

**BLACKBURN WITH DARWEN  
BOROUGH COUNCIL  
PUBLIC PROTECTION SERVICE**

**FOOD LAW SERVICE PLAN**

2018-19

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### **INTRODUCTION**

This plan explains how Blackburn with Darwen Borough Council will deliver its responsibilities for food law enforcement through its Public Protection Service (PPS) for 2018/19. In addition it reviews the work carried out in the previous year to meet the Council's plans and obligations.

Blackburn with Darwen Borough Council is a unitary authority which has responsibility for regulating businesses with regards to food hygiene, safety, standards and food and feed hygiene at primary production.

The plan has been produced in accordance with the Food Standards Agency Framework Agreement on Local Authority Food Law Enforcement.

The plan seeks to provide clarity on what we do and why we do it.

The plan is reviewed and updated annually. It is presented before the Executive Elected Member for Environment for consideration and approval.

## 1. SERVICE AIMS AND OBJECTIVES

### 1.1 Aims and Objectives

#### Aims

To ensure a fair and safe trading environment and to improve standards of health and reduce inequalities in the Borough through the development and implementation of effective inspection programmes.

The aims and objectives have been set with reference to the Council's corporate strategic objectives, The Food Standards Agency Framework Agreement and Food Standards Agency Codes of Practice and Practice Guidance.

#### Objectives

The prime objectives of the service in relation to food are:

- Deliver the Food Safety Inspection Regime
- Deliver the Food Standards Inspection Regime
- Promote and administer the Recipe 4 Health Scheme

### 1.2 Links to Corporate Objectives and Plans

Corporate Plan 2015–2019

The Corporate Plan sets out the 6 priority objectives for Blackburn with Darwen Borough Council.

1. Creating more **jobs** and supporting business growth
2. Improving **housing** quality and building more houses
3. Improving **health and well-being**;
4. Improving outcomes for our **young people** – education and skills
5. Safeguarding the most **vulnerable people**
6. **Making your money go further** – supporting households in difficult financial times through efficient and effective use of council tax.

The work carried out detailed in this Food law Service Plan supports the corporate plan objectives of improving health and wellbeing and creating more jobs and supporting business growth.

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The Public Protection Service in turn draws up an annual Service plan which details work priorities to contribute to the Council's overall priorities. This food service delivery plan is aligned to it. Each individual member of staff, through the annual appraisal process, is set work objectives to ensure the overall achievement of these plans.

## **2. BACKGROUND**

### **2.1 Profile**

Blackburn with Darwen lies on the boundary between the Lancashire countryside and the Greater Manchester conurbation.

The central urban areas of the Borough have many problems more often associated with inner cities – high population density, and many people from disadvantaged or vulnerable groups.

#### **2.1.1 Population**

The early 2011 Census statistics show a number of key changes to our population have occurred since 2001, predominantly:

- population has increased from 137,400 in 2001 to 147,500 in 2011 - 7.3% increase
- 30.8% of the borough's population are from Black and Minority Ethnic groups.

The people of Blackburn with Darwen face exceptional challenges to their health and wellbeing. These challenges are associated with a number of factors including relatively low educational attainment, low income, high unemployment, and poor and often overcrowded housing.

Life expectancy data from the early 1990s onwards has shown that in Blackburn with Darwen resident's average life expectancy has been below that of the England and Wales and North West averages. Generally life expectancy for males and females in the borough has seen a gradual increase, although this increase has not been to the same rate as in England and Wales as a whole.

## **2.2 Organisational arrangements**

The delivery of the Food Service Plan sits with the Council's Public Protection and Environmental Health Service. This is part of the Environment and Leisure Department.

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The authority has made provisions with the following bodies in order to deliver certain specialist areas:

Public Analyst Services provided by:-

Lancashire County Analyst - Food Hygiene, Safety and standards

The Consultant in Communicable Disease Control is drawn from a pool of staff at Public Health England.

### **2.3 Scope of the Food and feed service**

Food hygiene, safety and standards matters are dealt with by Environmental Health Officers (EHOs) within the business compliance team. These officers also carry out health and safety at work interventions in food businesses where the risk is rated as medium or low. Higher risk food standards inspections are carried out by Trading Standards Officers.

Animal feed inspections are undertaken by Oldham Council acting on our behalf.

The range of work undertaken is:

- Taking appropriate action on all food alerts
- Investigating food poisoning outbreaks
- Investigating food complaints
- Completing risk-based inspections (including revisits) for food hygiene and standards.
- Responding to service requests and complaints and resolving significant requests and complaints in line with available resources
- Responding appropriately to all non-outbreak infectious disease notifications
- Completing all new registrations, including risk rating within 28 days where resources allow
- Completing the sampling programme
- Providing advice and education in all sectors of business, to both employers and employees
- Maintaining the APP/FLARE database
- Maintaining and improving the food safety website
- Improving partnership working
- Surveying customer satisfaction and acting on the results
- Working with EHL and TSNW to ensure as far as practicable consistency of approach
- Working with EHL and TSNW to provide coordinated food safety/trading standards activities throughout North West/Lancashire/Manchester
- Providing publicity campaigns and promotional activities
- Establishing and maintaining Primary Authority relationships
- Supplying accurate and timely information to stakeholders, internal management and customers

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- Providing advice on planning and building control applications where there are significant developments
- Deliver Recipe 4 Health Award scheme on behalf of the Council's Public Health Service

### **2.4 Demands on the feed and food service**

There are 1427 food premises in Blackburn with Darwen

#### **Profile of establishments**

Primary Producers – 6  
Manufacturer/Packer – 47  
Food Importer/Exporter – 4  
Distributor/Transporter – 16  
Supermarket/Hypermarket – 29  
Small Retailer – 311  
Retailer/Other – 66  
Restaurant/Cafe/Canteen – 189  
Hotel/Guest House – 16  
Pub/Club – 138  
Take Away – 203  
Caring Premises – 219  
School/College – 73  
Mobile Food Unit – 24  
Restaurant/Caterer Other – 86

#### **Approved premises**

Meat Preparation Establishments – 1  
Meat Product Establishments – 12  
Dairy Establishments – 5  
Egg Processors - 2

Demand for out of hours inspections can come from any of these premises ranging from clubs and pubs to take away premises.

There is also a large resource demand from premises which change hands, swapping from experienced owners to new investors who need guiding through food hygiene and trading standards legislation.

The Public Protection Service is delivered from Davyfield Depot, White Dove Building, Roman Road Industrial Estate, Blackburn, BB1 2LX.

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The service is available from 9am to 5pm Monday-Friday. Telephone callers are routed through the B-Direct contact centre which is open 9am-5pm, Monday-Friday.

First point of contact for trading standards matters is provided by Citizens Advice Consumer Service.

The emergency, out of hours contact number is 01254 51098.

### 2.5 Enforcement policy

The Council's enforcement policy embraces the policies and procedures detailed in the Regulators Code. The policy is published on the Council's website.

## 3 SERVICE DELIVERY

### 3.1 Interventions in food and feeding stuffs establishments

Inspections for all food premises are risk-based and pre-programmed. For food hygiene purposes the Food Standards Agency Food Law Code of Practice risk rating scheme is used. These scores are fed into the national Food Hygiene Rating Scheme which publishes businesses ratings for food hygiene the website: <http://ratings.food.gov.uk/>

In 2018/19 food standards inspections will be scored using the Food Standards Agency Food Law Code of Practice risk rating scheme.

In 2017/18 on average 92% of businesses were found at inspection to be broadly compliant with food hygiene legislation.

The following table identifies the inspection requirements for 2018/19:

	Number of inspections required	Comment
Cat A hygiene	6	Min 6 monthly inspection
Cat B hygiene	47	Min 12 monthly inspection
Cat C hygiene	151 Broadly Compliant 25 Non Broadly Compliant	Min 18 monthly inspection
Cat D hygiene	218 Official Control Intervention 5 Non Official Control Intervention	Min 24 monthly inspection – intervention inspection
Cat E hygiene	160	Min 36 monthly inspection – dealt with by alternative enforcement questionnaire

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Outside the programme	149	Child minders, some church halls supplying very low risk foods
Primary producers	6	Farms
Unrated hygiene premises	181	Premises that have sent in a food registration form but which have not yet been inspected. These premises will be inspected during this calendar year
Cat A food standards premises	11	Inspection every 12 months
Cat B food standards premises	13	Inspection every 2 years
Cat C food standards premises	100	Alternative enforcement/Intervention every 5 years – alternative enforcement questionnaire
Outside the programme	149	Child minders, some church halls supplying very low risk foods
Unrated standards premises	181	Premises that have sent in a food registration form but which have not yet been inspected. These premises will be reviewed during this calendar year

Many of the programmed inspections carried out require revisiting to ensure work required to bring the premises back into compliance with the standards set out in the regulations has been completed. Averaged over the last 6 years there have been 179 revisits per year. It is anticipated a similar number of revisits will be required in 2018/19. Food businesses will be brought into compliance through the use of advice, both verbally during the inspection and in writing. Where this proves to be insufficient we will use more formal methods such as improvement notices, remedial action notices and prosecutions.

Our Alternative Enforcement Strategy comprises a letter and questionnaire requiring information on the following.

- Type of food business
- What the business does with regard to food
- Number of vehicles used
- Water supplier
- Name of manager
- Number of people engaged in the business
- Opening times
- Training of the owners and staff

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Off site facilities

Outline of the business in graphic form

When the information is received it is scanned onto the FLARE system and reviewed by the principle officer to determine if a change in rating is required. Where the risks have increased then the change is applied.

The current staffing levels are considered sufficient to deliver the food hygiene and standards inspection program for 2018/19.

### **3.2 Feed and Food complaints**

We deal with complaints as detailed in the Code of Practice from the FSA and we adopt a business compliance approach to all regulatory activity.

### **3.3 Home authority principle and primary authority scheme**

Under the Regulatory Enforcement and Sanctions Act 2008 local authorities may agree to become a primary authority for a food business – this principle is supported by the Public protection service.

The service currently has a number of informal home authority arrangements with food businesses and as primary authority for 2 businesses. In 2018/19 we will continue to work to establish primary authority partnerships with willing partners. It is estimated that 0.1 FTE staff resource is needed to deliver this work.

### **3.4 Advice to businesses**

Because of the potential risks involved each request will be prioritised in light of what they wish to do. Those premises with low risk activities will be advised verbally and assessed via our alternative enforcement strategy. Those premises involving high risk activities will be visited and be subject where necessary to formal approval.

In 2018/19 we will continue to provide a basic level of advice either during inspections or by signposting businesses to information freely available on the internet etc. In 2017/18 advice was given to premises during a programmed inspection on 50 occasions. In addition, on a further 176 occasions advice was requested by businesses.

Where more in-depth advice is requested by a business costs will be recovered for the time spent providing the advice.

### **3.5 Feed and food sampling**

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The Service will continue to participate in sampling surveys organised through the Lancashire Food Officer group and TSNW.

Samples from manufacturing premises will remain a priority for the service. Should a specific local problem be identified, then a themed sampling survey may be undertaken. In addition, food samples may be taken during investigations of food safety problems originating in Blackburn with Darwen notified by other authorities.

Feeding stuff and feed hygiene enforcement is undertaken by Oldham Council as part of the animal health enforcement contract.

During 2017/18 we took 21 samples.

### **3.6 Control and investigation of outbreaks and food related infectious diseases**

Infectious and communicable disease control is an important factor of food safety. The responsibility for the delivery of investigations into outbreaks is a co-operative venture between the Public Health England, Local Authorities and other agencies.

Notifications are followed up by visit, phone call or questionnaire depending on the nature of the disease and numbers of people affected. As far as possible we follow the Public Health Operational Guidelines for Enteric Fever together with the "Procedure for the management of an outbreak of food poisoning and gastro intestinal illness". In 2018/19 we will prioritise our response with samples only being taken for high risk cases with high risk infections such as Typhoid, E. coli 0157 and Salmonella. We will not respond to residential home outbreaks where symptoms and onset patterns suggest the most likely cause to be a non-food borne virus.

The following shows the number of confirmed cases of food borne illness over recent years:

09/10 – 179 cases  
10/11 – 180 cases  
11/12 – 216 cases  
12/13 – 231cases  
13/14 – 200 cases  
14/15 – 219 cases  
15/16 – 208 cases  
16/17 - 212 cases  
17/18 – 199 cases

This requires resources from administration and officers up to the equivalent of 0.15 FTE.

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### 3.7 Feed/food safety incidents

The public protection service will respond promptly to all food alerts issued by the FSA and notify the Agency of any serious localised issue or wider food safety incident identified, in accordance with the code of practice.

We currently receive all food alerts to individual officers via email and through RIAMS. All alerts are responded to appropriately.

Any food alerts needing notification out of normal office hours can be done by contacting the Council's emergency contact number - 01254 51098.

Estimate of resource needed 0.05 FTE.

### 3.8 Liaison with other organisations

The Service is a member of Environmental Health Lancashire and Trading Standards North West (TSNW). Each has several subgroups where specialist areas of work are considered. It is estimated that the staff resource to attend meetings of these groups amounts to 8 days per year.

### 3.9 Feed and food safety and standards promotional work and other non-official controls interventions

The Public Protection Service is committed to promoting initiatives which impact on the health, safety and wellbeing of residents and visitors to the borough. In 2018/19 the service will contribute to the following projects:

- Recipe 4 Health
- Maintenance of the Food Hygiene Rating Scheme

Information and guidance on food matters is included on the services website pages.

## 4. RESOURCES

### 4.1 Financial allocation

The annual budget for food safety and health and safety includes:

	£
Staffing	192,800
Travel and subsistence	7,400
Equipment (including IT)	2,400

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Total	202,600
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### 4.2 Staffing allocation

The staff engaged in delivering the food/feed service are as follows:

	FTE
Public protection service manager	0.01
Business compliance and licensing manager	0.25
Principal officer	0.8
Senior environmental health officer	0.6
Environmental health officer	2.0
Trading Standards officer	0.05
Administrative support is provided through a Business Support hub	

All technical members of staff hold a certificate of registration with the Environmental Health Registration Board (EHRB) or the Diploma in Environmental Health or Diploma in Trading Standards.

### 4.3 Staff development plan

Training needs are identified for each individual member of staff through the annual appraisal process. In line with changes to the Food Law Code of Practice and Practice Guidance in 2017 an assessment of staff competency is undertaken during this appraisal. As a minimum 20 hours CPD training will be provided with an additional hours for those staff undertaking official controls at approved dairy establishments.

## 5. QUALITY ASSESSMENT

The public protection service subscribes to an externally controlled quality system called RIAMS

The service takes part in the inter authority food safety audit program for Lancashire local authorities and has been subject to internal audits within the authority.

## 6. REVIEW

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### 6.1 Review against service plan

The food law enforcement delivery plan forms part of the Public protection services annual service plan. Progress against the objectives set within it is reviewed on a six monthly basis through the departmental management accountability framework process. Any deviations from meeting objectives are reported to the Director of Environment and Leisure.

### 6.2 Review of 2017/18 including variances from service plan

Task	What was achieved
<p>Carry out all inspections (as required by Codes of Practice and the Framework Agreement) and take all necessary follow-up action to bring businesses into compliance.</p>	<p>All the category A, B, C and D risk inspections for the year 2017/18 were carried out in addition to those outstanding from 2016/17. Those premises found to be out of compliance with the legislation were addressed through both formal and informal enforcement action and brought back into legal compliance</p> <p>Medium risk food standards inspections again are required by the FSA code of practice to be inspected by an officer every 2 years. Environmental health officers and trading standards officers have inspected those premises due in 2017/18.</p> <p>The businesses presenting the highest risk from the 134 new registrations have been inspected. The FSA code of practice requires that these premises are inspected within 28 days of receipt. Unfortunately we have not been able to meet this deadline with many inspections carried out outside of the 28 days. Changes to the administrative support for the service meant that a large number of new businesses were not added into the data base until February and March.</p> <p>The % of food businesses within the borough that were classified as broadly compliant with the legislation</p> <p style="text-align: center;">2010 – 2011 % broadly compliant 77.9%                  2011 – 2012 % broadly compliant 87.6%                  2012 – 2013 % broadly compliant 89.11%                  2013 – 2014 % broadly compliant 89.30%                  2014 – 2015% broadly compliant 89.9%                  2015 – 2016 broadly compliant 93.8%                  2016 -17 Broadly compliant 92.2%                  2017 – 18 Broadly compliant 91.96%                  This drop of 0.3% represents 3 premises.</p>
<p>Monitor all infectious disease notifications (and investigate those falling within the criteria set out in the infectious disease policy)</p>	<p>199 cases of foodborne infectious disease were reported. Those requiring further action, such as salmonellosis, were fully investigated. No cases were associated with businesses within the Borough. A wedding party who had attended a venue in the Borough where many individuals reported food poisoning type symptoms was investigated. None of the faecal samples, swabs and food samples from the premises gave a positive result for any of the food poisoning bacteria or viruses</p>
<p>Respond to all food alerts and take all necessary follow-up action</p>	<p>The food alerts published by the FSA were monitored electronically. Those requiring action were prioritised and implemented</p>
<p>Respond to all Urgent or High Priority service requests and enquiries</p>	<p>79 High Priority service requests were responded to within the appropriate timescale</p>
<p>Respond to all Medium Priority service requests and enquiries</p>	<p>178 Medium Priority service requests were responded to within the appropriate timescale</p> <p>We also responded to 91 requests for a food registration form for businesses either changing ownership or opening up.</p>
<p>Make arrangements to license, register and give approval to all those premises</p>	<p>All food businesses registering with the Authority were entered on the database and prioritised for visits. Any premises requiring approval were processed</p>

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Task	What was achieved
that require such actions	according to the FSA Guidance and given either conditional approval, full approval or refused approval. Further to this issue multiple premises were only inputted onto the system in February and March owing to the lack of administration support and will be inspected on a risk basis over the next 12 months.
Raise food safety awareness and standards in the business sector.	In all our contacts with businesses our officers provide professional advice and information to raise standards within that business sector
Raise food safety awareness of customers and the general public.	In all our contacts with the general public our officers offer professional advice and information to raise awareness of issues and guidance on particular topics
Develop the food safety website further, publishing details about our performance and why we do things but only when resources are available	This year the food website was subject to maintenance only resourcing. The site however continues to offer important compliance information and signposts enquiries to the externally supported web pages of the FSA
Review and develop the current food safety Quality System	Blackburn with Darwen subscribes to the externally provided RIAMS quality system.
Consult customers and use the information as intelligence to make improvements to the service, acting swiftly where that is possible and within the boundaries of our resources	Our workplan was published on the website which gave those persons reviewing it the opportunity to comment upon the plan.
Continue to achieve our food sampling programme and fully participate in AGMA projects and surveys	The food sampling programme was completed with 21 samples taken looking at allergenic compliance. Where samples were found to be unsatisfactory proportionate action and advice was given.
Explore opportunities for external funding	Funding for the Recipe 4 Health award scheme was provided by BwD Public Health for 2017/18. The service level agreement was fulfilled by officers. Funding will continue in 2018/19.
We will minimise complaints about traders within BwD by carrying out inspection visits to 100% of premises designated as high upper medium and lower medium risk in LACORS risk rating system.	The team carried out 100% of the required 44 visits to food premises designated as high, upper medium and lower medium risk food standards risk rating scheme  This year the teams also converted the database to the Food Standards Agency system
Using intelligence to identify problem traders at an early stage and intervene to prevent continuing complaints, using sanctions appropriate to the levels of non-compliance	The Team identified problem traders using intelligence gathered from members of the public and other professionals and used our full range of enforcement powers to intervene against these traders in a proportionate manner.
We will maintain close contact channels with Citizens Advice Direct.	Channels were maintained with work regularly being passed from Citizens Advice Direct to Public Protection Service for both food standards and food hygiene issues.
We will work with our colleagues in the Council to make maximum use of the media to promote compliance among our traders	Press releases were released to the publicity section for national Food Safety week and on other occasions.
We will provide advice to businesses within BwD on trading standards issues, and promote Primary Authority partnerships wherever appropriate	Completed as requested

### **6.3 Areas of Improvement**

#### **Primary Authority**

The service currently has 2 primary authority partnerships. Steps will be taken to increase this number.

#### **Recipe 4 Health**

Promotion of the Recipe 4 Health award scheme will be a focus for the year.

#### **Allergen training**

Allergen labelling training sessions have been well received and more will be provided.