

SERVICE PLAN
2023-2024

FOOD & FEED LAW

Joanne Chastney

 [Blank Page]

**Contents**

|  |  |  |
| --- | --- | --- |
|  |  | **Page** |
| **1.0** | Introduction  | 4 |
| **2.0** | Service Aims and Objectives | 5 |
| **3.0** | Council Objectives and Plans | 6 |
| **4.0****5.0****6.0****7.0****8.0** | BackgroundOrganisational StructureScope of the Food ServiceDemands on the Food ServiceRegulation Policy | 8891012 |
| **9.0** | Service Delivery |  12  |
| **10.0****11.0****12.0** | Premises ProfilePerformance Monitoring Priorities for 2023-24  | 2125 27 |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |

1. **Introduction**

Ensuring the safety of food for human consumption is a long-standing and important public-health role of the Council, delivered through the Environmental Health team.

The Council has a statutory obligation to conduct a range of food and feed enforcement functions in accordance with the provisions of the Food Safety Act 1990 and a range of regulations made under the Act. The Local Authority acts as the ‘Competent Food/Feed Authority’ as required by the Food Standards Agency (FSA), the national regulator for official food and feed controls.[[1]](#footnote-1)

Having regard to the legislative changes following exit from the European Union (EU), there have been additional functions and duties afforded to the Food/Feed Authority to oversee and enforce, in relation to maintaining the safety and integrity of the food and feed products entering and leaving the UK. Although much of the existing legislation has been temporarily retained, new legislation has been adopted to enable the continued exportation of food products of animal origin, and high-risk products not of animal origin, to the EU, as well as the trade between Great Britain and Northern Ireland. This has resulted in many new protocols and procedures.

The Food Standards Agency (FSA) is an independent Government Department responsible for overseeing and working to protect public health and consumers’ wider interests in relation to food in England, Wales and Northern Ireland. As part of the national food safety framework agreement, Codes of Practice (CoP) and supporting guidance for Competent Food/Feed Authorities, are issued to direct Competent Authorities on how to fulfil their obligations in respect of food and feed official controls[[2]](#footnote-2) .

The CoP require that the Council has in place a risk-based intervention programme for food hygiene, food standards and feed enforcement, adequate management systems and procedures for the investigation of food and feed safety incidents and complaints, for the inspection and sampling of foods, for investigation of cases of food-related infectious disease and control of outbreaks, and for the provision of advice and guidance to food and feed businesses.

The Framework Agreement requires the Council to effectively plan the delivery of its service and to have in place a service plan setting out how the official controls will be delivered with the four main goals of ensuring:

• Food is safe

• Food is what it says it is

• Consumers can make informed choices about what to eat

• Consumers have access to an affordable diet, now and in the future.

The Food & Feed Law Service Plan 2023 -24 demonstrates South Tyneside Council’s commitment to fulfil statutory obligations in an effective and proportionate manner, having regard to the resources available. Work is prioritised on a risk basis and in accordance with regulating bodies guidance on priorities which are updated annually,[[3]](#footnote-3) with inspections targeted at high risk and poor performing businesses, and alternative interventions used for low-risk businesses where possible. These interventions include questionnaires, sampling visits, monitoring checks and audits completed by other local authority services. The Environmental Health service will endeavour to engage competent and duly authorised contractors to undertake certain elements of the inspection programme, providing additional capacity to tackle the significant backlog in food safety interventions because of the pandemic.

This plan aligns with many of the current priorities defined in the Food Standards Agency’s (FSA) Strategy and Strategic Plan 2022 – 2027 ‘Food we can Trust’ -, which focusses on putting the interests of consumers first, and the principles of the Government’s ‘Better Regulation’ Agenda, having regard to the Regulators’ Code[[4]](#footnote-4) which regulators must follow when developing policies and procedures that guide their regulatory activities. This includes making best use of contacts the service has with local businesses in order to provide help and support, to promote an open and constructive relationship and to signpost to other support networks.

**2.0 Service Aims and Objectives**

**2.1 Aim**

The principal aim of the service is to maintain and where possible improve the health and wellbeing of residents, and visitors to South Tyneside by ensuring the safe production, processing, handling, storage, distribution and sale of food and feed in the borough and to deliver on the FSA’s main goals of ensuring food is what it says it is, enabling customers to make informed choices based on accurate and reliable information at the point of sale.

**2.2 Objectives**

* To meet the ‘standard’ set out in the FSA ‘Framework Agreement’.
* To ensure that food is safe to eat and free from extraneous matter.
* To contribute to a reduction in food-borne illness by improving food safety standards throughout the food chain
* To investigate all notified cases of food-borne illness and outbreaks of food poisoning, in order to minimise risk of spread, through education, advice and exclusion if required.
* To maintain an accurate register of food businesses in South Tyneside
* To carry out food hygiene inspections in accordance with the minimum inspection frequencies and to standards determined by the Food Standards Agency.
* To assess and determine all formal Approval applications of new and existing food establishments wishing to operate in the authority’s area, that are placing products of animal origin on the market and implement a series of risk-based interventions in accordance with the FSA ‘Food Law Code of Practice’.
* To keep accurate records of all food/feed safety enforcement activities and produce timely statutory returns as required by the FSA.
* To improve levels of compliance with food safety law within the business community, by targeting advice and enforcement to non-compliant businesses, and through the effective use of intelligence
* To encourage standards of hygiene higher than the minimum acceptable in law by aspiring to have all food premises reach a 4 or 5 rating.
* To provide consumers with information in respect of hygiene standards in food businesses across South Tyneside, thereby enabling them to make informed choices about where they purchase or eat their food.
* To improve food safety practices of businesses and consumer knowledge, through the delivery of educational and promotional activities and the provision of advice, guidance, and signposting to partner agencies.
* To promote honest and informative labelling of food to help consumers make informed choices regarding the food they eat.
* To support business growth.
* To proportionately enforce relevant legislation in accordance with the principles of ‘Better Regulation’ and having regard to South Tyneside’s Food and General Enforcement Policies.
* To respond to food hazards/incidents in accordance with FSA guidance
* To implement the FSA Food Hygiene Rating Scheme for Borough-wide score ratings based on hygiene standards and adopt the Brand standard guidance governing the protocols.
* To support regulatory compliance of food-based delivery services within the Council by offering support and direction as necessary

**2.3 Council Objectives and Plans**

South Tyneside Council’s Vision is:

Our South Tyneside – a place where people live healthy, happy, and fulfilled lives.

The Vision is based on five core ‘Ambitions’ which provide focus to help deliver the Vision over the next 20 years. These five Ambitions will guide everything we do.

We want all people in South Tyneside to be:

* Financially secure
* Healthy and well
* Connected to jobs
* Part of strong communities

And we want to support our residents by:

* Targeting support to make things fairer

The South Tyneside Strategy sets out what we will do, working closely with our residents and partners, over the next three years, to contribute to the delivery of our 20 Year Vision and Ambitions.

This includes a clear set of priorities and a h9gh-level action plan for each of the five ambitions.

Delivery of the Food and Feed Law Service Plan 2023-24 supports the Council’s ambitions by focusing on the following Council priorities in particular:

**Healthy and Well**

Priorities: Enable and Inspire our residents to live healthier lives. Ensure our communities can live safe from harm and access specialist support if they need it. Empower our residents with choice and independence to live longer, healthier lives in their homes and communities.

We do this by:

* Inspecting food/feed premises in accordance with Food/Feed Law Codes of Practice and guidance.
* Promoting the use of ‘Safer Food Better Business’ in all food premises.
* Inspecting and sampling food/feed and water to ensure its quality and safety.
* Investigating complaints about food and food premises.
* Investigating reported cases of food poisoning and taking action to prevent the spread of infection.
* Taking appropriate action in response to food incidents
* Promoting key food safety messages (e.g. allergens), through a variety of media, from posting videos and streaming information on the Council’s social media and networking platforms to providing support and links via the Commercial Food and Safety team’s dedicated Council webpages.

**Connected to Jobs**

**Priority: Open up opportunities for business growth and job creation**

We do this by:

* Working with new businesses and event organisers to ensure that they understand and meet their statutory responsibilities before they begin to operate.
* Targeting training on key food safety matters to high-risk businesses.
* Providing food hygiene guidance in languages other than English as required.
* Working with new food business operators to help them understand and meet legal standards.
* Offering advice and guidance as part of routine inspections.
* Providing on-site advisory meetings for Food Business Operators.
* Providing Food Hygiene Rating Scheme (FHRS) rerating visits for Food Business Operators.
* Promoting business achievement through the Council’s website (Food Hygiene Rating Scheme).
* Establishing informal agreements with local businesses who export products of animal origin, to support them in their export trading arrangements following an increase in documentary and regulatory requirements thereby enabling them to maintain trade links with Europe (Export Health Certificates/Attestations).
* Supporting local businesses who export products containing products of animal origin through the issuing of Export Health Certificates to confirm they meet the import requirements of other non-European countries.

The Council’s priorities underpin the work of the Commercial Food and Safety team and the data, intelligence and insight obtained from consumers and businesses, whilst undertaking regulatory functions, helps to inform future workplans and to target proactive interventions with businesses.

**4.0 Background**

**Profile of South Tyneside**

South Tyneside is a place with a rich cultural heritage, spectacular scenery and a strong community spirit.

The borough includes the towns of South Shields, Hebburn and Jarrow and the villages of Boldon, Cleadon and Whitburn, sitting within the Tyne and Wear conurbation with the River Tyne boundary to the North and North Sea to the East. Further information on local health profiles can be viewed at <https://www.localhealth.org.uk/#c=home>.

**5.0 Organisational Structure**

The Commercial Food and Safety Team sits within the Council’s Environmental Health Service. All officers are directly managed by the Lead Food Officer currently, reporting to the Service Lead-Environmental Health. The Service Lead, Environmental Health reports to the Council’s Head of Environment.

|  |  |
| --- | --- |
| Service Lead-Environmental Health (1 x FTE) | Environmental Health Officer - responsible for overseeing all work within the team including target setting, monitoring, performance, training, and development. |
| Operations Manager-Commercial Food and Safety (0.73 x FTE)  | Environmental Health Officer/Lead Food Officer - responsible for service planning on food/feed hygiene, health & safety, officer competency and quality control requirements. |
| Environmental Health Officer (1 x FTE) | Responsible for the full range of food safety duties and other statutory functions allocated to the team. |
| Environmental Health Officer (0.6 FTE) | Responsible for a range of food safety duties and other statutory functions. |
| Technical Officers (Food Safety) (2 x FTE)  | Undertake a full range of food safety enforcement duties.  |
| Environmental Health Officer (0.5 FTE) | Responsible for enforcement of health and safety and animal health, plus a nominal number of food safety inspections to retain food hygiene competency.  |
| Food Safety Officer/Regulatory Officer (1 FTE) | Responsible for programmed and reactive food and water sampling – located within the Commercial Food and Safety Team. |

**6.0 Scope of the Food Service**

The Food Service is responsible for all aspects of food hygiene and safety and infectious disease control. Responsibilities include:

* Food hygiene and Food Standards inspections and other interventions in accordance with the Food Law Code of Practice.
* Approval and inspection of food businesses handling food of animal origin covered by retained regulation (EC) No 853/2004.
* Maintaining a register of food business establishments.
* Investigation of complaints about food and hygiene at food premises
* Microbiological food and environmental sampling.
* Food sampling for compositional and labelling conformity.
* Investigation of complaints concerning labelling, allergen information and composition of food.
* Investigation and control of sporadic cases of food poisoning and food-borne disease and other relevant infections including the investigation and control of food poisoning outbreaks.
* Imported food control, sampling, and enforcement.
* Issue of Export Health Certificates/Attestations.
* Response to Food alerts (food hazard warnings/incidents) as required.
* Promotion of ‘Safer Food Better Business’.
* Promotion and operation of the National Food Hygiene Rating scheme.
* Examination and response to planning and licensing applications and Safety Advisory Group (SAG) consultations in relation to food premises and related food-safety activities in the Borough.

The official controls relating to feed functions, responsibilities and duties are delivered by a range of officers within the Council’s regulatory services, reporting to the Lead Feed Officer in Trading Standards. Responsibilities include:

* Feed inspections and other interventions in accordance with the Feed Law Code of Practice.
* Approval and inspection of feed businesses handling food for feed animals and pets, as well as those businesses selling, processing, and handling feed material for feed-producing animals.
* Maintaining a register of feed business establishments for which official interventions are required.
* Investigation of complaints about feed and hygiene at feed premises
* Microbiological feed and environmental sampling.
* Feed sampling for compositional and labelling conformity.
* Investigation of complaints concerning labelling and composition of feed.
* Official controls at the Port for imported feed material and products; sampling and enforcement.

**Areas of added value include:**

* Food Safety training and advice to support our local existing food businesses, new and proposed food businesses, and consumers on food safety matters where there is a recognised benefit of improvement in compliance with regulatory standards.
* Promotional and educational activities and initiatives based around food safety, food hygiene and food standards as led by the FSA or as part of regional initiatives or topic-based work, where a need has been identified.

As part of the provision of a complete service the team works in conjunction with the following partner organisations:

* UK Health Security Agency (UKHSA) – provision of Food, Water and Environmental Microbiology Services to Local Authorities

Food, Water and Environmental Microbiology Laboratory, York

York Biotech Campus

Block 10, Sand Hutton

York YO41 1LZ

* The Council’s Appointed Public Analyst (Public Analyst Scientific Services) for the examination of food and feed samples and associated labelling and compositional testing

Public Analyst Scientific Services

 i54 Business Park, Valiant Way

 Wolverhampton, WV9 5GB

* The Animal Health and Plant Agency in Carlisle for queries relating to import/export trading arrangements.
* UK Health Security Agency for Infectious Disease and Food poisoning notifications

North-East Health Protection Team,

Floor 1,

Newcastle Civic Centre,

Barras Bridge

Newcastle upon Tyne

NE1 8QH.

**7.0 Demands on the Food Service**

On 1 April 2023 there were 1116 food premises in South Tyneside in the inspection programme. The number of each type of food business is as follows:

|  |  |
| --- | --- |
| Type of Food Business | Total Number of premises in Category |
| Producers | 5 |
| Manufacturers and Packers | 12 |
| Importers / Exporters | 3 |
| Distributors / Transporters | 12 |
| Retailers | 287 |
| Restaurants / Caterers | 732 |
| Awaiting Designation | 65 |
| TOTAL | 1116 |

Of these 1116 premises registered in accordance with Regulation (EC) 852/2004, 6 are approved in accordance with Regulation (EC) 853/2004, 5 by South Tyneside Council and 1 is approved specifically by the FSA.

There are several major food processors in the borough, including meat products and preparations manufacturers, fish products, a ready meal manufacturer, and a cold store.

Most food businesses are involved in catering and have commercial premises from which they trade. But increasingly many businesses in the retail and catering sectors are moving to domestic and on-line services. This means that many of these businesses, which are subject to the same regulatory compliance rules and checks, require greater resource to track and monitor such activities.

Dark kitchens, which are businesses operating under the radar of Food Authorities from domestic premises and non-registered food premises, continue to be a high- risk concern. Any complaints or intelligence identifying the existence of such premises are given high priority for intervention.

Ghost businesses trading under a variety of different names are also regulated effectively by maintaining the M3 database and retaining a single registration and property index for all the trader names.

**7.1 Service Delivery**

The Environmental Health Service is based at South Shields Town Hall. The reception is open from 10.00 am to 3.00 pm Monday to Friday for public access but service requests and office-based duties are routinely conducted between 9am and 5pm. Many visits are made outside these times, including weekends, as determined by the needs of the service and the trading hours of particular food businesses as required under the Codes of Practice.

In view of the large size of the borough, officers will carry out site visits to take receipt of complaints and to fulfil service requests as necessary.

Out of hours contact is through a 24-hour call centre provided by the Council, issues requiring urgent attention are passed to designated officers for assessment and action as appropriate.

**7.2 External Factors**

Approximately 0.4% of the population in South Tyneside (based on 2011 census figures) do not have English as their first language or speak English at all and there is a significant contingent of Chinese, Turkish, Polish, Bengali, Bangladeshi and Thai Food Business Operators (FBOs) in the Borough. The service will work with all FBOs to help them comply with food hygiene law, including the provision of guidance interpreted into several languages, the provision of interpreters and facilitating local courses which have been delivered in several different languages.

In particular, the service continues to offer specific Allergen, colourings in food and cross-contamination advisory sessions to the Bengali and Bangladeshi communities to further support compliance with existing and new regulations in this respect.

Officers are kept abreast of emerging food and feed safety risks of imported food using new monitoring software (Risk Likelihood Dashboard), through inland imported food checks during routine inspections and as part of the regional food and feed sampling programmes.

Seasonal or occasional food premises inspections include:

* Premises associated with tourism, such as caravan sites, ice cream sales and Bed & Breakfast establishments.
* Farmers markets and food festivals
* Great North Run
* Local events using mobile food traders that are registered outside the Borough.

**8.0 Regulation Policy**

South Tyneside Council fully supports the approach to good enforcement practice outlined in the Regulators’ Code, that came into effect on 6 April 2014 under the Legislative and Regulatory Reform Act 2006. The Council’s over-arching Enforcement Policy aims to deliver improved regulatory outcomes, particularly those related to health, safety, crime reduction, anti-social behaviour, environmental protection, and economic vitality, whilst reducing unnecessary burdens on compliant businesses. A specific Food Law Enforcement Policy is to be reviewed and updated in 2023-24 and will reinforce an enforcement approach that acknowledges risk and receptiveness to compliance.

The Service is currently ensuring that appropriate arrangements are in place for implementation and enforcement of elements of the new Food (Promotion and Placement) (England) Regulations 2021 from October 2023, restricting products by volume. The Regulatory Enforcement and Sanctions Act 2008 provides for a system of ‘civil sanctions’ in respect of ‘relevant offences.’ These new regulations make provision for the use of financial penalties as a means of enforcement and to discharge breaches, in lieu of prosecution. The use of civil sanctions will be addressed as part of the Food Enforcement Policy review.

**9.0 Service Delivery**

**9.1 Food Premises Interventions**

At inspection, businesses are rated in respect of current adherence to food hygiene and food standards requirements. The Council uses the Food Hygiene Intervention Rating Scheme as detailed in the Brand Standard[[5]](#footnote-5) for the National Food Hygiene Rating Scheme and the Food Law Code of Practice to calculate risk and future inspection frequency.

This ensures that all premises are inspected at an appropriate minimum interval determined by their individual risk rating. This is based on the nature of food handling undertaken, the level of compliance with legal requirements and confidence in food safety management systems. This frequency varies from 6 monthly to three years depending on the assessed risk category:

|  |  |
| --- | --- |
| **Risk Category** | **Frequency of Inspection** |
| **A** | **6 months** |
| **B** | **12 months** |
| **C** | **18 months** |
| **D** | **2 years** |
| **E** | **Alternative inspection strategy or every 3 years** |

The Food Hygiene Rating Scheme (FHRS) is operated for the benefit of the public purchasing food from premises in South Tyneside to enable them to make an informed choice based on the standard of hygiene.

Ratings of businesses within the scope of the scheme and registered in South Tyneside are given both a risk rating for inspection frequency and an FHRS rating. The inspection frequency rating is managed via the Environmental Health Information Management system (M3PP) electronic database and from this the FHRS ratings are uploaded every 7-14 days onto the National Food Hygiene Rating database which is managed and overseen by the FSA as part of their scheme.[[6]](#footnote-6)

Food Premises inspections are carried out according to the Food Standards Agency’s Code of Practice. A range of interventions are available to fulfil the competent authority’s official controls obligations. The type of intervention depends on the risk category of the food business and is tailored to ensure an adequate assessment of the ongoing risk to food safety, by a competent officer authorised to carry out such assessment. The CoP includes an option to conduct alternative interventions for lower risk premises, verification and surveillance checks as well as non-official interventions such as survey visits or advisory visits.

Self-assessment questionnaires for Category E rated premises are used by South Tyneside Council for very low risk rated food businesses to monitor and gauge food risk activity and to determine whether the business needs to go back into the physical inspection programme.

Authorised Food Officers carry out verification visits as an alternative to an official control inspection for compliant C’s and D rated premises. This approach enables staff resources to be diverted to those higher risk premises not achieving good standards.

For 2023-24, audit based official control inspections for compliant higher risk premises will be trialled. The effectiveness of this approach in improving business compliance with the requirement to have in place a documented food safety management system, will be assessed on the next intervention. If successful it will form part of the Council’s official control intervention strategy.

Where low-risk premises, who are in scope to receive a questionnaire-based alternative intervention, fail to return it, or where a complaint or intelligence suggests food safety concerns are not being adequately controlled on site, then a physical visit or official control inspection will be carried out.

The Environmental Health Information Management system (M3PP) is maintained to manage all food and feed premises records, all inspections, and other related activities. It is anticipated that the new software system (Assure) will be brought on-line within the next 12 months to provide more functionality to better facilitate customer interaction with the service. The team is committed to the ongoing development of the council’s website to further improve communication with food businesses and the public.

The team aims to undertake interventions within 28 days of the due date for Category A-C rated premises, 56 days for Category D premises and 28 days following notification of a new business operation. However, recent circumstances brought about by the Covid-19 pandemic has meant that it has not been possible to achieve the interventions planned, creating a significant backlog. The FSA produced a roadmap plan[[7]](#footnote-7) of priority workloads for Competent Authorities to assist local authorities to focus and target delivery of official controls during 2021-2022 and 2022- 2023.

**Table of Official Intervention Inspections undertaken in accordance with the FSA’s Priority Roadmap for 2022-23**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Number of inspections due**  | **April to June 22** |  **July to Sept 22** | **Oct 22 to March 23** | **Completed** |
| New Businesses | **82**  | **36** | **72** | **88** |
| Category B Rated | **22** | **4** | **9** | **29 (4 closed 2 moved to another category)** |
| Category C non-compliant | **3**  | **4** | **5** | **9 (1 closed, 2 moved to another category)** |
| Category D non-compliant | **0** | **0** | **0** | **N/A** |
| Category C  | **17** | **39** | **53** | **120 including new ones that fell into the programme during the year** |

The FSA’s Pandemic Roadmap has now been officially withdrawn and the Food Standards Agency has imposed a ‘back to business as usual’ approach to the inspection programmes, requesting Food Authorities to review and prioritise their programmed work, based on resources and risk, and to set local priorities to address workloads and backlog in their service plans.

Consequently the following table highlights the inspection programme for 2023-24 which includes the backlog.

|  |  |  |  |
| --- | --- | --- | --- |
| **Category of Food Business Rating** | **Premises Requiring an Intervention April to March 2024** | **Businesses which are currently non-compliant** | **Premises prioritised for an intervention in 2023-24** |
| Category A | **0** | **0** |  |
| Category B | **40** | **7** | **40** |
| Category C | **127** | **12** | **127** |
| Category D  | **280** | **2** | **100** |
| Category E  | **211** | **0** | **44 Pubs/clubs inspections and 100 AEQs** |
| New businesses overdue as at 1.4.23 | **65** | **-** | **65** |
| Estimated new businesses/change of ownership 2023-24 | **120**  | **21** | **60**  |

**9.2 Enforcement Action to secure compliance**

Food businesses that fail to comply with significant statutory requirements are subject to secondary inspections and appropriate enforcement action in line with the Food Law Enforcement Policy and the General Enforcement Policy. This can include the service of Hygiene Improvement Notices where, for example, work detailed on a previous report has not been completed, or if serious concerns about food safety are identified during an inspection. Where conditions or practices pose an imminent risk to health, on the spot action may be taken, including immediate closure of the premises by the service of a Hygiene Emergency Prohibition Notice.

**9.3 Inspection of Specialised (Approved) Premises**

These will be undertaken by appropriately trained and authorised officers in accordance with the Food Law, Code of Practice (England) June 2023[[8]](#footnote-8). Currently the Lead Food Officer and one Environmental Health Officer are authorised to fulfil the statutory functions afforded to these food businesses. Any feed businesses requiring approval will be subject to the same under the direction of the Lead Feed Officer in Trading Standards.

**9.4 Food Complaints**

Officers assess all complaints received in respect of food produced, stored, distributed, or sold in the South Tyneside area, including contamination, fitness and durability, as well as food hygiene complaints and reported cases of food poisoning. Feed complaints are managed by the Lead Feed Officer in Trading Standards and allocated to appropriately trained and authorised food officers.

The council operates an intelligence-led approach to enforcement and all complaints will be considered on a case-by-case basis. Relevant intelligence is uploaded on to the IDB Intelligence Database to disseminate information to other enforcement agencies and bodies who oversee regulatory functions in other food related fields, trans-border and internationally.

Localised food safety incidents that come to light may have more far-reaching consequences and are reported to the FSA’s National Food Crime Unit[[9]](#footnote-9) or to the local NFCU Representative. Matters for further action will be investigated in accordance with work instructions and, where appropriate, the Council’s Enforcement Policy.

Investigations are usually made in consultation with the local authority with responsibility for the company concerned, the Primary Authority for the national food chain where applicable[[10]](#footnote-10), or the manufacturing premises where the problem may have originated. This approach is intended to ensure that all parties are kept informed, any ‘due diligence’ defence is identified and that any further action taken is based on investigation findings and information received.

Complaints and requests for service have reverted to pre-pandemic levels. 233 service requests were received in 2022-23, compared to 210 in 2020/21 and 211 in 2019/20.

There has been a significant churn in new business registrations in 2022-23, the result of more frequent changes in ownership in the food sector, post-pandemic. These functions will continue to be met within existing resources.

**9.5 Home and Primary Authority Schemes**

The Council is committed to developing good relationships with food businesses in the area and where appropriate establishing Home or Primary Authority Partnership agreements. Although there are currently no formal agreements in place the Council does operate an informal home authority arrangement with a large multi chain retail/catering business whose manufacturing site is in the Borough.

The Council recognises the importance and benefits to all parties and will actively seek opportunities to develop effective partnership agreements as they arise. The Council is also mindful of the potential impact on resources from this work and will endeavour to recover any additional costs through the permitted charging regime.

Officers regularly check the Better Regulation Delivery Office database of existing Primary Authority Partnerships and have regard to any inspection or sampling plans for premises operating in South Tyneside for which they have a duty to consult.

Officers contact the appropriate regulatory authority when considering enforcement action against food businesses outside of the Borough and food officers will also endeavour to meet requests from other local authorities for information or to support investigations in relation to food complaints arising from food produced in South Tyneside. Such matters will be fully investigated in partnership with the business concerned with a view to ascertaining the cause of the complaint and preventing a recurrence. Full reports are provided to the local authorities concerned.

**9.6 Food Safety Advice and Training**

The team provide advice and support to all food businesses, voluntary groups, charities, and members of the public. The service will target training on key food safety matters to specific groups within the food sector where a need has been identified. The service will also refer food businesses to appropriate training bodies to assist their staff to gain sufficient knowledge to achieve high standards of food hygiene at work, in the community and at home.

The Service regularly undertakes valuable work with food businesses in the borough to educate food business operators and food handlers on their obligations in respect of allergen labelling and controls. The service also aims to raise awareness and to provide suitable information to the public on this important subject. The service expects to continue to deliver this, and other priority food standards work into 2023-24, within existing service resource allocations.

**9.7 Food and Feed Sampling**

The Service operates a food/feed sampling and analysis programme to monitor food standards, both compositional and microbiological, in the local food/feed supply and will also assist with national surveillance programmes. The team will investigate food complaints made by the public as necessary and food may be examined or analysed, and action taken as appropriate with the producer or retailer.

**9.7.1 Informal Microbiological Sampling**

Programmed sampling is carried out to:

* determine the microbiological safety of food produced and sold in South Tyneside,
* determine trends in microbiological quality,
* to ascertain whether handling, processing and storage techniques are satisfactory and
* to determine the effectiveness of cleaning and disinfection.

Samples are taken in accordance with agreed sampling parameters under the direction of the testing laboratory and their operating protocols depending on the type of sample, the source of the sample and the conformance criteria to regulatory standards. The sampling programme, which is a live document, is reviewed annually depending on budget allocations and local and national intelligence. It encompasses two elements:

* The South Tyneside sampling programme which comprises the sampling of high-risk food from producers or caterers in the area.
* The ‘NE Regional Food Sampling Group’ under the direction of the North-East Food Liaison Group and UKHSA’s Laboratory in York, establishes a programme of targeted sampling carried out in conjunction with six other local authorities in the region - Newcastle, Northumberland, North Tyneside, Gateshead, Sunderland, and Durham. The regional programme is intelligence-led with sampling focused on environmental factors or food/feed of interest at a national level, for example, new or novel foods coming onto the market, concerns raised about infectious disease and plausible sources of infection, imported food of national interest, or emerging risks identified from the Rapid Alert System for Food and Feed. (a European electronic database set up to exchange information about serious risks detected in imported or exported food or feed and a useful intelligence tool to direct resource and attention)

All Microbiological food samples are collected and transported to York for examination by an appointed courier. All costs for this service are currently met from a UKHSA budget. All food and feed samples under-going analysis for non-microbiological contamination, are collected, and transported to the Metrology Laboratory in Gateshead, as a holding facility, for collection by the Public Analyst courier.

A compositional food and feed sampling budget has been allocated for 2023-24 to cover the cost of this service. Although previous years have seen a significant underspend of this budget, whilst staff were redirected to administrative functions targeting lower risk food business interventions, additional temporary resource has been obtained to backfill this administrative work temporarily, thus freeing up the sampling officer to undertake more sampling work. This has seen significant use of the 2022-23 budget, including focused sampling on allergens as part of a local enforcement project. A budget for permanent administrative support for the Team will feature in staffing growth proposals for 2024/25 and any opportunities to fund temporary arrangements in the interim will be fully explored. As a last resort staff may be redirected from sampling work to address backlogs in essential administrative functions. The costs for directed surveillance on specific feed sampling projects are generally funded by the North-East Trading Standards Association via government funding, freeing up the Council budget for local issues of concern. It is expected that the local project on allergen work will continue into 2023-24 with officers directed to undertake enforcement work where there are concerns of poor-performing businesses posing a risk to consumers.

The New Food Standards delivery model highlights allergen information for consumers as part of the risk rating and will therefore dictate inspection frequency based on compliance. Regulatory resource and staff capacity to fulfil the new inspection programme for food standards will be monitored over the coming months. Additional resource requirements will be presented as part of a service growth bid.

**9.7.2 Formal Examination and Analysis**

Formal food samples are collected by an Authorised Officer of the Council and submitted for formal examination by a Food Examiner provided by the UKHSA laboratory at York. The Food Examiner then provides a written report on microbiological safety and compliance with food safety guidelines.

Should the need arise, food/feed samples or items requiring formal analysis in respect of their compositional safety or because of suspected contamination/substitution from a non-microbiological source, may be sampled, taken, or seized by an Authorised Officer and sent for formal testing and examination by the Council’s appointed Public Analyst (PA). The PA also issues a report on their findings and confirms whether the sample conforms to legal parameters, directing the Food/Feed Officer’s next course of action. Informal and formal samples are taken and handled in accordance with the team’s work instructions.

**9.7.3 Water Samples**

Water samples of public and school swimming pools are collected in conjunction with South Tyneside Council’s Leisure services team. Private commercial pools, hydro-therapy baths and water and ice samples from approved premises are also subject to microbiological examination on a scheduled basis.

All the above sampling activities are met from within existing resources, with the cost of informal food sample analysis funded by a credit system operated by the UKHSA, York laboratory. South Tyneside’s current and consistent allocation is 10382 credits for 2023-24, with the cost of food, water and environmental samples ranging from 10-35 credits depending on the complexity of the test. 68 pool water quality and hydrotherapy samples were taken in 2022-23 and around 74 sample numbers are anticipated for the coming year as we look to return to pre-covid sampling frequencies of twice yearly per pool facility.

**9.8 Control and Investigation of Outbreaks and Cases of Food Related Infectious Disease**

The team work closely with the UK Health Security Agency, to investigate sporadic and linked cases of gastrointestinal illness and outbreaks.

In the event of sporadic cases this is usually achieved by completing telephone questionnaires with each case, requesting targeted information to identify the potential source of the infection, and providing advice to prevent further spread within the family household and through the community setting from employment contacts. This screening aims to identify potential outbreaks, helps to promote good hygiene practices, and enables analysis of information gained from the investigation.

Where telephone investigations are not feasible, officers carry out home visits or hospital visits to collect information from the case or close family.

Complex or potentially linked infections are investigated in association with neighbouring Local Authority officers where cases of infection cross local authority boundaries, and in conjunction with the Consultant in Communicable Disease Control/Consultant in Health Protection/Regional Epidemiologist/Unit Director at UKHSA, who act as the Council’s Proper Officer for the reporting, investigation and overseeing of notifiable diseases.

Outbreak investigations are carried out in accordance with the team’s work instructions, UKHSA’s Outbreak control guidelines for the specific disease and where appropriate the South of Tyne Outbreak Control Plan. Investigations of outbreaks can be extremely time consuming and take priority over other work.

Historical data indicates that typically 250 cases of gastrointestinal illness are formally notified to South Tyneside Council each year from laboratory test results. This figure was 253 for 2020/21, 279 for 2021/22 (including 212 Campylobacter infections) and 337 official infectious disease notifications in 2022/23 (including 236 Campylobacter infections and 12 Yersinia infections following enhanced screening at the laboratory during 2022-23).

**9.9 Food Safety Incidents**

All food safety incidents and food alerts for action, as notified by the FSA are actioned in accordance with standard operating procedures, and the Food Law Practical Guidance (England) issued March 2021.

The team maintain a dedicated mailbox to receive all such notifications; this is regularly monitored during the day. Food Alerts for action are treated as high priority and are responded to within 24 hours, with any required action given priority. Where action is required, this is usually carried out in conjunction with members of the North-East Food Liaison Group to ensure consistency.

This work continues to be met from within existing resources. It is anticipated that between 1-3 national food safety incidents occur each year, requiring officer intervention on a large scale to contain and manage product recall and withdrawal of food from various catering and/or retail outlets in the Borough. Again, such incidents will be managed within existing resources. In 2022-23, 141 visits were conducted to South Tyneside retailers because of a Salmonella risk in Kinder chocolate products.

**9.10 Liaison with Other Organisations**

South Tyneside Council is a member of the NE Food Liaison Group (NEFLG), which meets approximately 5 times a year and the North-East Trading Standards Group (NETSA) which meets 4 times a year. These groups provide a forum for the exchange of ideas and new initiatives and to develop a consistent approach to all aspects of food/feed law enforcement and service delivery, as well as the development of guidance and best practice. It also provides a vehicle for liaison with other agencies (such as North-East Trading Standards Intelligence Team, Food Standards Agency, the National Food Crime Unit, UKHSA) and other groups such as the National Food Liaison Group and sub-regional food sampling groups. The NEFLG and NETSA also maintain strong links to other regional county groups in the North of England and national groups.

The Council is also represented on the North-East Public Protection Partnership (NEPPP), which maintains a more strategic overview of public protection in the region.

**9.11 Food Safety Promotion and Non-Official Controls**

South Tyneside Council having adopted the National Food Hygiene Rating scheme in 2012, continues to promote the benefits of a rating of 3-5 to food business operators and the public, during programmed visits and through promotional activity.

The effectiveness of the scheme is evaluated through periodic monitoring of a proportion of premises in the higher rating bands and promotion of those food businesses in local advertising campaigns. Conversely poor performing food business are often highlighted in local news feeds and social media sites outside the control of the Council, which require validation and verification of data.

**9.12 Food Officer Competency**

The competency of authorised food officers and quality of work undertaken by the Commercial Food and Safety Team are subject to checks and audits in accordance with the Food Law Code of Practice. Interventions and recorded work of all inspection staff is regularly monitored to ensure conformance with standard operating procedures and Food Law Guidance. Only staff deemed competent and subsequently authorised to undertake official controls are allocated these tasks.

New staff, or those that have been absent for a specific period are subject to supervision until deemed competent. The same applies to duly authorised consultants brought in to deliver aspects of the inspection programme. Competence criteria and additional training needs to ensure staff compliance with the Food Law Code of Practice will continue to be assessed by the Lead Food Officer, who will monitor the staffing requirements necessary to deliver the food law service plan and meet the official control duties laid out in the Food Law Code of Practice.

In-house training sessions, consistency, and peer review exercises, together with 1-2-1 management meetings, provide support and direction to staff on service delivery, and ensures consistency of approach for businesses and customers across the region. Additional formal training is carried out in conjunction with the North-East Food Liaison Group, North-East Public Protection Partnership, the Chartered Institute of Environmental Health and the FSA and their associated training providers. To maintain competency and deliver certain official food/feed controls in accordance with the Codes of Practice, a minimum 20 hours of continued professional development is required, annually, 10 of which must be in the specialist field of service delivery.

In-house training is also provided in relation to information technology, the various electronic databases used by the food/feed team and the M3PP Environmental Health Information Management System, as necessary.

**9.13 Feed Officer Competency**

Training in essential core competencies is maintained through in-house training and in conjunction with various regional partner agencies and external training providers, to ensure authorised officers meet the competency requirements as detailed in the Feed Law CoP.

Training for officers undertaking feed hygiene duties is primarily co-ordinated through the NETSA Animal Health Group for the region. This will continue throughout 2023/2024.

In addition, all feed hygiene enforcement officers have access to up-to-date reference material via dedicated websites, including Knowledge Hub forums and groups, Department for Food and Rural Affairs (DEFRA) and the FSA. All officers engaged in feeding stuffs enforcement complete their mandatory 10 hours CPD each year. Officers who have been absent for more than 3 years will be subject to training and supervision until deemed competent in both food and feed duties.

**10.0 Premises Profile**

**10.1 Number of Food Premises**

As of 31st March 2023, there were 1116 food premises on the South Tyneside food database. The table below shows the number of food business in each premises category. The numbers in brackets relate to March 2022 for comparison.

|  |  |
| --- | --- |
| **Premises Category** | **Total number of premises in category** |
| Producers | (4) 5 |
| Manufacturers/Packers | (13) 12 |
| Importers |  (3) 3  |
| Distributors |  (15) 12 |
| Retailers |  (295) 287 |
| Restaurants and Caterers |  (819) 732 |
| Unrated/New food business applications |  (87) 65 |
| Premises closed in previous year |  (68) 179 |
| **Total** | **(1307) 1116**  |

At 31st March 2023, the breakdown of food businesses, by category in the area was as follows:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Risk rating**  | **Premises category** | **Premises Score** | **Frequency of Inspection** | **Total number of premises in Category** |
| A | High | 92 or higher | 6 months | 1. 0
 |
| B | High | 72 to 91 | 12 months | (33) 40 |
| C | High | 52 to 71 | 18 months | (261) 184 |
| D | Low | 31 to 51 | 24 months | (389) 373 |
| E | Low | 0 to 30 | Alternative interventions (36 months) | (482) 453 |
| Unrated | Other |  | New premises within 28 days of registration | (141) 65 |
| Outside Programme | Other |  |  | (1) 1 |
| **Total** |  |  |  | **(1307) 1116** |

Data cleansing exercises and targeted administrative interventions over 2022-23 have found nearly 200 businesses closed either permanently or temporarily since the previous year. This will allow for better targeting of resources for next year’s inspection programme.

**10.2 Food Standards**

The FSA have also established a planned intervention inspection frequency for food standards related activities in food businesses, again based on the level of risk and compliance in relation to labelling/advertising and the nutritional and compositional contamination of food products. Interventions for high risk rated premises are limited to physical inspections only and lower risk rated premises may be subject to alternative interventions such as sampling or other targeted/project-based controls.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Priority** | **Premises category** | **Premises Score** | **Frequency of Inspection** | **Total number of premises in Category** |
| A | High | 92 or higher | 12 months | 0 |
| B | Medium | 72 to 91 | 24 months |  272 |
| C | Low | 52 to 71 | 60 months |  693 |
| Unrated |  |  | New premises within 28 days of registration |  151 |
| **Total** |  |  |  |  **1116** |

**10.3 Feed Premises**

Businesses (including primary producers) supplying, handling, selling, transporting and distributing feed products for food animals, are subject to inspection and official controls as defined in the FSA Feed Law Codes of Practice and associated guidance, in the same way as food for human consumption.[[11]](#footnote-11) Interventions and enforcement action are conducted in much the same way by authorised feed officers within the Commercial Food and Safety Team, under the direction of the Lead Feed Officer in the Trading Standards Team.

On 31st March 2023, the breakdown of feed businesses by category, in the area was as follows:

|  |  |
| --- | --- |
| **Business Type/Premises category** | **Total number of premises in Category** |
| R5 Marketing compound feed | 1 |
| R6 Manufacturing pet food  | 1 |
| R7 Manu. & marketing of feed materials | 9 (1 unrated) |
| R8 Transport | 1 |
| R9 Storage | 5 |
| R10/11 mixing on farm feed with additives | 0 |
| R12 co-products/by-products as feed materials | 0  |
| R13 Livestock farms no additives | 7 (1 unrated) |
| R14 Arable farms food/feed | 5 (2 unrated) |
| **Total** | **29** |

There are currently no feed businesses in South Tyneside subject to Approval controls for the operation of high-risk feed activities. Based on revisions to the Feed Codes of Practice risk rating and inspection programme, those lower risk rated feed businesses falling into the R13 and R14 categories, that are current members of a recognised assurance scheme, are subject to the national targeted monitoring strategy (NTMS). This means that only a percentage of these inspections are required each year based on the proportion of total premises numbers within these categories in the Borough.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Priority** | **Premises category risk** | **Premises Score** | **Frequency of Inspection** | **Total number of premises in Category** |
| A | High | 147 -200 | 12 months | 0 |
| B | High | 122 to 146 | 24 months\* | 0 |
| C | Satisfactory | 106 to 121 | 36 months\* | 0 |
| D | Low | 85 to 105 | 48 months \* | 2 |
| E | Low | 0 to 84 | 60 months\*\* | 23 |
| Unrated | Other |  |  | 4 |
| **Total** |  |  |  | **29**  |

\*except where Type 1 earned recognition applies

\*\* except where Type 1, Type 2 earned recognition or NTMS applies

Feed inspections and sampling are carried out in conjunction with the national feed surveillance programmes based on priorities identified nationally, emerging risks and intelligence from a variety of sources. Funding for much of the feed inspection programme is supplemented through the North-East Trading Standards Association and central government funding.

Currently there are 9 crop farms registered with Type 1 recognised assurance schemes within the Borough and 1 livestock farm. Based on the numbers of feed businesses, the priorities of the feed inspection programme in accordance with the Feed Law Codes of Practice, and regional surveillance recommendations, approximately 6 premises are subject to routine official feed inspections/interventions each year.

Food Import Official controls fall to the Port Health Authority to manage and oversee in accordance with the Official Food and Feed Control Regulations. These are managed by Tyne Port Health Authority under the direction of North Tyneside Council.

Inland imported food and feed controls fall to the Authority within whose boundary the food/feed resides when subject to the official control. In the case of Imported Feed coming into the Port of Tyne, the responsibility for official controls rests with the riparian port Authority, which in this case is South Tyneside.

Regular check ins are conducted with the Port’s Head of Operations to assess future intentions regarding feed import plans. Incoming ship manifests (forwarded from the shipping agents) are regularly monitored, to check container consignments of feed and potential feed material coming into the Port. No known feed imports requiring official controls have been identified in the last 36 months and therefore there has not been a need for more directed resource to officiate the necessary feed controls. As a result the service has reverted to importer shipping manifest checks alone as a means of monitoring activity, rather than a combination of both manifest and Destin8 checks (a costed maritime cargo processing electronic database), to assess the nature and volume of imported feed materials/products.

**11.0 Performance Monitoring**

**11.1 Interventions at Food Establishments 2022/2023**

Food Hygiene Interventions undertaken in 2022/23 (by category of premises), in accordance with the FSA’s priority action plan for official control delivery during Covid lockdown and restrictions, against business risk rating category. The figures include all interventions, official and non-official controls, but do not include revisits, sampling visits, surveillance checks or electronic remote interventions or advisory visits.

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **A** | **B** | **C** | **D** | **E** | **Unrated** | **TOTAL** |
|  | 29 (15)  | 120 (101)  | 47 (87)  | 4 (22) 140 AEQs | 88 (110)  | 288 (335)  |

Figures in brackets relate to 2021-22 figures for comparison.

A number of businesses were closed during this period and had not reopened by the end of the accounting year. These businesses have been rolled over into next year’s inspection programme.

|  |  |  |  |
| --- | --- | --- | --- |
| Category | Number of Inspections due 2022/23 | Number of inspections undertaken | Percentage completion |
| **A** | **0 (0)** |  | **n/a** |
| **B** | **29 (27)** | **29 (15)** | **100% (56%)**  |
| **C** | **109 (141)** | **83 (104)** | **76% (74%)**  |
| **Total High Risk** | **138 (168)**  | **112 (119)**  | **81% (71%)**  |
| **D** | **54 due +142 backlog (276)**  | **47 (72)**  | **24% (26%)**  |
| **E** | **212 (392)** | **4 (60 AEQ)**  | **2% (15%)**  |

Figures in brackets relate to 2021-22 for comparison.

The FSA priorities for 2022-23 were delivery of official controls in relation to Approved premises and prioritisation of high-risk new business registration applications as well as a focus on those businesses already subject to formal enforcement intervention, and non-compliant, high-risk food premises.

Table showing compliance to FSA Priorities for 2022-23

|  |  |  |  |
| --- | --- | --- | --- |
| **Risk Category and FHRS rating high risk**  | **Number of businesses due an intervention in 2022/23** | **Number of inspections undertaken** | **Percentage completion** |
| **New business applications received (total)** | 140 | - | - |
| **New business applications classified high risk** | 88 | 88 | 100% |
| **A risk 0-2 rated** | 0  | 0  | n/a |
| **B risk 0-2 rated** | 7  | 7 (2 closed during year and remain closed) | 100% |
| **C risk 0-2 rated** | 10  | 10  | 100% |
| **D risk 0-2 rated** | 0  | 0  |  |

Figures include overdue inspections carried forward from previous years due to pandemic.

**11.2 Number of Revisits in 2022/23**

30 revisits were recorded for food hygiene and safety related matters, to check for compliance and to determine the need for more formal intervention.

**11.3 Requests for Service**

Requests for service include concerns regarding the condition of the premises, or food with microbiological or physical contamination. (Figures in brackets relate to service requests for 2021-22 for comparison purposes)

|  |  |  |
| --- | --- | --- |
| **Hygiene of Premises**  | **Food Complaints** | **Other Food Related Enquiries** |
| 59 (100)  | 75 (55)  | 110 (116)  |

**11.4 Enforcement Action (Premises) 2022/23**

|  |  |
| --- | --- |
| **Informal Warnings** | 110 |
| **Improvement Notices** | 6 |
| **Hygiene Emergency Prohibition Notices** | 0 |
| **Hygiene Emergency Prohibition Orders** | 0 |
| **Voluntary Closure** | 4 |
| **Seizure, Detention, Voluntary surrender of food** | 1 |
| **Simple Cautions** | 1 |
| **Prosecutions** | 1  |

Inspection letters and reports for high-risk premises, detailing a schedule of works to aid future compliance and to identify the non-conformities witnessed during the inspection, are generated for all food business operators following a full inspection. Business operators are given the opportunity to respond to the inspection report and to request further advice by returning an operator’s response form either in a prepaid envelope or electronically. This is considered an effective tool for communicating and improving the quality of the service.

Food standards interventions are generally conducted alongside the food hygiene inspection where businesses are due or overdue in the programme. Reduced staffing resource in recent years, compounded by an increased focus on the hygiene programme by regulators, has meant that there have been no significant inroads to reducing the backlog of overdue inspections. Additionally some food standards sampling intervention programmes that were planned for 2022-23, to address some of the backlog, were shelved awaiting direction from the FSA on the new Food Standards delivery programme and the direction of travel. The priority inspection programme for food standards will be reviewed once the FSA has rolled out the revised intervention frequency (anticipated September 2023). A renewed programme of targeted interventions will be mapped, considering existing resource and targeting the highest risk rated premises based on the new criteria.

**11.5 Interventions at Feed Establishments 2022/2023**

Feed Hygiene Interventions undertaken in 2022/23 (by category of premises) in accordance with the FSA’s feed intervention plan during Covid lockdown and restrictions, were as follows:

|  |  |  |  |
| --- | --- | --- | --- |
| **Business Type/Premises category** | **Number of Inspections due 2022/23** | **Number of inspections undertaken** | **Percentage of interventions completed** |
| **R06 – Pet Food Manufacturer** | 1 | 1 | 100% |
| **R07 – Feed material producer/ retailer**  | 2 | 2 | 100% |
| **R14 – arable farm growing/selling feed** | 1 | 1 | 100% |

**12.0 Priorities for 2023-24**

The cost of living and energy crises have compounded the effect of the covid pandemic, with many surviving small caterers and retailers struggling to open or remain viable during 2022-23. The food business landscape, including patterns of trading, have changed significantly, with increased potential for food fraud and the introduction of shortcuts in food safety processes. Many businesses have ceased to trade on a permanent basis, whilst others have stopped trading altogether or have adopted new business models, including providing takeaway and delivery services. Visits to premises and official interventions were directed to those categorised as high priority in line with the FSA’s roadmap to recovery post pandemic for 2022-23. This has led to a considerable backlog of lower risk food businesses falling into the inspection programme for 2023-24.

Indications suggest that previously categorised lower risk businesses may have deteriorated over time due to limited face to face interventions by Food Inspectors and less access to support/and hygiene awareness training during the pandemic.

The increase in the number of B risk rated food businesses in 2022 supports this presumption. It is likely therefore that greater officer intervention, resource and formal action will be required to deal with this developing trend. As a priority therefore, this service plan will continue to direct council resources to non-compliant or repeat poor performing food businesses. Target performance indicators have been established to monitor trends in compliance to help focus service delivery. These will be reported on regularly through 2023-24 to monitor hygiene and safety standards for consumers and residents of South Tyneside. The key performance indicators for the Commercial Food and Safety Team are:

**a. To report on percentage of A, B and non-compliant C and D rated food hygiene inspections for 2023-24 with a target rate of 100% achievement.**

**b. Food businesses that have been inspected and awarded a 0-2 hygiene rating to be subject to appropriate follow up enforcement action to secure improvements. Target rate of 100%**

**c. To report on the percentage of food businesses in South Tyneside achieving broad compliance against a baseline of 84.7% for 2021/22 and 91% for 2022/23, to assess improvements in compliance for 2023/24 and beyond.**

Over the course of the pandemic, the FSA requested feedback from Competent Authorities, in the form of a quarterly ‘temperature check’, focusing on their adherence to official controls and progress clearing the backlog of overdue food inspections, whilst maintaining focus on existing high priority work and demands. It is anticipated that quarterly reports will continue to be submitted until such time as the new Food Hygiene Delivery Model is rolled out in 2025-26, and the replacement for the Local Authority Enforcement Monitoring System (LAEMS), is implemented.

In the early stages of the pandemic, alternative non-official interventions were piloted with lower risk food businesses to try and assess the food safety risks associated with those food businesses that were still trading. Although Officers trialled these new approaches, they were found to be very cumbersome and time consuming due to IT challenges both in-house and with the business operators, and so many of these businesses remained within the inspection programme and were rolled over to the following year. Restricted access and changes to trading practices for some food businesses requiring official interventions has meant that although some programmed inspection work has continued throughout 2022-23, there has been a running backlog of inspections now carried forward to the 2023-24 programme.

As lockdown restrictions were lifted in 2021, many of the previously rated satisfactory compliant businesses, (which had not had the support and direction of food officer intervention in the 2021/22 inspection programme), demonstrated a deterioration in hygiene and safety standards. National shortages of competent food handlers in the industry, energy cost pressures and a lack of turnover have been compounded by the escalating costs of essential repairs and structural maintenance. This has resulted in a need for greater officer resource to address business compliance and unfortunately an increase in formal enforcement action.

It is hoped that over the next 3-4 years, in-roads to address the backlog of medium and lower risk rated businesses will be made, providing more accurate data on the overall social and economic impact of the last few years on the industry, and compliance rates across the Borough. Resources will then be targeted accordingly.

**Standard Priorities are as follows:**

* Ensure adequate arrangements are in place to deliver the Food Hygiene Inspection programme 2023-24, including targeted interventions to address the backlog of inspections carried forward from 2021-22 and 2022-23.
* Deliver the Food Inspection Programme for 2023-24 and include for the delivery of more risk-based, proportionate, targeted, and cost-effective Official Controls.
* Ensure adequate arrangements are in place to deliver the current Food Standards Inspection programme for 2023-24 based on FSA priorities and to provide an increased focus on food standards related enforcement activity based on the new Food Standards Delivery model. This will begin with clearing the backlog of unrated food standards inspections, bringing them in line with the new food standards intervention programme due to be rolled out by 2024-25.
* Ensure adequate arrangements are in place to deliver the Feed Inspection programme for 2023-24 and ensure staff are given sufficient instruction and training to meet the competency requirements to deliver the required feed official controls in South Tyneside and take appropriate enforcement action where necessary. Staff resource will be reviewed over 2023-24 to monitor staff capability to continue to fulfil these statutory functions. Succession planning arrangements for the current Lead Feed Officer are now in place, with the upskilling of an existing Fair-Trading Officer to a Trading Standards Officer, over the next 3-4 years. This post will ensure the agricultural competency requirements are met to take on the Lead Feed Officer Position when the existing post holder retires.
* Staff will continue to maintain their competencies to provide Export Health Certification services for businesses exporting to third Countries. The ongoing training requirements/ assessment criteria afforded to Food Competent Certifying Officers to deliver Official Controls for the export of fish and egg products to Europe, will be kept under regular review against consideration of impact on other priorities for the Food service.
* To review and update all food related work instructions / policies following changes to legislation and operating practices (including the Food Enforcement Policy).
* To ensure implementation of the requirements of the FSA’s revised ‘Regulating our Futures’ programme to modernise food safety enforcement and ensure it is sustainable for the future.
* To adopt the additional requirements of the FSA competency framework and ensure sufficiently competent and authorised staff are maintained within the food team to deliver the required official controls in accordance with the Codes of Practice.
* To continue to monitor the resource provided to food Safety enforcement to ensure it is adequate to meet the demands of the service, including carrying out new food business interventions in a timely manner.
* To continue to provide effective food and feed registration interventions prioritising high-risk and non-compliant premises.
* To continue to carry out follow-up interventions to 0, 1 and 2 food hygiene rated premises to secure improvements.
* Supported by an updated Food Enforcement Policy, to continue to use the full range of enforcement tools available to protect the safety, health and welfare of visitors, residents, and workers within the borough and to support compliant businesses.
* To continue to participate in the National Food Hygiene Rating Scheme
* Improve ‘self-help’ information available to businesses/public.
* Sampling food, water, and environmental conditions in accordance with the agreed NE Food Liaison Group / UKHSA sampling programmes.
* Investigate notifications of infectious disease / suspected outbreaks as appropriate.
* Continue working with businesses to promote understanding of requirements of the Food Information Regulations 2014.
* Maintaining provision of food safety training and advice for targeted food businesses on key food safety matters, including allergens.
* Greater targeting of enforcement at higher risk businesses and those persistently failing to comply.
* Providing more information to consumers on food safety standards and food premises (e.g. Food Hygiene Rating Scheme)

**Additional priorities for 2023-24**

* To increase emphasis on inland imported food standards checks and sampling of imported food to improve intelligence and better future targeting of risk-based inspections.
* To re-prioritise delivery of the official controls for the food hygiene and standards inspection programme to ensure they are targeted where they add greatest value in providing safeguards for consumers, and where the focus is on securing compliance in persistently non-compliant businesses.
* To implement a more risk-based, intelligence-driven delivery model for food standards from September 2023 and update the Management Information System (MIS) to reflect the revised risk ratings for businesses.
* To ensure better use of the Intelligence Database to further inform and direct official control interventions and provide useful intelligence to other agencies for action.
* To maintain enhanced monitoring of imported feed activity through the Port to assess the need for more official controls and subsequent intervention.
* To review service delivery processes and utilise the range of existing and new official controls interventions to better manage the service’s resource. For example, increasing the use of ‘Alternative Enforcement Strategies’, remote intervention strategies, and non-official controls such as environmental sampling and spot checks on core food safety hazards in sector specific premises, for lower risk rated businesses.
* To adopt, implement and maintain the Food Standards Agency’s new competency framework and ensure staff are trained and authorised according to the new requirements.
* To review and consider changes needed to the Environmental Health Information Database M3PP/Assure to maintain and deliver the new official intervention programme for food standards due to be rolled out nationally in April 2025.
* To maintain the Environmental Health Information Database M3PP/Assure to ensure reliable and accurate statistical records are provided for freedom of information requests, data returns to enforcement/ reporting agencies and to internal departments, on the activities of the food/feed law service.
* To consider additional information gathering to better inform the service of changes in business activities in the Borough and the changing nature of some business operations following the pandemic. Conduct database checks of new importers based in South Tyneside, social media monitoring to identify new home caterers, on-line sales and food brokering and engage with other stakeholders, such as the National Food Crime Unit’s North-East representative, to target businesses/sectors looking to exploit food/feed fraud opportunities.
* To upgrade the existing Environmental Health Information Database’s M3PP/Assure food functionality to enhance customer service. Some additional resource has been acquired on a temporary basis, with costs met from within the wider Environmental Health Team.

 **12.1.1 Programmed Interventions 2023-24**

During 2023-24 the following programmed interventions are anticipated:

|  |  |  |
| --- | --- | --- |
| **Risk Category** | **Number of Interventions required in CoP** | **Number of interventions anticipated** |
| **A** | 0 | 0 |
| **B** | 40 | 40 |
| **C** | 137 | 137 |
| **D** | 268  | 134 |
| **E** | 318  | 44  |
| **Unrated new businesses as at 31.3.23 carried over** | 67 | 67 |
| **Total Due** | **507** | **422** |

In addition, it is anticipated that the Service will receive approximately 120 new or amended Food Premises Registrations in 2023-24, because of changes to ownership and new businesses opening. The team aim to assess/inspect these businesses within 28 days of receiving the application, or 56 days in the case of low-risk activities.

It is estimated that at least 40-50 revisits will be required during 2023-24 based on previous years’ activity and approximately 5-10 food hygiene re-rating requests.

Visits will also be carried out following receipt of complaints from the public. In 2022-23, 244 service requests were received relating to food premises and feed handling matters. It is expected that a similar number of service requests will be received in 2023-24.

Demand in the form of requests for advice, is likely to remain stable in the current year. Business support for new and existing businesses, sign posting, and targeted advice is provided free, electronically. Businesses requesting a more detailed consultancy service can book an advisory visit, which is a paid for service. This can cover a range of food safety/hygiene related matters including building design, as well as nutritional/ labelling/compositional standards.

Routine food safety interventions are used as an opportunity to raise awareness of health issues in relation to food in order to promote healthier food choices and locally sourced food. During 2022-23, the Commercial Food and Safety Team participated in a pilot study of state-maintained school food provision and their adherence to the Government’s School Food Standards policy objectives. This project is a joint initiative between the FSA and the Department for Education, looking at discrepancies between schools in respect of standards compliance and considering suitable intervention strategies to regulate and encourage uptake of more locally sustainable food supply chains, whilst providing nutritious and healthy daily meals within budget. Outcomes of the local project work undertaken by the Service, will help shape the Healthy Schools Award criteria in South Tyneside and inform other public health intervention work in this area. This project is expected to continue into 2023-24 with an estimated 10-15 schools requiring enhanced inspections as a result.

Different regulatory approaches are being considered in line with the CoPs and the Food Standard Agency’s drive to adopt a range of remote and official interventions to assess business compliance. The Hygiene Inspection programme for 2023-24 will incorporate audits as official interventions with the sole aim of targeting focused inspection on the food safety management system. This will redirect food business operators back to the fundamental building blocks of business compliance, namely addressing critical food safety hazards within their business. The complexity of this legal requirement makes it hard for business to fully comply so targeting interventions specifically in this area should help to drive up standards in those businesses that are borderline non-compliant.

It has been some 15 years since ‘Safer Food Better Business’ was implemented as a means of assisting business compliance with legal obligations in relation to HACCP- (a complex set of food safety requirements) and remains the most effective tool for smaller and lower risk catering operations to demonstrate due diligence in this respect. Officers will trial Audit inspections on current higher risk catering establishments, risk rated 4 and above, to see if this new approach delivers a better compliance rate and more effective engagement with businesses on managing critical food safety controls. This will be of particular interest to those food businesses offering allergen free meals who are required to undertake specific HACCPs in respect of allergen hazards.

Additionally the Council’s allergen enforcement policy remains a key priority for 2023-24 with more business support to be offered to food business operators on a one-to-one basis, via the team’s dedicated Regulatory Officer, as part of the staged approach to enforcement. This service will be kept under constant review to ensure it is an effective use of resources and is supporting those using the service to achieve meaningful compliance rates.

**12.1.2 Programmed Feed Interventions 2023-24**

The FSA, working in conjunction with the Trading Standards Institute, coordinates a national project to deliver a feed intervention programme. As part of a collaborative approach, the North-East Trading Standards Association (NETSA) has been awarded funding to deliver interventions to priority feed premises for 2023/24 through collaborative working. South Tyneside’s share of the funding is approximately £1500 and is to be used for the purposes of targeted intervention visits. This work will be undertaken at a mix of farm and non-farm premises. Non-farm premises include supermarkets that provide surplus food into the feed chain and a business which transports feed and feed products.

|  |  |
| --- | --- |
| **Business Type/Premise category** | **Number of Inspections due 2023/24** |
| **R07 (surplus food)** | 1 |
| **R09 (Stores)** | 2 |
| **R13 (livestock farms)** | 2 |
| **R14 (arable farm)** | 1 |

Quarterly visits to the Port are also being reviewed in light of the new Border Control Post in North Tyneside, and an informal agreement has been established which will ensure that all feed imports through the port are initially actioned by Port Health as part of the ‘Import of products, animals, food and feed system’ (IPAFFS) pre-notification process, before referring to South Tyneside for official intervention when necessary. Currently the ship manifests are still subject to regular monitoring by Food and Trading Standards Officers to assess container imports of feed. No consignments were identified in 2022-23, indicating that this Port is unlikely to become a significant Port for this material such that there would be a need to upscale the staffing resource for Official Feed controls in this area.

Quarterly visits to the Port are no longer undertaken as funding for de minimus port functions was withdrawn by the Department for Environment, Food and Rural Affairs in 2022. Informal arrangements remain in place to maintain contact with the Port Operations Manager for the determination of any potential activity that will require the undertaking of official controls by South Tyneside Council. [[12]](#footnote-12)

Following BREXIT, DEFRA had anticipated that activity at North Tyneside’s Port would increase significantly, potentially impacting on the Port of Tyne in South Tyneside, and as such, commissioned a structural upgrade of the facilities in North Tyneside to an official Border Control Post (BCP). This designation would have permitted the entry of low and high-risk food, feed, plant, and animal imports through this Port, requiring Port Health to oversee all associated official checks and controls.

DEFRA has now assessed port traffic nationally and consignments in/out of Europe and Northern Ireland (NI) and has recently developed a Border Target Operating Model to reduce the administrative burdens and physical checks required on imports at the port of entry, and imports/exports to NI. Between 2020 and 2023 official physical checks and controls have been scaled back in all Ports whilst the regulatory landscape for the adoption or sunsetting of many of the retained EU regulations is finalised. Elements of the new Border Target Operating Model (TOM) will be introduced from October 2023 and the remainder in January 2024. Whilst North Tyneside’s Port Heath did not gain full BCP status, it has retained its original position for overseeing imports of products not of animal origin, ambient food products and food contact materials from China.

**12.2 Resources**

**12.2.1 Financial Allocation**

Total expenditure on the food service is relatively stable, however it is acknowledged that additional resources will be required to deliver the backlog of interventions for 2023-24, alongside meeting the existing statutory official controls functions. A focus on building the competency of existing staff to deliver the Food programme will continue in 2023-24, in relation to food standards legislation, and additional resource is being sought to buy in consultancy services for some of the lower risk food hygiene interventions. This additional support will help ensure that the service directs internal resources to high-risk, intelligence-based intervention strategies and customer service requests.

**12.2.2 Staffing Allocation 2022-23**

In 2022-23 the staffing allocation for food safety matters comprised:

5.0 Full Time Equivalent (FTE) Authorised Food Officers to deliver the Food Law Service. A temporary Food Safety Officer was employed to back-fill Maternity Leave in 2022-23 and a fixed-term contract Business Support post was filled, providing much needed administrative support to the team and to lead on the data migration and upgrade of the MIS database for the Commercial Food and Safety functions primarily.

The temporary Food Safety Officer contract ended in February 2023 and as of September 2022 all Authorised Officer positions were fully staffed such that the service was able to deliver the programme of official controls for 2022-23 as required by the Code of Practice and in accordance with the FSA’s recovery roadmap.

**12.2.3 Staffing Allocation 2023-24**

 Funding has been obtained to extend the temporary contract of the Business Support post within the Commercial Food and Safety Team for a further 7 months. This should help fully imbed the transition of the M3PP MIS system and Assure database and provide some much-needed internal training to key system users.

 Funding to recruit to this dedicated business / technical support post (1 x FTE) on a full-time basis is to be considered as part of staffing growth proposals for the Environment Service. This post is needed to support the vast and complex administrative functions of the team and requires a specialist working knowledge of the existing and new Management Information Databases, substantially limiting opportunities for temporary back-fill from within existing business support.

1. Regulation (EU) 2017/625 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products [↑](#footnote-ref-1)
2. The Food Law Code of Practice (England) (the Code) is issued under Section 40(1) of The Food Safety Act 1990, Regulation 6(1) of The Official Feed and Food Controls (England) Regulations 2009 and Regulation 26(1) of The Food Safety and Hygiene (England) Regulations 2013, [↑](#footnote-ref-2)
3. <https://www.food.gov.uk/business-guidance/national-enforcement-priorities-for-animal-feed-and-food-hygiene> [↑](#footnote-ref-3)
4. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\_data/file/913510/14-705-regulators-code.pdf [↑](#footnote-ref-4)
5. https://www.food.gov.uk/sites/default/files/media/document/The%20Food%20Hygiene%20Rating%20Scheme%20Guidance%20for%20Local%20Authorities%20on%20implementation%20and%20operation%20-%20Brand%20Standrad\_2.pdf [↑](#footnote-ref-5)
6. https://ratings.food.gov.uk/ [↑](#footnote-ref-6)
7. https://www.food.gov.uk/sites/default/files/media/document/FSA%2021-12-14%20-%20LA%20Recovery%20Plan%20Update%20.pdf [↑](#footnote-ref-7)
8. https://www.food.gov.uk/about-us/food-and-feed-codes-of-practice [↑](#footnote-ref-8)
9. https://www.food.gov.uk/contact/businesses/report-safety-concern/report-a-food-crime [↑](#footnote-ref-9)
10. https://www.gov.uk/guidance/local-regulation-primary-authority [↑](#footnote-ref-10)
11. https://www.food.gov.uk/about-us/food-and-feed-codes-of-practice [↑](#footnote-ref-11)
12. The Official Food and Feed Control (England) Regulations 2009 [↑](#footnote-ref-12)