



THE ROYAL BOROUGH OF
KINGSTON
UPON THAMES

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**ENVIRONMENTAL HEALTH & TRADING STANDARDS
SERVICE**

FOOD LAW ENFORCEMENT SERVICE PLAN 2015/16

INTRODUCTION

This is the Council's statutory annual plan for the effective regulation and enforcement of food safety legislation within the borough. It is a public document and can be accessed through our website.

It closely follows the national template set by the Food Safety Agency (FSA) within a framework agreement established with local authorities.

The overall aim of this plan is to ensure that a programme of food regulation and enforcement activity is carried out, providing public confidence that food is produced without risk and sold under hygienic and safe conditions in Kingston.

The plan sets out the operational arrangements and resources in place to deliver our services and it guides our enforcement, regulation and the provision of advice to ensure we are efficient, targeted and that we help businesses comply with their legal obligations.

Each year, we set out the specific objectives for the service over the 12 month period and, whilst these remain largely unchanged, we review the focus of our activities each year in response to national, regional and local priorities. We also constantly review our established practices and develop new ways of working in response to the challenging financial environment in which we operate.

We recognise that good regulation and effective enforcement supports business growth in the borough. With this in mind, the plan explains how we seek to reduce the burden on businesses by avoiding inappropriate or excessive regulation whilst also ensuring that we are effective in tackling food safety and food hygiene risks to protect those that live, work or visit Kingston.

1. AIMS AND OBJECTIVES

1.1 The specific objectives of the food safety service are:

- to ensure that food and drink intended for sale for human consumption, which is produced, stored, distributed, handled or consumed within the borough is without risk to the health or safety of the consumer.
- to investigate suspected and confirmed food poisoning incidents, locate the source of contamination and prevent it spreading to protect the health of the public.
- provide information and advice on food safety matters for business and members of the public.

2. LINKS TO CORPORATE OBJECTIVES

- 2.1 The broad aims of the Food Law Enforcement Service Plan Food Service Plan support objectives within the Kingston Plan 2014-18 that sets out a shared vision by the Council and our partners, under the theme of '*Safe, Healthy and Strong*'. Our contribution to these objectives is set out in the Council's corporate plan known as Destination Kingston 2015-19 and subsequently in the Environment Service Plan 2015-16.
- 2.2 The plan aims to ensure that we meet our statutory duties to make Kingston a safe, clean, healthy and sustainable environment and a clean, healthy, safe and fair, trading environment.

3. BACKGROUND

3.1 Profile

- 3.1.1 The borough is an Outer London borough with a population of around 167,000 and covers an area of 38.66 sq kilometres.

Much of the borough is residential in nature, and there are no large industrial sites. Kingston has a leading commercial and retail centre and supports a major university. The surrounding districts of New Malden, Surbiton, Tolworth and Chessington also have significant retail areas.

3.2 Organisational Arrangements

- 3.2.1 The Council's functions are divided into five Directorates under the overall responsibility of the Chief Executive. The authority given to officers by the Council to carry out the activities and exercise the powers covered by this plan are set out clearly in the Council's Constitution (Part 3B). This plan is presented annually to the Infrastructure, Projects and Contracts Committee for approval.
- 3.2.2 Environmental Health responsibilities for food enforcement, licensing, infectious disease control, noise, pollution and health and safety enforcement are part of the Environmental Health and Trading Standards Service within Environment, as part of the Place Directorate.
- 3.2.3 Food law enforcement services are directly provided by staff within the Food and Safety Team.
- 3.2.4 In addition to all aspects of food and feed law enforcement, the team is responsible for the enforcement of the Health & Safety at Work Act 1974 in those commercial premises where enforcement is not carried out by the Health & Safety Executive, investigation of environmental complaints such as odours from commercial premises, quality of drinking water supplies and infectious disease investigations.

3.3. Scope of Food Service and Priorities

3.3.1 The team delivers the Council's responsibilities under the Food Safety Act 1990 and associated legislation, including:

- Infectious disease enquiries and investigations
- Food alert warnings
- Food hygiene inspections – planned, sampling and in response to complaints
- Food standards inspections - planned, sampling and response to complaints.
- Complaints concerning drinking water
- Health and safety inspections and accident investigations
- Environmental complaints about food premises

The types of businesses subject to inspections include restaurants, cafes, public houses, retail shops, schools, nursing homes, and market stalls. They are prioritised according to risk (see 4.1).

3.3.2 We do not offer specific training in food hygiene or food standards to local businesses ourselves, but we always offer advice and support on request and provide information through the Council's website.

3.3.3 Our officers work as part of an environmental health team that provides a wide range of services outside of food matters. We have to carefully prioritise the use of our resources to respond to changing demands but we always focus on achieving our targets and meeting the requirements of the FSA.

3.3.4 Some of our officers have specialist food responsibilities e.g.

- European Union regulatory controls
- Monitoring and audit
- Food Standards
- Food hazard warnings and major food incidents.

3.3.5 Specialist services for the examination of food stuffs etc. are provided by:-

Compositional analysis of food and feeding stuffs etc.
Public Analyst Scientific Services Ltd (Mr. J. Wootten)

Microbiological examinations etc. of food, and water.
Health Protection Agency.

London Food, Water and Environmental Micro Biology Laboratory, Colindale, and at the Public Health Laboratory at the Royal London Hospital, Whitechapel.

3.4 Home Authority and Primary Authority Responsibilities

Kingston acts as 'home' authority on an informal basis to a number of national businesses situated in this area, assisting and providing advice on setting up food businesses to comply with regulatory requirements, including initial advice on labelling of food stuffs.

4. DEMANDS ON THE FOOD SERVICE

4.1 As at 1 April 2015 there were 1486 food businesses within the borough (up from 1430 in 2014/15). Each business is rated for hygiene purposes into five categories depending on the level of risk that they could present to the public. The higher the risk the more often we will inspect, with a range of six months to three years. Each business is also rated for food standards matters (such as composition and labelling) into one of three categories and may be inspected between 1 and 5 years. In line with Code of Practice and regulatory reform, not all interventions will be in the form of a visit to the premises but may consist of review of premises history, complaints, questionnaire etc.

4.2 The breakdown of the food business into risk categories for food hygiene purposes as at the 1 April 2015 is as follows:-

Food Hygiene

Risk category		Inspection interval (months)	No. premises
High	A	6	12
	B	12	82
Medium	C	18	405
	D	24	526
Low	E	36	420
	Outside *		11
Unrated*			30
TOTAL			1486

- **Outside the programmes refers to premises where the risk is considered to be so low that an inspection would not be appropriate.*
- **Unrated refers to premises that may have recently opened or changed hands and are yet to be inspected for the first time.*

Food Standards

Risk category		Inspection interval (months)	No. premises
High	A	12	10
Medium	B	24	113
Low	C	60	1322
Outside			12
Unrated			29
TOTAL			1486

Note: The figures in both tables represent a snapshot of the profile of premises and their risk category on 1 April 2015. Over the year, premises may move between risk categories (e.g. change in the nature of their activities or in the level of confidence that we have in their management of their activities).

4.3 Demands that potentially affect both food hygiene and food standards include:

- 19 premises which, because of the nature of what they manufacture or sell, fall within the animals feeding stuffs requirements.
- The large number of catering outlets, including branches of most of the larger restaurant chains, public houses, and take-away companies together with a wide range of independent restaurants and takeaways.
- A large fresh fish packing unit located in Chessington serving the major national supermarkets.
- The number of Korean retail and catering outlets in New Malden serving a significant Korean population in the area.
- The presence of Chessington World of Adventures, one of the U.K's major theme parks, comprising our largest overall catering outlet.
- A number of companies importing foods and an increasing number of retailers who import from outside the European Union.
- An increase in the number of premises running start up catering or importing businesses from home and requiring specific advice and guidance.

5. SERVICE DELIVERY

- 5.1 The Environmental Health and Trading Standards Service is located within Guildhall 2 in the centre of Kingston with a contact centre which is open to the public between the hours of 8.30 a.m. - 5 p.m. Monday – Friday. Any significant food poisoning outbreaks or major food contamination issues outside normal working hours can be reported to the Council's emergency

service and more major incidents may be dealt with as part of the Council's contingency planning arrangements.

6. ENFORCEMENT POLICY

- 6.1 We support the principles set out within the Regulator's Code 2013, produced by the Department for Business, Innovation and Skills (Better Regulation Delivery Office). This code requires us to support those we regulate to comply and to grow by not imposing unnecessary regulatory burdens.
- 6.2 We have adopted the Enforcement Concordat, promoted by the Cabinet Office and the principles set out within it have been translated into our own Enforcement Policy. This sets out our general approach to enforcement in more detail in terms of being open, consistent and fair. We follow these principles when deciding whether we should take formal or informal action where there is a contravention of the law. Our Enforcement Policy is available both as a hard copy on request and on our website.
- 6.3 We ensure that only officers who are competent by qualification, training and experience are authorised to undertake enforcement action. We keep this under regular review and we monitor the quality of the work of each individual officer to ensure consistency in approach across all officers.

7. SERVICE DELIVERY FOR 2015/16

7.1 Food Premises Inspection plan

- 7.1.1 We aim to inspect premises in accordance with the Code of Practice issued by the Food Standards Agency. Premises are selected for inspection and intervention according to their risk category. The determination of the risk category includes an assessment of a number of parameters such as hygiene, structural condition and management of food safety at the last inspection, type of food sold, numbers and vulnerability of customers etc. Priority will always be given in the inspection plan to dealing with the highest risk premises when interventions are due. This includes the inspection and risk rating of new businesses.
- 7.1.2 Our lowest risk premises are subject to alternative enforcement every 3 years for food hygiene (category E) and every 5 years for food standards (category C). This was due in 2014/15 and is continuing in 2015/16 with regards to over 700 premises.
- 7.1.3 In addition to initial inspections, where a business has a compliance score of 15 or higher for hygiene and / or structure and / or a confidence in management / control procedures score of 20 or higher as set out in the Code of Practice then a revisit will be done at an appropriate time to ensure compliance with requirements.

7.1.4 Food Hygiene Inspections

Risk rating category	No. planned inspections
A	24
B	82
C	269
D	262
E	Alternate enforcement
TOTAL	637

Unrated premises = 30

7.1.5 Food Standards Inspections

Risk rating category	No. planned inspections
High - A	8
Medium - B	41
Low - C	Alternate enforcement
TOTAL	49

Unrated premises = 29

7.2 Food Complaints

- 7.2.1 We will thoroughly investigate all complaints about the quality, composition and labelling of foods or animal feeding stuffs in a prompt and consistent manner and in accordance with all relevant codes of practice.
- 7.2.2 We will record all complaints and if, after initial investigation, the complaint is founded, we will notify the suppliers/manufacturers immediately, particularly in those instances where corrective action is required to prevent any further risk to health or contravention of food law.
- 7.2.3 Where appropriate, the home, lead or primary local authority will be notified as a matter of urgency.
- 7.2.4 We will always ensure that complainants are kept fully advised of action that the Council is taking.

7.2.5 In considering whether to take formal action, the factors in our Enforcement Policy that we will take into account are:

- Whether the complaint is serious in nature and whether it has, or could have, resulted in personal injury or food poisoning to a consumer.
- If labelling and composition are likely to be fraudulent.
- Where there are specific contraventions of compositional standards where advice from the home or primary authority has not been followed.
- Cases where food complaints concern manufacturers who have failed to carry out recommendations laid down by their respective home authority.
- If there have been repeated visits/complaints concerning retailers selling unfit or poor quality or out-of-date foodstuffs.

7.2.6 We estimate that we will deal with around 200 complaints about food and food premises during 2015/16, based on past trends in this area. Our aim is to respond to all routine food complaints within 3 working days. Urgent complaints will be dealt with the same day where reasonably practicable.

7.3 Advice to Businesses

7.3.1 We recognise the need for food businesses to be provided with a locally based source of guidance and advice on regulatory compliance and for a system to resolve problems and disputes.

7.3.2 For those food businesses whose main manufacturing or import/export head office is located within the borough, we will monitor food products and provide a response to requests for advice and guidance and respond to enquiries from other enforcing authorities.

7.3.3 We will ensure the competency of staff involved and commit ourselves to confidentiality. If necessary, advice will be sought from the Public Analyst on interpretation of food law and labelling of products.

7.3.4 The team will advise companies, and particularly small businesses, operating within the borough and will help anyone proposing to establish a food business within the area. Guidance and literature on food hygiene and standards is available to all enquirers, and we will promote access to it via our website. It is expected we will receive around 500 requests for advice in a typical year.

7.4 Food and Feeding Stuff Sampling

7.4.1 The objective of our food sampling is to ensure the protection of the consumer.

7.4.2 A co-ordinated group sampling programme is carried out in conjunction with the other boroughs in the South-West London Sector, the London Food Co-

ordinating Group and the FSA. In addition, the sampling plan reflects local needs, including examination of complaints, local manufacturers and importers and ethnic foods.

7.4.3 Following recently revised guidance on sampling, the types of food sampled will in future be risk assessed and, as part of the co-ordinated group programme, we estimate that we will proactively take and check 80 food samples during the year. We are likely to take a further 20 samples as a result of complaints, food poisoning investigations or as part of inspections.

7.4.4 For the year 2015/16 there is a budget of £8,000 for food sampling. This is to cover the cost of purchase of samples and also analysis by the Public Analyst. Costs for analysis are typically £50 to £250 per sample depending on type of sample and type of analysis required.

7.45 The sampling plan for 2015/16 covers a wide range of foods. Set out below is a brief programme outlining the main products to be sampled along with the lead borough responsible for organising protocols for each topic. It is likely that as the year progresses additional samples outside of this plan will also be taken according to local needs or other issues that come to light.

TARGET MONTH	SAMPLING	LEAD
May	Salads from take-away/self service counters	Public Health England
June	Ice from restaurants and cafes	Sutton
July	Salads and rice with ready to eat foods from Food Markets	Lambeth
September	Hygiene and swabbing of surfaces	Merton & Richmond
October	Allergen ingredients in Bakery Goods	Croydon
November	Colours in confectionery foods	Kingston
January 2015	Almond substitution in take-away meals	Wandsworth

7.5 Control and investigation of outbreaks and food related infectious disease

- 7.5.1 Dr. Barry Walsh, Director and Consultant in Communicable Disease Control (CCDC) of the Public Health Team at Public Health England (PHE) is the Council's Proper Officer for infectious disease. PHE work with national and local government, industry and the NHS to protect and improve the nation's health. They advise on general health protection or public health matters, and outbreaks of infection. Kingston's Environmental Health staff work under the general direction of the Proper Officer in the investigation of infectious disease but the control and investigation of premises involved is the sole responsibility of the Council's Environmental Health Service.
- 7.5.2 Where a food premises is suspected of being the source of food poisoning, we will visit and carry out an inspection of the premises.
- 7.5.3 Should an outbreak of infectious disease be declared then the CCDC, in collaboration with the Group Manager, Environmental Health and Trading Standards or, in their absence, the Environmental Health Manager - Food and Safety, will be responsible for instituting the joint outbreak documented plan, and establishment of the outbreak control team. This will link with the Council's in-house contingency plans as necessary, dependent on the scale of the outbreak.
- 7.5.4 Based on previous year's notifications, it is estimated that there will be 90 cases of infectious disease notified during 2015/16.

7.6 Food Safety Incidents

- 7.6.1 We will ensure that all responses to food alerts received from the FSA and other food safety incidents are actioned in accordance with the procedure laid down in the relevant Code of Practice and that the FSA and other agencies are notified of any serious incident or wider food safety problems, including food fraud, that is suspected or found to have occurred.

7.7 Liaison with other Organisations

- 7.7.1 In order to achieve consistency in enforcement measures and a co-ordinated approach to food sampling and food safety, we support the London Borough's Food Liaison Arrangements and we are a member of the South West London Food Liaison Group, contributing to the formulation of sector policies.
- 7.7.2 Regular liaison takes place with Kingston's public health team and the Public Analyst, and meetings to discuss infectious disease issues are held with the CCDC.

7.8 Food Safety and Standards Promotion

- 7.8.1 We consider food safety education to be an integral part of the inspection process and we provide details of local training courses, together with a wide range of advisory leaflets giving guidance on food safety advice and standards to food businesses at the time of inspection and/or with enforcement letters.
- 7.8.2 In addition, our officers will give advice, particularly to small businesses, as well as the general public upon enquiries, on food matters including labelling and compositional standards.

8. RESOURCES

8.1 Staffing Allocation

- 8.1.1 The Food and Safety section currently has the following establishment.

Manager - Food & Safety	(F/T)
Environmental Health Officer (1 posts)	(F/T)
Environmental Health Officer (4 posts)	(P/T)
Technical Officer (2 posts)	(F/T)

- 8.1.2 The team is part of a larger Environmental Health and Trading Standards service, currently led by Mark Reed, Interim Group Manager, who is also a qualified Environmental Health Officer.
- 8.1.3 There is the equivalent of **3.65** full time equivalent (FTE) officers dealing with food service responsibilities. The remainder of the resource available is directed towards other activities, mainly health and safety.

8.2 Finance

- 8.2.1 The current financial resource for Food Safety enforcement is part of a larger resource to fund the Environmental Health and Trading Standards Service. The majority of the resource goes on staffing costs, both front-line officers and those providing administrative support and other council support services such as finance and HR. Permanent staffing costs for last year are £251,399.
- 8.2.2 The funding provision is monitored on a monthly basis to ensure the service is operating within the budget provided and there are regular meetings with financial services to review budget spend. At all times the service aims to provide good value within the resource provided.

9. STAFF DEVELOPMENT

- 9.1 We recognise that our staff are our most important resource in achieving the objectives of this plan and we encourage individual and team training to ensure the highest possible professional delivery of services.

- 9.2 We seek to train and motivate our staff to ensure they remain competent and authorised to carry out their duties. Specifically, they must meet the statutory requirements for training set out in the Food & Safety Code of Practice.
- 9.3 The training resource available is within a single corporate budget and we bid for appropriate resources each year. We anticipate that the reasonable training needs of the staff will be fully met within 2015/16.
- 9.4 We appraise our staff annually and also have half year reviews, providing opportunities to identify training needs. Development of staff is by:
- Departmental and team meetings at which legislation, policies and procedures are discussed.
 - Officers giving presentations and cascading information from courses and seminars attended. An important element is the issue of consistency in enforcement and this is supported by regular shadowing by officers to validate and update skills through the team.
 - Attendance at seminars, courses and presentations by the Chartered Institute of Environmental Health (C.I.E.H.), the FSA, our own trainers, outside organisations and other professional bodies.
 - Attendance on courses leading to approved qualifications.
 - Use of online training.

10. QUALITY ASSESSMENT

- 10.1 We have a procedure in place to monitor inspections and documentation including:-
- review of records and correspondence to check that inspection procedures etc. have been carried out.
 - checks on formal and informal notices and documents.
 - accompanied inspections and visits to check quality and practices.
 - cross checking of all changes to risk assessments of higher risk food premises.
- 10.2 In addition, our performance against this plan will be monitored by the Environmental Health Management Team, including:
- comparison of quarterly and annual inspection and complaint statistics against the planned inspection programme etc.
 - annual review of food sampling.
 - review of procedural guidance etc.
 - review following any major outbreak of food-borne disease.

- annual training assessment at appraisal.

11. REVIEW OF 2014/15

11.1 The following summarises activity in the year under review.

Food Related Cases of Infectious Disease

- 82 cases of potential food-borne disease were reported by the Health Protection Agency. Action was taken to identify the source of infection and advice given concerning possible spread.

Food Hazard Warnings, Incidents and Complaints

- Overall there were 749 service requests relating to food matters and requests for advice from members of the public and businesses of which 115 related to the condition and labelling of foodstuffs, and 103 regarding poor conditions in premises. All complaints were investigated and enforcement action taken or advice given where appropriate.

Food Sampling

- 96 samples were examined for bacteriological, compositional and/or labelling standards. We participated in a variety of studies and surveys including microbiological screening of food from takeaways, testing of serving platters, screening of burgers in relation to possible undercooking, testing for pesticide residues in organic fruit and vegetables. 32 were unsatisfactory and appropriate follow up enforcement action was taken

Food Hygiene and Food Standards Inspection

The following tables set out the level of programmed inspections achieved last year:

Food Hygiene Inspections 2014/15

Note: figures represent risk-rated premises.

Risk rating category	Number of inspections carried out
A	24
B	81
C	274
D	275
E	667
TOTAL	682

In addition 203 revisits and other food related visits were made.

Food Standards Inspections 2014/15

Risk rating category	Number of inspections carried out
High	10
Medium	69
Low	148
TOTAL	224

In addition 43 revisits and other visits were made.

Alternative Enforcement

- In line with the Code of Practice those premises in the lowest risk categories i.e. E for Food Hygiene and C for Food Standards were subject to a desktop review considering those where no recent intervention had been carried out and concentrating on those businesses run mainly from home and likely to have access to little advice. 42 were sent a letter and a questionnaire designed to help them detail their food safety risks but also to inform us of the likely risk their business currently comprise. This is still underway and those not responding will be followed up and a proportion will be visited for consistency checks. It is intended that this type of intervention will continue through selected groups of businesses (selected by type) and with an intervention suitable for their processes.

In summary:

- We inspected 100% of high risk premises that were due for a food hygiene inspection during the year. This was despite a reduced inspection resource resulting from a staff vacancy. The balance of medium and lower risk inspections has been 'rolled over' and built into the 2015/16 programme.

Enforcement Action

- 17 hygiene improvement notices were served involving 8 businesses. There were 3 voluntary closures, 4 seizures and detentions of food consignments and 3 voluntary surrenders.

- 622 warning letters were sent out covering a range of possible food hygiene contraventions (for minor to more significant matters).
- 1 premise was prosecuted for failure to comply with food safety regulations. This was Sunrise Mini Market Cambridge Road, Kingston where the defendant pleaded guilty to all 24 offences relating to having unfit food for sale and selling food beyond its best before date. A combined sentence of fines and costs of £2,505 was issued.

Staffing

- There were a number of staffing changes during the year including the use of two agency staff at the beginning of the financial year. A new full time Environmental Health Officer (EHO) was recruited and another member of the team (a technical officer) returned from maternity leave. A new, full time technical officer to replace a part-time EHO vacancy had been appointed but had not commenced by the close of the year.

Training

- Members of the team attended a number of training courses, including the new Food Information Regulations, Healthier Catering Commitment, Animal Feed Enforcement, Primary Authority, Enforcement Sanctions, and Disease Outbreak Investigation and Response.

Healthier Catering Commitment

- During the year we moved forward with the NHS Kingston to support the Healthy Weight and Physical Activity Needs Assessment and Strategy 2012-2016, promoting schemes such as healthy catering in the borough.
- 4 premises applied to achieve the Healthier Catering Commitment this year, but after consideration only 2 premises met the criteria. It is hoped that should resource allow, more premises may be able to join in the scheme.

Safer Food Better Business Funded Coaching

- During the year several London Boroughs, including Kingston, were contacted by the FSA, as in the previous year, and offered funding to support food takeaway businesses. Free one-to-one coaching sessions were offered to help improve food hygiene by helping to implement food safety systems. 10 premises were selected as likely to benefit from this assistance. They were individually contacted and 7 decided to participate. The scheme is still being evaluated locally to ascertain if

any improvement in standards at participating premises were achieved as a result and whether that can be maintained.

Partnership Working

- Team members regularly attended meetings with the Health Protection Agency on infectious disease control, the South West London Sector Food Group on food law enforcement and sampling, the FSA on issues such as monitoring and with NHS South-West London on healthy catering.

11.2 Variations from the plan in 2014/15

- Some of the service improvements identified for 2014/15 are still being progressed given last year's focus on achieving inspection levels with limited resources i.e. our own satisfaction survey has not been progressed. However the recent RBK residents survey does provide indications of public satisfaction with local services and the environment and we are looking at the data to evaluate any relevant information for own service.

12. SERVICE IMPROVEMENTS AND INITIATIVES DURING 2015/16

In 2015/16 we plan to:

- continue to actively support and participate in discussions regarding a possible shared regulatory service with London Borough of Sutton.
- continue to move towards full compliance with the Regulators Code particularly with regard to customer feedback, service standards etc started in 2014/15
- continue with the NHS Kingston and Royal Borough of Kingston upon Thames Public Health, Healthy Weight and Physical Activity Needs Assessment and Strategy 2012-2016, including promoting schemes such as healthy catering in the borough.

Mark Reed

Interim Group Manager – Environmental Health and Trading Standards