined mainly to the national sampling programme, with guidelines produced by Public Health England and Local Government Regulation (LGR) and co-ordinated across Kent by the Food Sampling Sub-Group.

The exception to this is sampling of shellfish in the Swale estuary. 60 shellfish samples are submitted annually for microbiological examination (10 per month) with additional samples tested for the presence of algal toxins. Sampling is undertaken by the Port of London on under contract with Swale BC.

The purpose of sampling is to provide potential evidence to assist when suspect food has been implicated in food illness, to gain information about emerging trends in food safety or to monitor food business controls of food likely to support bacterial growth.

We provide feedback and guidance to food business operators as a result.

2.7. Maintaining a register of all Food Businesses (except those exempted)

We are obliged to maintain a register of food businesses within each district under the Food Law Code of Practice. This can be provided from the database on request and/or sent by hard copy. It contains the name, address and nature of all the relevant food business (i.e. restaurant, manufacturer).

2.8. Food Safety Incidents & Food Alerts

We receive food alerts, either from the Food Standards Agency or local businesses where action needs to be taken because of a problem with food that has been distributed, usually affecting more than one local authority area. We may need to prevent the distribution of food and help trace where it has been distributed to prevent further food safety issues.

2.9. Supporting Businesses

Imported Food Products & Checks for Illegally Imported Foods

Checks are made during our visits to businesses to make sure food can be traced back to its origins. This includes checks on imported food to ensure fitness and that it has the correct documentation.

Delivering Food Hygiene Training Courses

We provide good quality, accessible training for food businesses to help them meet legal requirements and support through a knowledgeable workforce. We plan for six courses each year delivered from Maidstone House, Swale House and Town Hall Tunbridge Wells.

Advice on Good Practice in relation to Food Safety

We not only enforce the law but we give advice to food business operators and members of the public about food safety and health and safety at work. We work with other partners e.g. Economic Development/Economy and Community Services to help businesses when starting up to get things right at the beginning, often through providing information which enables owners to make the right decisions for their food businesses before investing money on unnecessary and expensive expenditure.

2.10. Maintaining a High Quality, Professional Workforce

The service organisation chart is provided in Appendix A together with the cost of the Food & Safety Service. We consider the development and training of staff important to our success in delivering quality services are to our customers.

All officers are appropriately qualified and receive regular training to maintain their level of competency and continuous professional development. Regular update training is provided in-house for policy and procedures, especially when new legislation or for changes in approach.

We have joint site team meetings involving all officers at least four times a year to promote consistency and work across boundaries to ensure targeted work is achieved. We encourage scheduled work shadowing between officers inspecting more complex food operations (approved premises) and team leaders have a programme of accompanied visits to support officer development and provide constructive feedback on inspection skills.

2.11. Working with Government Agencies & other Organisations to Maintain or Improve Standards in Food Businesses

We are committed to ensuring the enforcement approach we take is consistent with neighbouring authorities and authorities with similar premises. We have regular contact with colleagues in other Kent authorities. There is a conscious effort between the organisations to ensure that there is a consistency of working practices. Arrangements to ensure engagement and collaboration are:

- Kent Food Group - to review legislation and Codes of Practice and develop good-practice guidance to be available for use by all Kent authorities.
- Kent Sampling Sub-Group who co-ordinate sampling, exchange ideas and provide low-cost training opportunities.
- Inter-Authority Audit Schemes via Kent Environmental Health Manager's Group
- Local Government Regulation (LGR) – for guidance and advice

- Food Standards Agency – for guidance and training
- Public Health England for support in sampling and food poisoning.
- Planning and Building Control Sections – Notification of relevant planning applications are submitted to the team for perusal and comment and food safety advice is often provided before the formal application is submitted.

3. Our Achievements in 2014-17

3.1. Programmed Inspections

Each authority is required to submit annual returns to the FSA. The following information provides a summary of the workload and outputs achieved by the teams over the last 3 years. There are a range of interventions carried out by the team to reflect the needs of the food businesses we regulate, this includes the programmed inspections and audits, verification & surveillance or the reactive interventions such as advice and education.

Table 3

Category of Intervention	Maidstone			Swale			Tunbridge Wells		
	14/15	15/16	16/17	14/15	15/16	16/17	14/15	15/16	16/17
Inspections and audits	528	511	597	545	647	594	449	404	550
Verification and surveillance	16	32	69	19	65	62	48	55	73
Food sampling	0	17	36	1	19	22	0	4	10
Advice and education	23	38	50	17	47	44	84	37	49
Information/intelligence gathering	132	335	398	125	270	301	214	277	394
TOTAL	699	933	1150	707	1048	1023	795	777	1076

3.2. Service Requests

Reactive work is generated by complaints or information from the public, other local authorities and agencies.

Table 4

Category	Maidstone			Swale			Tunbridge Wells		
	14/15	15/16	16/17	14/15	15/16	16/17	14/15	15/16	16/17
Food	67	65	42	33	33	36	15	26	24
Hygiene of Premises	35	29	124	86	63	81	77	70	98
TOTAL	112	94	166	119	96	117	92	96	122

3.3. Food Hygiene Training

Courses were delivered across the three authorities with a total number of food handlers trained each year being:

Table 5

	Food Handlers Trained
2014/15	32
2015/16	120
2016/17	136

3.4. Food Hygiene Rating Scheme (FHRS)

Appeals against the food hygiene rating score and requests for re-inspection and re-score

Businesses have a right to appeal against the FHRS score decision made by food inspectors, the process for appeals is laid out in the FSA Brand Standard. In 2016/17 we implemented a review of the appeal process to require both Food & Safety Team Leaders to review the inspection information and provide a more robust process. We also implemented a better recording system for appeals (no data captured for 2014-16).

Businesses also have a right to request a re-score of the initial inspection score, where they have completed the work required by the inspecting officer. Generally this is where a business has scored below a five and would like to improve their score to prevent negative publicity. From 1 April 2018 the re-inspection for re-rating must be carried out by the service within three months of receipt of this request.

Table 6

	2014/15	2015/16	2016/17
Appeals	-	-	6
Re-inspection	0	49	66

3.5. Projects and Initiatives

3.5.1. Businesses Rated 0, 1 or 2 under the FHRS

In 2016/17 the teams carried out an initiative to support food business operators to improve their ratings. Officers carried out extra 'coaching' visits ahead of the programmed inspection. Feedback indicated that businesses found these useful and improvements were noted at most premises at the routine inspection.

In a few cases enforcement by a hygiene improvement notice was still required to remove food safety risks.

3.5.2. Communication for Compliance Project

In 2016/17 we participated in a national year long trial run by the Department of Business, Energy & Industrial Strategy, the Food Standards Agency and Ipsos Mori to understand how or if our initial communications impacted on the FHRS the business are given.

Businesses applying to register with the authorities were randomly selected to either receive letters designed with the FSA, BIS, local authorities and behavioural insights experts whilst the control businesses were provided with the normal 'initial' response from the authority. The project ran between February 2016 and November 2017 and participating authorities like MKEH will benefit from early release of the findings and implementation of best practice in spring 2018.

Participating in the national trail will allow MKEH to take advantage of best practice

4. Planning Ahead 2018 -20

4.1. Over View

It would be an understatement to say that there are some notable challenges ahead of us in relation to food regulation in the UK over the coming years; which include a major review of how we regulate food safety and the arrangements for leaving the EU.

Prior to the decision to leave the EU the FSA had committed to a programme, referred to as 'Regulating Our Future' or RoF, of modernising how we regulate food safety to make it fit for our future needs. It is undeniable that transformation within the food industry over recent decades has meant our ability to effectively regulate needs to adapt to enable us to meet new and emerging threats in a proportionate and effective way.

The FSA's role in the EU Exit process is to ensure that as the UK prepares to leave the EU there remains a robust and effective regulatory regime for maintaining the safety of food, for the benefit of UK consumers and the UK food industry. It must also maintain public confidence in food, and the trust of UK trading partners in the effectiveness of UK food regulation.

The FSA feel these two processes are inextricably linked. RoF is central to optimising public protection by means of a proportionate and cost effective system of regulation outside the EU and both processes are now closely aligned. It is too early to say what the specific consequences of leaving the EU will be, but the FSA are confidently predicting that it will demand a modernised system for food: something agile, flexible and resilient.

4.2. Mid Kent EH Preparations for these changes?

It is too soon to say what the future will look like with the UK outside the EU and there is much which cannot be communicated to local authorities at the moment. However there are things we can start thinking of and preparing for.

4.2.1. Food Export Certification and Imported Food Controls

Providing businesses with export certificates is a discretionary service that local authorities may provide. Export certificates can be important for those food businesses exporting food outside the EU. We ensure that each year

we revise our fees for the Fees & Charges Report for each authority to ensure that the cost of providing inspection, certificates and administrative costs are cost neutral to the authorities. Currently there are approximately seven businesses regularly exporting foods outside the EU within the service area. The FSA have indicated that we may be asked to do more although the demand for export certificates to EU countries will be dependent on negotiations with the EU

Although we do not have any direct import inspection responsibility the proximity of all Mid Kent authorities to the busiest port of entry into the country may impact on the future arrangements for inspecting food entering the country with Deferred Port of Entry or Border Import Posts arrangements.

4.2.2. Workforce

As there are still so many unknown aspects with regard to regulatory change it is important that we maintain a focus on the 'day job' and continue to deliver food safety as well as having an awareness of future. Maintaining our current level of enforcement capacity will require the existing financial resources to continue, however we will review working practices to ensure that we target resource in a risk based way to maximise efficient use of officer time.

We have a strong record of providing access to food training courses to ensure officers achieve and go beyond their professional CPD requirements. Looking forward it is even more important to ensure that suitable training provisions are available to deliver the agile, flexible and resilient workforce required to meet the demands of the future.

We will commit to providing sufficient professional training for officers to ensure they are able to meet any new changes to enforcement made during the coming two years.

4.2.3. Food Business Inspections

The FSA's 'Regulating Our Future' programme is a major transformational programme to modernise and reshape the way food businesses are inspected. The FSA are considering a segmentation of the industry, providing an opportunity for food businesses that invest in auditing systems to be given a degree of autonomy based on data

sharing with enforcement agencies. This could provide local authority enforcement officers with the opportunity to focus on areas such as SME businesses and avoid duplication of resource to well managed businesses.

The FSA are also reviewing the criteria currently used to assess risk in food businesses and as such this may impact on the risk profile of businesses

4.2.4. Intelligence and database system development

The FSA are looking at a process of enhanced food business registration and the development of a national database for enforcement agencies. Enhanced food business registration will provide better information to identify and manage risk across the food chain knowing more about food businesses will enable us to make better judgements. The aspiration is to have a digital solution with real time access to registration details of all food businesses.

We will ensure that our database information is regularly updated and reviewed. The quality of our data is important to ensure we target resource in the most efficient way and monitoring data is a key element of the Team Leaders role within the service.

4.3. Introduction of Charge for Re-inspection for Re-score under the FHRS

The introduction of a charge should not impact on the level of requests received by the authorities, currently there are an average of 20 per authority per year. A fee of £160 has been approved by the Fees and Charges Report in October and November 2017 at each authority and subject to Committee or Portfolio holder approval will commence in April 2018.

4.4. Review of E Rated Food Businesses & Businesses outside the Inspection Programme

Across the Mid Kent district we have 1674 E rated food businesses (March 2017) current within an alternative enforcement process described in paragraph 2.1. We will review how we engage with these food businesses in line with the Food Law Code of Practice to ensure that we support a targeted risk base approach for these low risk businesses. A review of businesses currently registered with us but outside the inspection programme will also be undertaken during 2018-19. These measures are in line with proposed RoF changes the FSA are likely to implement in 2018.

4.5. General Data Protection Regulations 2018

As a public health service we hold both personal and sensitive personal data on individuals as well as businesses, for example where we have investigated food poisoning or infectious disease cases. As part of corporate strategies on this matter we are currently working through the requirements of these regulations and the specific implications for MKEH of the Retention and Disposal Schedule for data and documents. An initial assessment of the data we hold which in some cases goes back to 1995 indicates that the impact of this obligation may have significant resource implications.

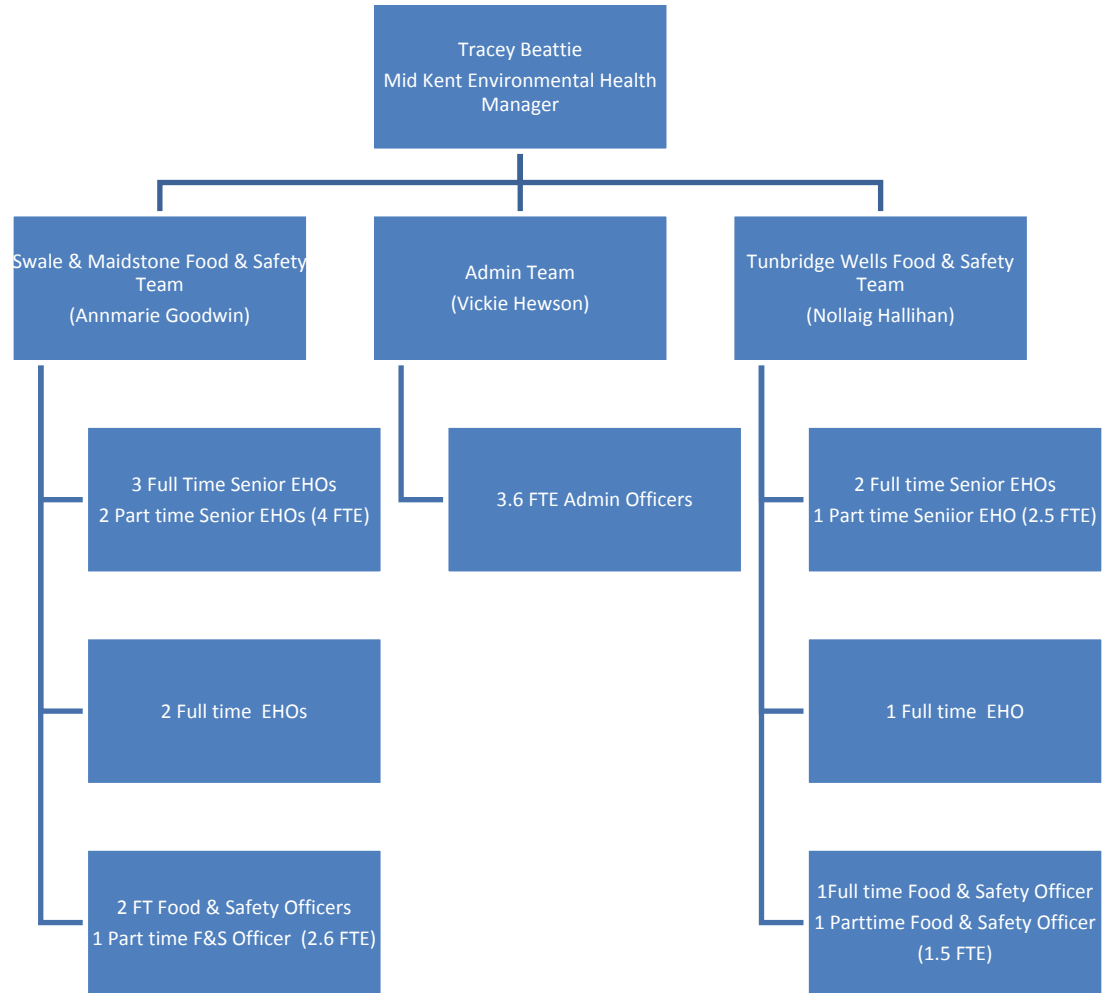
4.6. The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

New animal licensing legislation is proposed for 2018/19 which introduces a number of changes likely to impact on the resource needed to regulate a broader range of animal activities under the licensing regime. This includes dog walking and day care businesses.

As the Food & Safety team in Tunbridge Wells are responsible for this activity the implications on the service have to be carefully considered. There are many of these establishments in operating in the Tunbridge Wells area that currently do not need to be licensed but will come within the proposed licensing regime. We will ensure that sufficient resource is allocated to prepare for any legislative changes, including training and competency of the officers for this expansion of the licensing role.

Appendix A

Mid Kent Organisational Chart



Inspection to FTE Ratio

Based on the current enforcement regime the Food Standards Agency estimates the average of 1 Full Time Equivalent per 324 food premises. Across the Shared Service the average is 349 premises per FTE officer, slightly over the FSA's recommended ratio, but does exclude team leaders and admin officers from the calculation and 80% of E rated businesses and businesses falling outside the inspection programme.

Budget Allocation to Food Safety

The allocation of budget across MKEH is provided in the table below. Budget setting for 2018/19 maintains the staffing levels shown in the organisational chart.

	Budget 2017/18 (£)
Management costs	100,100
Professional Employee Costs (includes overtime, PRP, NI and Superannuation)	637,300
Transport Expenses	22,099
Administrative support costs	57,700
Income (including income from litigation)	-7,200
TOTAL (available expenditure)	809,999