



**Brighton & Hove
City Council**

Official Feed and Food Controls Service Plan

1 April 2023 – 31 March 2024

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1 Service Aims and Objectives

1.1 Introduction

The food service function of Brighton & Hove City Council sits within the Safer Communities Service of the Housing, Neighbourhoods & Communities Directorate. This directorate consolidates Environmental Health and Trading Standards teams in one service.

The service is primarily concerned with protecting and improving public health across the city. Within this service food safety officers work to ensure that food prepared and sold from local establishments is safe. This is achieved by carrying out a programme of interventions at food businesses, sampling and responding to service requests. Wherever practicable links are formed with the business community and all relevant professional groups with the objective of increasing and promoting food safety awareness.

Trading Standards officers aim to provide a comprehensive range of enforcement and advisory services to the community within a statutory framework. Its goal is to contribute, in conjunction with other agencies, to the development of a safe, fair and equitable trading environment for all consumers and businesses, by means of advice, information, education and enforcement.

1.2 Links to Corporate Objectives and Plans

This plan links into the themes of 'Brighton & Hove City Council Our Plan 2020 to 2023, A fairer city, a sustainable future', which has identified the following six outcomes:

- A city to call home
- A city working for all
- A stronger city
- A growing and learning city
- A sustainable city
- A healthy and caring city.

2 Background

2.1 Profile of the Local Authority

Brighton & Hove is a unitary authority on the south coast of England. It is approximately 50 miles from London. It is bounded by the English Channel to the south and the South Downs to the north, it covers an eight-mile stretch of seafront and extends inland for approximately five miles.

Demographic information reported in the Corporate Plan gives a population of 290,395 (2017). One in five residents, or 19.5%, are from a Black or Minority Ethnic groups and

the population profile is younger than the national with 62% being 20 to 59 years old against the average across England of 53%.

Tourism plays a major part in the local economy supporting over 21,000 jobs in the area.

2.2 Organisational Structure

Brighton & Hove City Council is a unitary authority that operates a committee system model. Responsibility for the food safety and standards services is delegated to the Environment Transport & Sustainability Committee.

2.3 Regulation Policy

The Council has a Corporate Enforcement Policy in line with the national Regulators Compliance Code for Enforcers and is published on the Council's website. The enforcement policy is grounded in better regulation principles of proportionality, accountability, consistency, transparency and targeting.

[Safer Communities Enforcement Policy \(brighton-hove.gov.uk\)](https://www.brighton-hove.gov.uk/safer-communities-enforcement-policy)

2.4 Scope of the Food Service

Both services, Food Hygiene and Trading Standards, in normal circumstances carry out a range of interventions such as, inspections of food premises, food complaint investigation, food sampling, investigating infectious disease cases and service requests relating to businesses.

Since 1 January 2021, when the EU Exit transition period ended the Council where resources allow provides a non-statutory function, the certifying of Export Health Certificates, to our food businesses who are exporting food consignments (fish/fishery products) into the EU.

Officers working within the Food Service may also carry out health and safety interventions in a range of food premises and non-food premises when matters of evident concern are identified. They also may respond to complaints from the public and investigate specific accidents which occur in the workplace.

As of 9 February 2023, a total of **3,360** food premises are subject to programmed interventions as per the following table.

| Premises Type | Number |
|--|--------------|
| Primary Producer | 3 |
| Manufacturer/ Processor | 30 |
| Packers | 6 |
| Importers/Exporters | 41 |
| Distributors/Transporters | 29 |
| Retailers | 360 |
| Restaurants and other Caterers | 2,885 |
| Manufacturers selling mainly to retail | 6 |
| TOTAL | 3,360 |

3 Food Service Plan from 1 April 2023 to 31 March 2024

3.1 Food Service Plan and the impact of the COVID-19 pandemic (2020-2022)

The FSA devised a Recovery Plan which commenced on 1 July 2021 to 31 March 2023. This Plan aimed to ensure that resources were targeted where they add greatest value in providing safeguards for public health and consumer protection in relation to food. It also aims to safeguard the credibility of the Food Hygiene Rating Scheme.

Brighton & Hove City Council's satisfactorily met the key milestones of the plan and as of 9 February 2023 it is predicted that the milestone of 31 March 2023 will be met by 30 April 2023.

Figure 1: Outline of the FSA Local Authority Recovery Plan



Figure 1 depicts the duration of Phase 1 and 2 of the Plan. The key milestone dates within the Recovery Plan for higher risk establishments are shown.

Even though we have met the key milestones of the above plan there are still significant numbers of overdue Category D and E rated premises which require an intervention/ control (inspection, attend a seminar or workshop or complete a questionnaire about their food business).

3.2 Food Hygiene Interventions

3.2.1 Programmed Food Hygiene Inspections

The following table displays the food premises risk category and the number of premises due, as of 9 February 2023, that are required to be inspected between 1 April 2023 to 31 March 2024. These figures do not include the backlog of premises that require an inspection due to the impact on our service by the pandemic (2020 to 2022).

| Risk Category/ Frequency of Intervention | Number of Food Premises that require an onsite intervention |
|---|--|
| A/ every 6 months | 1 |
| B/ every 12 months | 57 |
| C/ every 18 months | 239 |
| D/ every 24 months | 230 |
| E/ every 36 months | 2 |
| TOTAL | 529 |

It should be noted that the above figures are correct as of 9 February 2023. For example, Category A premises may generate two further inspections and Category B premises may generate a further inspection within the period when inspected.

The following table displays overdue food premises inspections as a direct result of the COVID-19 pandemic

| Outstanding interventions by type | Number |
|---|---------------|
| Category D premises due before 31 March 2023 | 931 |
| Category E premises due before 31 March 2023 | 805 |
| Unrated/new registrations received before 9 February 2023 | 348 |

It is observed that there is a significant backlog of interventions in low-risk premises. The Food Law Code of Practice allows flexibility in how we deal with these premises. Innovative methods such as holding group workshops or seminars and using an online survey approach will be utilised for appropriate premises to deal effectively with the backlog of inspections.

3.2.2 Control of Outbreaks and Infectious Disease

Food related infectious disease notifications are investigated in accordance with procedures agreed with the Consultant in Communicable Disease Control. Investigation of outbreaks in accordance with the Outbreak Control Plan agreed with Public Health England. Officers within the team will be first responders in the event of a serious outbreak.

3.2.3 Food Hygiene Complaints

It is the policy of this authority to investigate food complaints in accordance with the Council's Enforcement Policy and documented procedures. It is anticipated we shall receive approximately 10 food complaints and 450 complaints in relation to condition of food premises.

3.2.4 Food Hygiene Sampling

A formal arrangement is in place with Public Health England, Food Water & Environment laboratory based at Porton Down for the analysis of samples that require microbiological examination. This authority will participate in the current national food sampling programmes where resources permit.

3.2.5 Food Safety Incidents

Food safety incidents are responded to in accordance with the provisions of The Food Law Code of Practice and all food alerts issued by the FSA will continue to be dealt with in accordance with this Code.

3.2.6 Supporting movement of Fish/ Fishery Product into the EU

On 31 December 2020 the Brexit Transitional Period ended and on 1 January 2021 the requirement to process and certify Export Health Certificates for consignments of fish/fishery products commenced.

We can, if resources permit, support our businesses involved in this process to enable guaranteed movement of these products into the EU. This is a non-statutory function which incurs a charge for this service.

3.2.7 Food Hygiene advice to businesses

There is a strong commitment to providing advice to business, both new and existing, on legislative and good practice requirements. Advice is given by signposting businesses to the Council website, during inspections and by group emails which are sent to food businesses who have supplied us with their email address.

3.2.8 Ongoing Proactive Surveillance

Ongoing proactive surveillance is essential to re-establish an accurate picture of the local business landscape and to identify open/closed/ recently re-opened/ new businesses; as well as businesses where there has been a change of operation, activities or Food Business Owner.

All new food registrations received shall be subject to triage to identify premises which are deemed to be high priority for inspection.

3.2.9 Primary and home authority principle

The Primary Authority and the Home Authority Principle is supported by the Council. Currently there are no Primary Authority Partnerships in place.

3.3 Food Standards Interventions

Trading Standards aim to provide a comprehensive range of enforcement and advisory services to the community within a statutory framework. Trading Standards goal is to contribute, in conjunction with other agencies, to the development of a safe, fair and equitable trading environment for all consumers and businesses, by means of advice, information, education and enforcement.

The core aims being to ensure: -

- Accurate food information for consumers.
- That compositional standard of food is maintained.
- Prevent food fraud
- That food and feed are free from unsafe contaminants

The objectives being: -

- To carry out risk-based and intelligence led activities;
- To undertake screen testing and food sampling to reflect identified areas of concern;
- To respond appropriately to food complaints and initiate proportionate action;
- Respond to trader requests in a timely manner; and
- To educate the public on compositional and labelling issues to improve eating habits.

3.4 Proposed Changes to FSA Code of Practice

Changes to the FSA Code of Practice relating to Food Standards are currently under review, it is expected to be implemented by 2023/2024. The proposals involve fundamental changes to the food standards delivery model within the Code, and associated content, namely the introduction of a:

- new food standards risk rating scheme that LA officers will use to evaluate the risk posed by a food business;
- new decision matrix to determine the frequency at which food standards official controls should be delivered in line with the outcome of the risk assessment.

The changes we are proposing will introduce a new food standards delivery model. This new model will allow us to have flexibility to use any of the official control methods and techniques available and direct our resource to where it is most needed to tackle risk in the food chain.

3.4.1 Food Standards Inspections

Between April 2021 and March 2022 Food Standards carried out 246 inspections at high risk premises and 271 inspections at high risk between 1st April 2022 and 31st December 2022.

The following table highlights the food standards category and the inspections that are due over the next 2 years due to the new Code of Practice it will be impossible to predict how many on site interventions will be due.

| Standards Category | Expectation | Number of Food Premises that require an onsite intervention |
|---------------------------|---|--|
| A (high risk) | New food Registrations will have a desktop risk assessment (DRA) carried out within 1 month of receipt of registration and if categorised as high risk will have a program primary inspection carried out within 1 month of the DRA. If a food premise remains high risk they will be inspected at least every year in line with the Food Standards Code of Practice. | As required |
| B & C (medium & low risk) | No programmed interventions will be required unless intelligence/information suggests that risks have increased or if the establishment is otherwise considered a priority for intervention due to the risk posed. Project work/sampling projects will be carried out as detailed below and will include medium and low risk premises. | 0 |

3.4.2 New Businesses

Trading Standards will be following the revised Code of Practice and risk rating system. All new food businesses will receive a sector specific advisory letter signposting them to relevant guidance and including officer contact details as soon as a food registration is received. A desktop risk assessment will then be carried out by a qualified food officer within 28 days of receiving the food registration and all high risk premises will be inspected within a month of the risk assessment being carried out.

3.4.3 Feed Hygiene

The Trading Standards service participates in the National Trading Standards feed programme. We will undertake inspections of premises identified by the national team as requiring a visit. This equates to approximately 12 visits per annum.

During 2020/2021 & 2021/2022 Trading standards have carried out work funded by the FSA via NTSB (National Trading Standards Board) on animal feed which ties into the Official Feed and Food Controls. This work will be funded again in 2023/24 and Brighton & Hove will participate.

3.4.4 Food Standards Complaints

Trading Standards received 357 service requests between 1st April 2021 and 31st January 2023, these include consumer complaints, referrals from other trading standards authorities and referrals from environmental health. Most complaints relate to allergen incidents including lack of/or inaccurate allergen information in restaurants, date marking, composition and labelling of food and pricing. Over the next 2 years we anticipate seeing complaints around allergen compliance continue and this will remain a high priority for both Trading Standards and Environmental health.

With the cost-of-living crisis we are also likely to see an increase in misleading pricing, counterfeit food, substituted food, misdescribed food and illegally imported food. We will respond to complaints and will also look to carry out some project work around this area targeting some of our medium and low risk premises.

There have been 2 new pieces of food standards legislation that have come into force recently, this often results in an increase of complaints coming into the service. The Calorie Labelling Regulations 2021 require restaurants and cafes to provide calorie labelling. In addition to helping consumers to make healthier decisions, calorie labelling also aims to encourage businesses to reformulate the food and drink they offer and provide lower calorie options for their customers. The Food (Promotion and Placement) (England) Regulations 2021 (“the Regulations”) were passed on 2 December 2021, introducing rules that restrict the price, placement and online promotion of products high in fat, sugar and salt (HFSS) for qualifying businesses.

3.4.5 Food Standards Sampling

The Public Analyst contract was awarded to Kent Scientific Services in 2017. The focus of the contract remains on composition, allergens labelling and chemical contamination.

Between October 2021 and March 2023 we have taken 22 samples; 1 for species, 7 Labelling and Presentation, 11 undeclared allergens, 2 composition.

We have participated in the Hampshire Scientific Service Project Campaign 2022/2023 sampling plant-based milk alternatives in coffee shops. We have numerous independent coffee shops in Brighton & Hove and so an effective control for checking for compliance. The objective of the campaign is to check for the presence of milk either as a result of cross contamination or preparation area. We have taken 6 samples. There will be further sampling campaigns led by Kent Scientific Services in 2023/2024 and 2024/2025 which we plan to participate in.

There will be no Trading Standards Southeast Ltd (TSSE) funded sampling projects however, they have suggested some coordinated sampling and depending on budget and resources Brighton & Hove Trading Standards may participate. The sampling will focus on Japanese imported food, American Imports, price rise food fraud and Meat substitution in kebabs.

As part of the National Food Crime Fraud Unit project OPSON , detailed later, we are likely to be sampling protected food name products.

3.4.6 Food Standards advice to businesses

Regulations governing the labelling of food and whether they contain allergens came into force 2014, as previously stated this is high priority as lack of allergen information and controls can cost lives. Officers have undertaken work to inform and educate businesses of their obligations under these regulations; compliance with the requirement to provide allergen information remains an issue and therefore work will continue in 2022/23 prioritising advice and support to small independent traders and new businesses.

Advice to new businesses will remain a priority in relation to the Regulations that came into force in October 2021 for food items sold prepacked for direct sale. During 2021/2022 we saw an influx in enquires from the charitable sector needing advice on their legal obligations and so we created some sector specific guidance that we rolled out to food banks and other charitable food organisations.

In October 2022 Regulations relating to Restricting promotion of products high in fat, sugar and salt came into force and the Calorie Regulations came into force in April 2021, both might require us to give advice to business on how they must comply.

Advice and support to business on the changes to labelling following Brexit will also be a priority. Officers will also be drafting guidance for businesses on the requirements of food information for vegan and plant-based foods especially in relation to meat and dairy substitutes.

3.4.7 Projects

In line with the proposed new Code of Practice we can be more flexible in carrying out official controls thus enabling us to tackle in a timely manner emerging trends. With the increase in the wellbeing food sector we plan to look at misleading nutritional and health claims around food and food supplements. With the introduction of CBD becoming a novel food we plan do some proactive enforcement work in this area following any guidance from the FSA.

Brighton and Hove will be participating in the National Food Crime Fraud Unit operation. England and Wales will focus on protected food names. This is a topic which is also being explored by other European countries and as a consequence our own activity will be considered part of a broader co-ordinated action being led by Europol. The protocol is being further developed but is likely to incorporate a focus drawn from NFCU's Control Strategy Priorities, for instance through a focus on protected designations relating to red meat products from the UK. Acknowledging the rates of non-compliance around premium seafood products in food service settings in last year's OPSON XI work in the UK, the correct marketing of protected food name products in restaurants and similar settings is also likely to feature in the protocol.

4 Resources

4.1 Financial Allocation

4.1.1 Food Hygiene

The Food Safety Service net budget for 2023/24 is £547,420.

4.1.2 Food Standards

The Food Standards net budget for 2023/24 is £74,800.

With changes being brought in by the new Food Standards Code of Practice, it is likely that funding will be required for an updated Uniform module. This is being co-ordinated by the FSA.

4.2 Staffing Allocation

4.2.1 Food Hygiene

There are 6.87 full time equivalent (FTE) professional posts, 3.47 FTE are competent to undertake food hygiene controls, 3 FTE are Technical Officers who are working towards becoming competent food officers and 0.4 FTE are diverted to undertake non-food duties such as Health & Safety regulation.

It is anticipated that we will not have a full team of competent officers (6.47 FTE) until April 2024.

The following tables illustrate the full complement of staff.

| Job Title | Full Time Equivalent | Competency |
|---|----------------------|-------------------|
| Regulatory Services Manager | .25 | Lead Food Officer |
| Team Leader Specialist Environmental Health | 1.0 | Authorised |
| Environmental Health Officer (EHO) | 0.8 | Authorised |
| EHO | 0.6 | Authorised |
| Senior Technical Officer (STO) | 0.67 | Authorised |
| STO | 0.8 | Authorised |
| Technical Officer (TO) | 1.0 | Not Authorised |
| TO | 1.0 | Not Authorised |
| TO | 1.0 | Not Authorised |
| Senior Technical Support Officer | 0.25 | --- |
| Technical Support Officer | 0.9 | --- |
| Food Nutrition Project Officer | 1.0 | --- |

4.2.2 Food Standards

| Job Title | Full Time Equivalent | Competency |
|-----------------------------|----------------------|------------|
| Regulatory Services Manager | 0.05 | Authorised |
| Trading Standards Officer | 1.5 | Authorised |
| Technical Support Officer | 0.05 | --- |

5 **Quality Assessment**

The service has a documented procedure relating to food control duties. Internal audits are carried out to ensure compliance with these procedures. Staff performance is reviewed, monitored and managed through the appraisal system, monthly 1-2-1 and review by the departmental management team.

6 **Service Delivery Review**

This plan will be reviewed in October 2023 to monitor progress.

7 **Summary**

This report sets out the service plan for the forthcoming financial year. It is acknowledged that service delivery methods have changed over the period of the pandemic and going forward we will endeavour to utilise a variety of approaches when required.

The training of new staff is required so that they obtain the 'suitable' qualification as required by the Food Law Code of Practice. This is necessary to obtain the full requirement of full-time equivalent competent staff to achieve the proposed plan.

It is anticipated by 31 March 2024 that Food Service Delivery will have made good progress and a high percentage of food premises will be subject to the normal frequency of inspection based on their risk category.

