

Report

Cabinet Member for Regulatory Functions

Part 1

Date: 21 July 2015

Subject Public Protection Food Law Business Plan 2015-2016

Purpose To advise the Cabinet Member of the Food Law Business Plan and to seek approval of the plan for the financial year 2015/2016.

Author Environmental Health Manager and Trading Standards Manager

Ward City Wide

Summary Some of the Business Plans used to programme, drive and monitor Public Protection activities for the financial year must be approved formally. Notably: Food Safety, Communicable Disease, Feed Standards and Food Standards.

The Framework Agreement on Official Feed and Food Controls by Local Authorities” issued by the Food Standards Agency requires the Council’s Food/ Feed etc plans to be approved.

These have been combined into one Food Law Business Plan- Appendix.

Proposal That the Cabinet Member formally approves the Food Law Business Plan for 2015/2016.

Action by Head of Law and Regulation

Timetable Immediate

This report was prepared after consultation with:

- Head of Law and Regulation
- Public Protection Manager
- Head of Finance
- Head of People and Transformation

Signed

Background

- 1.1 The Public Protection Service has a wide remit, taking the many and diverse statutory functions of Trading Standards, Animal Health, Environmental Health, Licensing and Community Safety.
- 1.2 Public Protection carries out a wide range of enforcement initiatives, including a number of high profile prosecutions, but balances this with an education programme for businesses' legal obligations, and for consumers' rights.
- 1.3 We work to protect the rights and the safety of the City's residents, workers, visitors and the local environment. Our services interact with everyone who comes into Newport and with people from much further afield who buy or use goods and services originating from the City.
- 1.4 The Service Aims are to:
 - Create and maintain a fair and safe (trading) environment and community for Newport's residents, visitors and responsible businesses.
 - Bring businesses into a state of being broadly compliant with Public Protection legislation and alleviate anti-social behaviour.
- 1.5 Work to be completed by Public Protection in any given financial year is set out in Business Unit Plans and Service Plans. Plans include targets and/or Performance Indicators that are reported on throughout the year. Plans are essential to provide structure to the work of the teams, even though much of the work is required by statute, and therefore the content also forms an important part of employees' annual reviews.

2 Requirement for Approval of Business Plans (also known as Intervention Plans)

- 2.1 For Food Safety, Communicable Disease, Feed Standards and Food Standards it is required that local authorities produce business plans and to help to ensure local transparency and accountability, and to show their contribution to the authority's corporate plan, that "plans and performance reviews should be approved at the relevant level established for that local authority, whether that is Member, Member forum, or suitably delegated senior officer level."
- 2.2 "Records should be kept to show that business plans have received appropriate approval"
- 2.3 This is set out in "The Framework Agreement on Official Feed and Food Controls by Local Authorities" issued by the Food Standards Agency.
- 2.4 Powers enabling the Agency to monitor and audit local authorities are contained in the Food Standards Act 1999 and in the Official Feed and Food Controls Regulations.
- 2.5 It is always possible that one or more teams within Public Protection could be subject to an External Audit during a financial year. Should the relevant Business Unit Plans not have been approved, then the organisation completing the audit is likely to be highly critical of the situation and may suggest that the activities set out in the Plans are not sufficiently supported or given oversight at a suitable level within the Council.

3 Specific issues for Environmental Health Food Safety in 2015/2016

3.1 The Food Law Code of Practice Wales requires that all High Risk Food Premises inspections are undertaken in the financial year in which they are due. Food Premises are risk-rated to determine inspection frequencies, with A-rated premises being those with the highest risk. This financial year the following numbers of inspections are due:

- A-rated premises: 6
- B-rated premises: 91
- C-rated premises: 347

In addition to these initial inspections, based on data from previous years, it is likely that 120 revisits would be required to deal with areas of non-compliance with legislation by food businesses. These revisits are essential to deal with issues that could jeopardise public health.

3.2 This approach is extremely resource intensive and leaves very little flexibility to respond to other local priorities within the resources that are available in Newport. In order to utilise these resources as effectively as possible, this financial year Environmental Health wishes to reduce the number of inspections of the C-rated premises (the lowest risk of the 'high risk' premises) to 295 (85%). This would not meet the requirements of the Food Law Code of Practice Wales, but would allow sufficient resources to deliver other work. In particular Environmental Health would aim to:

- inspect 170 other businesses that have not been inspected in recent years in order to give them a rating under the Food Hygiene Rating Scheme (which is required by law); and,
- improve the speed with which new businesses receive their first inspection and therefore receive face-to-face advice and support. The Food Law Code of Practice Wales requires such inspections to be delivered within 28 days of the business starting to trade. We currently fail to meet this requirement in the majority of cases but this strategy would aim to achieve this for 85% of new businesses in 2015/2016.

This report therefore seeks approval of this strategy as well as the Business Plan as a whole. This Plan is to be found at Part 1 of the Appendix.

4 Specific issues for Trading Standards Food Standards in 2015/2016

4.1 The Trading Standards Plan makes reference to the fact that food chain integrity is a priority for the Section and describes the various methods the Trading Standards Section will use in order to ensure the food chain is robust. This will include proactive inspections; project work; sampling; investigating complaints; and completing investigations where offences have been noted. This approach is described more fully in the Trading Standards Service Plan which is available on request; but due to its size is not included in this report.

4.2 The Food Law Code of Practice Wales requires Trading Standards to inspect each high risk premises on an annual basis (within a year of the premises' previous inspection) and also 50% of medium risk businesses and 20% of other businesses. There is also a requirement to visit each new business within a month of the date it starts to trade. There are 50 High Risk Premises; 399 Medium Risk Premises; and 674 lower risk premises. There are also 200 new businesses opening each year and the receipt of approximately 200 service requests each year. There is also a resources commitment on sampling and training.

4.3 The Trading Standards Section does not have the requisite resources to meet these standards. In order to comply with the Code of Practice the Section would need £131,550. The Section currently devotes £55,488 towards the function. It is likely that through the year resources will need to be redirected from other areas into food standards.

4.4 In order to deliver the food standards function Trading Standards will adopt a policy of visiting each high risk premises (50) and then identifying evidence and intelligence which will assist the planning of further surveillance work. This will include targeted and focussed interventions aimed at the area of most risk for the business, rather than the formal 'full programmed inspections'. This approach will produce a compromise between scarce resources and public protection. This report therefore seeks approval of this approach as well as the Service Plan as a whole.

5 Specific issues for Trading Standards Animal Feed in 2015/2016

5.1 Trading Standards has the responsibility for delivering Animal Feed Legislation Enforcement. For the forthcoming year the service plan and the funding will be provided by the Food Standards Agency Wales. The plan will direct officers to complete a work programme of inspections and sampling; and also conduct official samples at the port. For this reason, there is no need to include the animal feed service delivery plan within this report. This Plan is to be found at Part 2 of the Appendix.

6 Risks

Risk	Impact of Risk if it occurs (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect	Who is responsible for dealing with the risk?
That relevant Plans are not scrutinised and sanctioned as required and the Council is criticised by external agency/agencies.	Medium	Low	This report seeks to ensure that Plans are given appropriate oversight and support.	Environmental Health Manager, Trading Standards Manager, Public Protection Manager
That the Council is criticised for not delivering all High Risk Food Hygiene inspections as required by the Food Law Code of Practice Wales.	Low	High	This report explains that resources are limited and other essential work (which is also required by legislation and the Code of Practice) will be delivered as a consequence of reallocating the resources for the year. Resources will be reallocated following the risk assessment that has been undertaken i.e. reallocated away from lower risk work.	Environmental Health Manager, Public Protection Manager
That the Council is criticised for not delivering all Food Standards inspections as required by the Food Law Code of Practice Wales.	Low	High	This report explains that resources are limited and other essential work (which is also required by legislation and the Code of Practice) will be delivered as a consequence of reallocating the resources for the year. Resources will be reallocated following the risk assessment that has been undertaken i.e. reallocated away from lower risk work.	Trading Standards Manager, Public Protection Manager

7 Links to Council Policies and Priorities

- 7.1 Ensuring that this work is completed as required will support the following Council Policies and Strategies:
- 7.2 Newport City Council's Corporate Plan "Standing Up for Newport" 2012-2017 (Relevant priorities: "A Greener & Healthier City"; "A Safer City").
- 7.3 Newport's Community Strategy 2010-2020 "Feeling Good About Newport" (Relevant themes: "To be a prosperous and thriving city"; "To have a better quality of life"; "To have vibrant and safe communities").

8 Options Considered/Available

8.1 Option 1

To approve the Public Protection Food Law Business Plan.

8.2 Option 2

Not to approve the Public Protection Food Law Business Plan.

9 Preferred choice and reasons

9.1 Option 1 above.

To approve the Food Law Business Plan.

It is important that the Council gives this Plan appropriate scrutiny and support. This would be assessed as part of external audits.

10 Comments of the Head of People and Business Change

- 10.1 There are no direct HR implications contained within this report. However, it is noted that both Environmental Health and Trading Standards advise that they have limited resource to undertake the requirements of the Code of Practice. Should this result in any HR related changes, these may be required to be considered via a further report or business case.

11 Comments of the Monitoring Officer

- 11.1 There are no legal implications. At a higher strategic level, the key performance measures and service objectives for Public Protection are set out in the Law and Regulation Service Plan, which is approved annually by the Cabinet Member and is subject to monitoring by Scrutiny in accordance with the Council's performance management framework. The Service Plan is supplemented by individual Business Plans for each of the service areas, which deal with operational service delivery. These operational business plans are not generally subject to formal Member approval. However, in accordance with the FSA Framework Agreement, the Council is required to produce annual service plans for Food Safety, Communicable Disease, Feed Standards and Food Standards and to have them formally approved at an appropriate level within the organisation. Therefore, the Cabinet Member is required to formally consider and approve the composite Food Law Business Plan which covers all of these areas.
Although the Plan identifies certain areas where the Council is not meeting strict Code of Practice standards and requirements, this type of regulatory and enforcement work is always subject to available resources and budgetary constraints and there will be a need to prioritise future work of this nature.

12 Comments of Chief Financial Officer

12.1 There are no direct financial implications coming from this report – the implementation of the Public Protection Food Law Business Plan will have to be completed within the overall Public Protection budget as stated within the report and this, common with other areas of the Council, will require careful targeting of key, high risk areas, requiring professional judgements from colleagues.

13 Comments of Non Executive Members

None received

13 Background Papers

Food Law Plan 15/16.

Date: 21 July 2015

**Newport City Council
Service Delivery Plan
Food Safety
and
Food Standards
2015-16**

At Newport City Council the enforcement of food law is delivered by both the Environmental Health Section and the Trading Standards Section.

Environmental Health delivers **food safety**

Part 1 deals with food safety

and

Trading Standards delivers **food standards.**

Part 2 deals with food standards.

PART 1: FOOD SAFETY

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1. Service Aims and Objectives

1.1. Aims and Objectives

The Food Safety Service is committed to improving the safety of the food chain and therefore the Service has adopted the following aims and objectives. They are to:

- Safeguard the health, welfare and safety of those living, visiting or working in Newport;
- Provide health protection and promotion, through advice, assistance, persuasion and enforcement; and
- Promote and ensure a fair, safe and equitable trading environment by encouraging good business practice and protecting consumers.

1.2. Links to corporate objectives and plans

Newport City Council's Corporate Plan "Standing Up for Newport" 2012-2017 (A) sets out the local authority's priorities for the next 5 years towards the delivery of services to the people of Newport; it sets out aims towards Newport becoming a Caring City, a Fairer City, A Learning and Working City, a Safer City and a Greener and Healthier City.

Law and Regulation through its core business activities supports the Corporate Plan by contributing directly to a number of outcomes. The contribution to the corporate and community objectives is delivered through the diverse range of services supplied by the Service. The Food Safety team within Public Protection is a direct contributor to a number of objectives such as a Greener and Healthier City and a Safer City.

2. Background

2.1. Profile of the Local Authority

Newport is a unitary authority in south-east Wales located within a few miles of the second Severn crossing along the M4 corridor. As Wales' newest city it forms the gateway between Wales and England.

Newport covers a geographical area of just over 73.5 square miles, with a population of approximately 145,700 and the second largest number of people from a non-white background of the local authorities in Wales.

Newport is ranked as the fourth most deprived local authority in Wales. After losing some of its core industries the city is re-establishing and adapting itself as a centre of modern industry and commerce.

In common with other cities in the UK, demands on the services of Environmental Health in Newport are diverse and high for example, the increasing number of food businesses is currently 1400, which have a high turnover.

2.2. Organisational Structure

The authority's Public Protection department within the Law and Regulation Services is responsible for food and feed law enforcement and for the investigation and control of cases and outbreaks of food poisoning and communicable disease.

The Public Protection Manager is responsible for overseeing the delivery of food and law enforcement services. Day to day management is the responsibility of the Environmental Health Manager with the assistance of the Principal Environmental Health Officer (Food Safety) who is the authority's lead in food hygiene. The Public Health Laboratory Service for Wales provides the

specialist food examiner function for microbiological examination of food, water and environmental samples. The public analyst service is provided by the company Minton, Treharne and Davies Ltd.

2.3. Scope of the Food Service

Newport City Council's Public Protection Services is responsible for providing a comprehensive food service combining education, advice and enforcement.

The core functions include:

- Inspection of existing food businesses
- Inspection of new food businesses
- Advice to both existing and new food businesses
- Investigation of food complaints
- Food sampling to assess microbiological quality
- Investigation of suspected food poisoning
- Delivery of food hygiene courses for council employees and the private sector.
- Investigation, initiation and response to Food Safety Alerts through the Food Standards agency
- Responding to requests for service and advice
- Carrying out appropriate and proportionate enforcement actions where necessary
- Implementation and promotion of the Mandatory Food Hygiene Rating Scheme
- Control and investigation of sporadic and outbreak cases of food poisoning and food related infectious disease
- Liaison with other food authorities and professional bodies to ensure consistency of food safety enforcement

Responsibility for food safety activities within the Public Protection Service is broken down as follows:-

Team	Responsibility
Food Safety Team	Inspections
	Complaints and requests for service
	Education
	Food sampling
	Food Safety alerts and incidents
	Planning and Licensing consultations
	National Food Hygiene Rating Scheme
	Approval of product specific establishments
	Health and Safety Team
	Communicable disease
Trading Standards Team	Feed safety and standards
	Food Standards
	Inspections
	Complaints and requests for service
	Education
	Food and feed sampling
	Food and feed safety alerts and incidents
	Responsible for the registration/approval of feed premises.

2.4. Demands on the Food Safety Service

There are 1413 food premises presently approved/registered by Newport City Council. The profile of these is described below:

Type of establishment	Risk category					TOTAL
	A	B	C	D	E	
Primary producers				1	2	3
Distributors / Transporters		2	3	8	10	23
Slaughter houses	-	-	-	-	-	0
Manufacturers and packers *	1	9	24	8	6	48
Importers / Exporters *				2		2
Retailers		5	45	97	133	280
Restaurants and Caterers	6	84	473	216	252	1057
TOTAL						1413

11 of the above premises are approved under EC Regulation 853/2004 comprising cold stores, meat processing and re-wrapping establishments.

2.5 Service delivery points

The Food Safety Service is delivered from the Civic Centre in Newport. Appointments can be made to see an officer at the Civic Centre, Information Station or at the food business if requested. The service mainly operates within office hours from Mondays to Fridays, weekend and out of business hours duties are carried out as the need arises.

Food Related Service Delivery Points		
Location	Service Area	Office Hours
Civic Centre Godfrey Road Newport South Wales NP20 4UR	Food Hygiene & Port Health, Communicable diseases, Food Administration for all food related services, Health & Safety, Pollution Control, Private Sector Housing	Mon - Thurs 08:30 - 17:00 Friday 08:30 - 16:30 Appointments only no direct public access
Information Station Old Station Building Queensway Newport NP20 4AX	Meeting rooms available on the request of complainant.	Opening hours: Monday – Friday, 8.30am – 5.00pm

2.6 External Factors Impacting on the Service

2.6.1 Ethnic mix of food businesses

Newport has a very diverse mix of businesses including a high proportion of ethnic businesses which do not use English as their first language. A high turnover of businesses in this sector present significant challenge in achieving the required frequency of inspection and sustained improvement in the hygiene standards is difficult to achieve.

2.6.2 High Profile Events

Newport has hosted a number of high profile events both in the sporting world (such as the Ryder Cup in 2010) and other major non-sporting events such as the NATO Summit in 2014. The scrutiny placed on the area in terms of the hygiene standards of the food businesses for those visiting the area is particularly high. Significant additional resources are required to ensure the highest standards of food safety are maintained at such events. A number of seasonal events also run in the city requiring monitoring and inspection over and above the programmed inspections.

2.7 Regulation Policy

The Food Safety service carries out enforcement activity in line with the Council's Public Protection Enforcement Policy. This aims to consider the impact of the regulatory intervention on businesses by adopting a positive, proactive and balanced approach to ensure compliance. This will be achieved through a combination of: advice, information, help and support for businesses which reflects individual business needs and expectations; and intelligence-led, targeted and proportionate interventions where regulatory breaches are identified.

3. Service Delivery

3.1. Interventions at Food establishments

The planned programme for food hygiene interventions in 2015-16, that are required to comply with the Food Safety Act Food Law Code of Practice, is shown below.

Category and inspection frequency	Number of Premises
A (6 monthly)	3
B (12 monthly)	91
C (18 monthly)	347
D (24 monthly)	31
E (Subject to alternative enforcement strategy)	10
Total	654

3.2 Additional inspections required

In addition to the above programmed interventions it is anticipated that, based on previous year's data, 120 revisits will be required to follow-up areas of non-compliance. Due to the need to bring all applicable premises within the mandatory Food Hygiene Rating Scheme there is also a need to carry out a further 170 interventions of premises that have not been included in the annual

inspection programme in recent years. This will allow those businesses that the public would expect to have a Food Hygiene Rating to be rated under the Food Hygiene Rating Scheme. The prioritised inspection programme with performance targets is set out in the service plan tables in appendix 1.

3.3 Inspection of New Food Businesses

A significant number of enquiries are received each year from people seeking advice who are looking to set up a new food business. These can initially involve considerable time in tailoring appropriate advice and on-site visits where necessary.

The Food Safety Act Code of Practice requires that all food establishments should receive an initial inspection. This should normally take place within 28 days of registration or from when the authority becomes aware that the establishment is in operation.

Typically the service receives approximately 200 new business registrations each year.

Where new registrations are received for establishments that are due for inspection within the current inspection programme the programmed intervention is replaced with one that applies to the new business. This may involve a re-prioritisation of the intervention to ensure the 28 day target for inspection is achieved.

Approximately 50 advice visits are carried out each year in addition to the 200 inspections to risk rate the new businesses.

Expected resources required to respond to and inspect new businesses: 450 officer hours.

3.4 Food Hygiene Rating Scheme

The Food Hygiene (Wales) Act 2013 established a statutory Food Hygiene Rating Scheme (FHRS) in Wales which came into force on the 28th November 2013. This replaced the previous voluntary scheme operated in Wales and across the UK since 2011. Much of the work in implementing the scheme, e.g. issuing a rating based on the score given during an inspection is linked with the inspection activities described in 3.1 above. However additional responsibilities under the Act include:

- The local authority is required to send the food business operator notification of their rating within 14 days of the inspection along with the reasons for the rating and an appropriate FHRS sticker.
- Any businesses that were not due to be inspected by 28 May 2015 and were issued with a rating under the voluntary scheme must be migrated onto the statutory scheme by this date. This in practice involves a review of the old rating, extra visits if necessary and assessing the current rating in order to issue a new rating under the mandatory scheme.
- Requests for appeals are received from food business operators where they feel the rating has been wrongly applied. These must be determined and the decision communicated within 21 days of receipt of the appeal.
- Where a food business operator requests a re-rating this must be paid for in advance of the re-rating inspection taking place. Once the payment has been received a new inspection is carried out (within 3 months) to re-assess the premises. A further report and sticker is issued following the inspection.

- The display of the rating in the form a window sticker is a mandatory part of the scheme. The Food Safety service will use a range of enforcement options to respond to notifications of non-display including warning letters, fixed penalty notices and where appropriate, legal proceedings.
- Consistent determination of the ratings across the Authority, Wales and the UK is an important part of ensuring the scheme is fair and correctly applied. The food safety officers involved in inspections under the scheme must receive regular training to promote consistency in order to apply the ratings correctly.

The estimated resources required to fulfil the Authority’s obligations under the Food Hygiene Rating Scheme are as follows:

Activity	Number of activities per year	Estimated hours involved
Migration activity	141 applicable premises	95
Appeals	12	30
Re-rating requests	75	262.5
Officer training	2 events per year	40
		Total hours required 427.5

3.5 Food Complaints

Our policy is to investigate food complaints concerning extraneous matter, chemical or microbiological contamination, unfitness and food alleged to have caused food poisoning, provided that the food was purchased within Newport. We will also investigate allegations concerning poor hygiene including alleged pest infestations and notification of water disconnections in food premises located within the City. Where we receive food complaints relating to food purchased in premises under the jurisdiction of other authorities we will pass the details to them for investigation.

The purpose of investigating food/feeding stuff complaints is to:-

- resolve problems which pose a risk to public health and/or check compliance with food/feeding stuff standards and labelling requirements.
- provide information to the food industry in order to maintain and improve standards.
- fulfil the duty of enforcement.
- prevent future complaints.

Based on previous year’s data we would expect to receive approximately 500 complaints in a year, requiring approximately 500 hours of officer time.

3.6 Home Authority Principle and Primary Authority Scheme

We take the requirements of the Home Authority and Primary Authority Principles into account when conducting interventions and enforcement activity at premises operating under these arrangements.

Newport City Council does not presently have any Primary Authority arrangements with businesses in its area.

3.7 Advice to Business

The Food Safety service provides business support and advice by phone, email, and letter and also during inspection. Where a new business is registered with the authority information will be provided including leaflets, information sheets and appropriate links to websites, including the Council's website and that of the Food Standards Agency.

In order to assist businesses in meeting their obligation to operate a food safety management system based on the principles of HACCP (Hazard Analysis Critical Control Point) officers will distribute the Food Standards Agency's Safer Food Better Business pack, but may also issue a copy of the Newport Guide to Managing Food Safely if that is more appropriate to the needs of the business.

Where funding has been obtained by the Authority from the Food Standards Agency, in the past it has been the practice to offer free business briefings / seminars to assist the business to improve their food hygiene rating. In anticipation of changes in legislation on food allergens, advisory leaflets were distributed to businesses to make them aware of the requirements in 2014/2015.

The number of requests for advice each year is approximately 500 requiring approximately 250 hours of officer time. In addition advice is given whilst already carrying out food hygiene inspections or investigating complaints – this time is not separately recorded.

3.8 Food Sampling

The proposed sampling activities are set out in an annual sampling program and will include coordinated projects involving Food Standards Agency Wales, National Public Health Service, and Wales Food Microbiological Forum as well as local projects. These may include local establishments with particular problems to address, approved premises or imported food sold in the area.

Samples are also taken as a result of complaints or where officers take samples from food businesses as part of a routine inspection.

There are around 180 samples obtained in a typical year requiring approximately 60 hours of officer time. Follow up work where unsatisfactory results are obtained (typically 40%) may involve additional advisory or enforcement activity. This requires approximately 70 hours of officer time.

3.9 Control and Investigation of Outbreaks and Food Related Infectious Disease

The Food Safety team in conjunction with the Health and Safety team investigate all notifications of food poisoning, suspected food poisoning and laboratory notifications of gastrointestinal infections such as cryptosporidium and giardia, in accordance with relevant central guidance.

The objective is to identify the source, to control and prevent further cases from the source if the suspected source is within the City, and to prevent spread from the primary case (e.g. if the case is a food handler, health worker or young child). This also requires the Lead Officer to work closely with their counterparts in neighbouring authorities.

In addition to the investigation of sporadic cases of infectious disease, the Council will also investigate outbreaks of infectious disease, such as food poisoning, in accordance with the Communicable Disease Outbreak Plan for Wales. The plan identifies action to be taken in order to manage infectious disease control in an outbreak situation and describes the roles and responsibilities of the various agencies concerned, including the Council.

Demand for the service for the upcoming year is impossible to predict, however should a major outbreak occur, staff will be taken from other Environmental Health duties to assist as appropriate.

3.10 Food Safety Incidents

The Food Safety Service will on receipt of any food alert respond in accordance with the Food Safety Act Food Law Code and Practice and Practice Guidance.

A Product Withdrawal Information Notice or a Product Recall Information Notice is issued where a solution to the problem has been put in place – the product has been, or is being, withdrawn from sale or recalled from consumers, for example. A Food Alert for Action is issued where intervention by enforcement authorities is required.

Alerts requiring substantial reactive action will occur occasionally and irregularly. Sufficient resources will be allocated to deal with each warning as it arises, although this may require diversion from the planned programme of inspection.

3.11 Port Health Overview

Newport City Council acts as the Port Health Authority for the Port of Newport, as well as wharfs on the River Usk, including Bird Port, MIR Steel and the Cogent Jetty. The port is a general cargo port mainly handling products such as coal, steel, timber and animal feed.

The work of the Health and Safety and Port Health team encompasses the following:-

- Close monitoring of ship (vessel) movements within the port authority for purposes preventing the spread of infectious human and animal disease, ship inspection and imported food controls.
- Responding to reports of food poisoning and infectious disease and implementing required control measures to safeguard public health.
- Protecting animal health by ensuring vessels correctly dispose of International Catering waste.
- Inspecting the Port Health Authority area and boarding ships to check on sanitary conditions and take action in accordance with the International Health Regulations and domestic legislation.
- Making sure that controls on importing or landing animals that may carry rabies are strictly observed;
- Issuing Sanitation control or exemption certificates following a thorough inspection of a ship and extending a ship sanitation certificate if appropriate.
- Checking the water quality on board vessels to ensure there are no risks to health.
- Undertaking food hygiene inspections of the galley and implementing any required measures to safeguard food safety.
- Checking the water quality standards of quayside water supplies used by ships.
- Act as Category 1 responders under the Civil Contingencies Act 2004.
- Liaising with other port health authorities, Food Standards Agency; Maritime & Coastguard Agency; Border Agency; Welsh Government; port operator and shipping agents to ensure the efficiency of the service.
- The provision of information and advice concerning EU & UK legislation and controls

3.12 Liaison with Other Organisations

Liaison and collaborative working is an appropriate mechanism for ensuring consistency between enforcers, for sharing good practice, for sharing information and for informing other enforcers of potential difficult situations. The main liaison arrangements are as follows:-

- Liaison with the Food Standards Agency;
- Liaison with the Directors of Public Protection Wales Food Safety Technical Panel;
- All Wales Communicable Disease Technical Panels,

- South East Wales Communicable Disease Task group,
- South East Wales Communicable Disease liaison group,
- Water Health Partnership (Welsh Water)
- ∴ Commitment to the Welsh Food Microbiological Forum;
- ∴ South East Wales Food Safety Task Group
- ∴ Member of the Association of Port Health Authorities and the Ports Liaison Network;
- ∴ Care and Social Services Inspectorate Wales (CSSIW)

Attendance at liaison, task group and technical panels meetings involve an estimated 55 hours of officer time per year.

3.13 Food Safety promotional work and other non-official controls interventions

The food safety service provides training in food hygiene for other council departments such as the carers that work for the Social Services. A total of 10 courses are delivered across the year involving an estimated 60 hours of officer time.

4 Resources

4.1 Financial Allocation

Service Resources and Expenditure for 15/16

£000	Employees	Supplies & Transport	Income	Total
Food Safety Service*	414,293	37,854	-18,699	433,447

* These financial resources figures include those for the Health & Safety function which does not form part of this Food Service Plan.

4.2 Staffing Allocation

The Food Safety service has the following full time equivalent posts involved in food safety activities:

Principal Environmental Health Officer –	1 FTE
Environmental Health Officers –	4.7 FTE (including 1 vacant post) *
Food Safety Officer –	1 FTE
Database / systems administrator –	0.25 FTE
Admin support –	0.2 FTE

*The health and safety team within the Environmental Health division provides approximately 0.3 F.T.E of food inspection and sampling activity with the remainder of resources provided from the Food Safety team.

4.3 Allocation of resources

The resource allocation set out above is not sufficient to complete the full range of work required to meet the Food Safety Act Code of Practice. It is necessary therefore to ensure that resources are targeted to high risk activities. Accordingly the inspection programme for 2015-16 will involve the inspection of high risk premises (A to C risk) and those new registered premises requiring risk rating. The performance targets for completion of the high risk premises are set out in Appendix 1.

Appendix 1: Food Safety Function. Business Unit Plan 2015/2016.

Performance Measures

	Indicator/Measure	What does it aim to show?	13/14 Target	13/14 Result	14/15 Target	14/15 Result	15/16 Target
4	% of higher risk food HYGIENE premises due for inspection (A, B,C) that were inspected	To provide data as to the percentage of primary visits the local authority has carried out to premises assessed as high risk.	100%	100%	100%	100%	Discontinue and replace with PIs 4a,b and c
4a	% of higher risk food HYGIENE premises due for inspection (A-rated premises) that were inspected	To provide data as to the percentage of primary visits the local authority has carried out to premises assessed as high risk.	n/a	n/a	n/a	n/a	100%
4b	% of higher risk food HYGIENE premises due for inspection (B-rated premises) that were inspected	To provide data as to the percentage of primary visits the local authority has carried out to premises assessed as high risk.	n/a	n/a	n/a	n/a	100%
4c	% of higher risk food HYGIENE premises due for inspection (C-rated premises) that were inspected	To provide data as to the percentage of primary visits the local authority has carried out to premises assessed as high risk.	n/a	n/a	n/a	n/a	85%
5	The % of new businesses identified which either returned a self-assessment questionnaire for Food Hygiene during the year or were inspected		65%	94%	65%	Discontinued and replaced with PI 7	N/A

	Indicator/Measure	What does it aim to show?	13/14 Target	13/14 Result	14/15 Target	14/15 Result	15/16 Target
6	% of food businesses that are broadly compliant with food safety legal requirements as defined in the Food Safety Code of Practice.	The broad compliance score reflects standards under 3 parameters: a) premises structure b) food hygiene and safety c) (our) confidence in the management of the business	78%	85%	83%	93%	91%
7	The number and % of new food businesses inspected within 28 days of starting to trade.	Extent to which the new businesses are inspected after registering with the authority.	n/a	n/a	n/a	n/a	85%
8	% of food businesses achieving a rating of 3, 4 or 5 that had been previously rated as 0, 1 or 2.	The effectiveness of the Scheme, together with our interventions, to drive up standards.	50%	71%	55%	72%	55%
9	The number of significant issues identified and the percentage resolved by officer intervention (with 6 month delay)	Monitoring of progress and completion of enforcement activity.	75%	94%	95%	98%	95%
10	Percentage of Notices complied with	Monitoring of progression and completion of enforcement action	94%	89%	94%	100%	94%

Our New Key Plans and Projects for 2015-2016				
Overall responsibility – Environmental Health Manager & Principal EHO (Food Safety)				
Lead officer Initials	Tasks/project	Description	Target Dates For completion	Outcomes and targets (SMART)
ALL	Reduce the number of non-compliant businesses	FSA funded project work to drive up food hygiene standards and protect consumers	March 2016	Reduce the non-compliant business by targeted approach Increase the number of broadly compliant businesses Review the interventions against the next inspection results
FTP	FSA Audit Report	Action FSA Audit Findings to improve service	October 2015	Implement the recommendations of the audit report.
FTP	Review of new business support	Review of support offered to new food businesses to ensure proportionate advice and assistance is given.	September 2015	Investigate the possibility of implementing charging for advice. Recommend improvements to service provision. Document key findings to Environmental Health Manager

Food Safety Function Project Plan 2015-16

Our Key Plans and Projects Rolled forward into 2015/2016						
Overall responsibility – Environmental Health Manager & Principal EHO (Food Safety)						
Lead officer Initial	Tasks/project	Description			Target Dates For completion	Outcomes and targets (SMART)
ALL	Inspect High Risk Premises (Categories A, B, & C)	Category	Number of inspections required under Code of Practice Wales		March 2016	All As and Bs inspected. 85% of Cs
		A	2 x 3 inspections			
		B	91			
		C	347			
ALL	Low Risk Inspections for purposes of FHRS (Category D / E)	Carry out an inspection of 170 D/E premises to ensure a new FHRS rating is applied.			March 2016	All inspected
ALL	New businesses	Inspect new businesses within 28 days of trading commencing after registration			March 2016	85 % of premises inspected within 28 days of business opening
ALL	Ensure follow through of significant non-compliance.	Revisit, and where appropriate, issue Statutory Notice /instigate legal proceeding in keeping with the food safety enforcement policy.			March 2016	All significant non compliances followed up.
ALL	Investigate where appropriate complaints which allege criminal activity	Investigate and process in accordance with enforcement policy			March 2016	All complaints investigated
ALL	Food Sampling Programme	<p>Food Samples to be sent for examination at the National Public Health Laboratory to determine its bacteriological quality.</p> <p>Target in accordance with sampling Programme for the year.</p> <p>Sampling plan to reflect local needs but also to take into account surveys agreed on an All – Wales basis at the Welsh Food Microbiological Forum.</p>			March 2016	Meet Sampling plan
ALL	Premises approved under the Food Hygiene (Wales)	Inspect all Approved Premises in accordance with inspection frequencies laid down in the			March 2016	All inspections undertaken

Our Key Plans and Projects Rolled forward into 2015/2016				
Overall responsibility – Environmental Health Manager & Principal EHO (Food Safety)				
Lead officer Initial	Tasks/project	Description	Target Dates For completion	Outcomes and targets (SMART)
	Regulations 2006 and Regulation EC 853/2004	Code of Practice Consider all new applications for approval		Process all new applications
ALL	Food Safety Alerts issued by the Food Standards Agency	Respond as appropriate to all alerts according to the requirements of Code of Practice Wales.	March 2016	Respond as appropriate to all alerts
	Suspected Food Poisoning	Investigate all notifications of suspected food poisoning.	March 2016	All notifications investigated.
	Performance Indicators	Complete performance indicator self-assessment forms as required by Internal Audit Complete Performance Indicator Returns. (Core indicator/Public Accountability Measure/etc.) for Internal Audit and/or Welsh Government	March 2016	Self-assessment forms completed. All Performance Indicator returns completed.

Appendix 2: Communicable Disease Function Business Unit Plan 2015/2016.

Performance Measures

	Indicator/Measure	What does it aim to show?	13/14 Target	13/14 Result	14/15 Target	14/15 Result	15/16Target
1	% of notifications (cases) requiring investigation that have had an initial response in 3 working days	Speed of initial response To assess the efficiency of the service	100%	98%	100%	99%	100%
2	% of declared outbreaks* investigated	To provide data as to the number of outbreaks investigated	100%	N/A-None declared	100%	N/A-None declared	100%
3	% of communicable disease incidents# investigated	To provide data as to the number of outbreaks investigated	100%	100%	100%	100%	100%
4	% of notifications investigated that are resolved within 2 months	To assess the efficiency of the service	90%	95%	90%	84%	90%
5	% of investigated notifications, which are completed within 4 months	To assess the efficiency of the service	95%	95%	95%	89%	95%
6	The number of significant issues identified and the % resolved by officer intervention (with 6 month delay)	Monitoring of progress and completion of enforcement activity	75%	100%	95%	100%	95%

* 'Declared Outbreak' - formal

declaration of Outbreak and convening of Outbreak Control Team (OCT)

'Communicable Disease Incident'- minor outbreak or cluster of disease without the formal declaration of an outbreak and the convening of an OCT

Communicable Disease Function- Key Plans and Projects for 2015-2016

<p>Our Key Plans and Projects Rolled forward into 2015-2016 Overall responsibility – Environmental Health Manager & Principal EHO (Health & Safety)</p>				
<p>Lead officer Initial</p>	<p>Tasks/project</p>	<p>Description</p>	<p>Target Dates For completion</p>	<p>Outcomes and targets (SMART)</p>
<p>ALL</p>	<p>Investigation of infectious disease notifications</p>	<p>Investigate all notifications in accordance with the Notification Guidelines. <i>(These guidelines specify which notifiable diseases the Local Authority are required to investigate and target responses. Some notifications, such as Measles, Mumps etc are not investigated by the LA)</i></p>	<p>On Going</p>	<p>Contact made to 100% of notifications requiring further investigation Provision of advice/guidance on suitable effective control measures to prevent spread of Communicable Disease to: a) Case b) Business (if applicable) c) EH Teams</p>
<p>PEHO</p>	<p>Service Standards and Procedures</p>	<p>Review existing policies and procedures and revise where necessary</p>	<p>September 2015</p>	<p>Review undertaken and action plan completed Action Plan implemented New/revised Standards and Procedures communicated to team</p>
<p>ALL</p>	<p>Investigation of infectious disease notifications during outbreaks</p>	<p>Investigate all declared outbreaks and infectious disease incidents in accordance with the Communicable Disease Outbreak Control Plan for Wales</p>	<p>On Going</p>	<p>Investigate 100% notifications in accordance with the joint Health Authority and Outbreak Control Plan Provision of advice/guidance on suitable effective control measures to prevent spread of Communicable Disease to: a) Case b) Business (if applicable) c) EH Teams Lead Officer to be active member any formal Outbreak Control Team Internal 'Incident Response Team' to be formed to co-ordinate activities of EH department during communicable disease 'incidents' or 'declared' outbreaks Contribute to Outbreak Control Team report findings</p>

Our Key Plans and Projects Rolled forward into 2015-2016				
Overall responsibility – Environmental Health Manager & Principal EHO (Health & Safety)				
Lead officer Initial	Tasks/project	Description	Target Dates For completion	Outcomes and targets (SMART)
PEHO / LH	Collaborative working with EH during Outbreaks	Increased use of resources within EH during Outbreaks of Infectious Disease	June 2015 September 2015	Briefing session to be devised and presented to Clerks to increase knowledge of Infectious Disease Briefing session to be devised and presented to all non-food Officers relating to Infectious Disease function and outbreak arrangements
PEHO	Lead Officer Review	Review of Lead Officer (and Deputy) roles and responsibilities within EH	June 2015 September 2015	Review undertaken Roles and responsibilities clearly defined and communicated to EH staff
ALL	Development of Uniform Software	Continue to develop on Uniform: a) Use of Infectious Disease Module b) Inputting of Infectious Disease notifications c) Correspondence logging d) Use of standard letters etc	April 2015	Notifications of communicable disease requiring further investigation by Section and actions completed inputted on Uniform
PEHO	Competence improvement and maintenance	Identify training needs from formal Reviews, legislative changes and service developments	On Going	Training organised and undertaken Internal cascade training undertaken
LH	Competence improvement and maintenance	To be an active representative on the Lead Officer Steering Group	On Going	Attendance at Steering Group meetings to plan Lead Officer training events for upcoming year.

Our New Key Plans and Projects for 2015-2016				
Overall responsibility – Environmental Health Manager & Principal EHO (Health & Safety)				
Lead officer Initials	Tasks/project	Description	Target Dates For completion	Outcomes and targets (SMART)
KL	IBID Database Procedures	Revise procedures following introduction of new IBID notification system	April 2014	Procedure developed and implemented Internal briefing session to be held for investigating officers that have access to IBID
KL	Communicable Disease Webpages	Website content to be revised to provide comprehensive information relating to Communicable Disease	End of June 2015	Specific Communicable Disease Webpages set up on NCC website Website content reviewed and updated
KL/LH	LOCAL Intervention: Planned special local intervention Nursery Project	Intervention work undertaken as directed by Working Group in conjunction with SEW Health and Safety Task Group	June 2015	100% of identified premises to be subject to an intervention visit and/or provision of information

Appendix 3: Port Health Function. Business Unit Plan 2015/2016.

Performance Measures

	Indicator/Measure	What does it aim to show?	13/14 Target	13/14 Result	14/15 Target	14/15 Result	15/16 Target
1	% of requests for service that have had an initial response in 3 working days	Speed of initial response	100%	100%	100%	100%	100%
2	% of requests for service (inc. enforcement complaints) that are resolved within 2 months	To assess the efficiency of the service	100%	100%	100%	100%	100%
3	% of requests for service (inc. enforcement complaints) that are resolved 4 months	To assess the efficiency of the service	100%	100%	100%	100%	100%
5	The number of significant issues identified and the percentage resolved by officer intervention (with 6 month delay)	Monitoring of progress and completion of enforcement activity.	75%	100%	95%	100%	100%

Port Health Key Plans and Projects for 2015-2016

Our Key Plans and Projects Rolled Forward into 2015-2016				
Overall responsibility – Environmental Health Manager & Principal EHO (Health & Safety/Port Health)				
Lead officer Initial	Tasks/project	Description	Target Dates for completion	Outcomes and targets (SMART)
ALL	Issuing Ship Sanitation Control/Exemption Certificates	Respond to requests for SSCEC by inspecting vessels and issuing appropriate certification, taking enforcement action where necessary	On going	100% of requests visited and a certificate or extension issued
ALL	Water Sampling (on board)	Respond to requests for water samples from vessels and provide prompt feedback on results to shipping agents/ship owners, taking appropriate action in cases of poor results	On going	Action taken to improve water quality in all cases where unsatisfactory results are received
PEHO	Competence improvement and maintenance	Identify training needs from formal Reviews, legislative changes and service developments.	On going	Training organised and undertaken. Shadow visits undertaken. (1 per officer per year) Internal CPD briefings undertaken (at least 4 per year)
PEHO	Service Standards and Procedures	Review existing procedures and targets and re-establish where appropriate	End of September 2015	Review completed. Action Plan implemented and new/revised Standards and Procedures communicated to team
PEHO	Improved awareness of service	Improve stakeholder awareness of port health requirements by preparing and disseminating an information leaflet for shipping agents.	September 2015	Leaflet produced and distributed
PEHO	Enforcement policy	Promote a consistent approach to port health enforcement by introducing a Port Health Enforcement Policy	March 2016	Enforcement policy produced, ratified and implemented
PEHO	Service Standards and Procedures	Improve performance by benchmarking services against recognised Best Practice Standards and implement appropriate improvements.	March 2016	Best practice standards self-assessment completed and action plan devised
PEHO	Out of Hours arrangements	Consideration to be given to the feasibility of providing arrangements for out of hours	End March 2016	Feasibility considered and action plan created to provide OOH arrangements.

Our Key Plans and Projects Rolled Forward into 2015-2016
Overall responsibility – Environmental Health Manager & Principal EHO (Health & Safety/Port Health)

Lead officer Initial	Tasks/project	Description	Target Dates for completion	Outcomes and targets (SMART)
		(OOH)work		
LH	Vessel Movement Log	Vessel movement log completed for all vessels arriving/departing at Port of Newport	On Going	Vessel movement log completed
ALL	Routine, unannounced ship inspections undertaken	Unannounced inspection of High Risk Vessels arriving at the Port of Newport and associated Wharfs	On Going	80% vessels identified as high risk inspected following introduction of inspection programme
ALL	International catering waste	Monitor arrangements in place at Port of Newport and associated Wharfs for International Catering Waste Assess compliance with International Catering Waste requirements on every vessel inspected	On Going On Going	International Catering Waste facilities for each Port Operator identified and waste receptacles checked on a monthly basis Compliance assessed at 100% of vessels subject to inspection.

PART 2: Food Standards

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1. SERVICE AIMS AND OBJECTIVES

1.1 Aims and Objectives

The two main **Aims and Objectives** of the Trading Standards Section are to ensure consumers and the public are protected and that businesses operate in a fair and consistent environment. Wales Heads of Trading Standards completed a Strategic Assessment and Control Strategy for 2015-16. These reports analysed the threats to Wales' businesses and consumers and considered the tactical and strategic options in order to meet the various challenges. It was agreed that Trading Standards in Wales would work towards five priorities. Newport City Council has adopted these priorities (Items 1-5 below) and added a further local priority (Item 6 below)

Priorities for the Trading Standards Section:

1. Tackling Fraudulent Trading Practices
2. Supporting Reputable Business
3. Protecting Vulnerable Consumers
4. Food Chain Integrity
5. Health Improvement
6. Protect Newport's Environment

These strategic priorities will drive all the work of the Section

There are three issues that cut-across most of the Section's strategic priorities; namely rogue trading via the internet, the provision of advice to business and the continuing effect of the economic downturn.

In order to meet the objective in relation to the Food Chain, and particularly Food Standards, the Section has the following commitments:

- Ensure that food produced, sold or supplied and used within Newport is of an acceptable quality; composition; suitably labelled and advertised; so as to protect the rights/expectations of consumers.
- Provide traders with advice on the composition, marketing and labelling of food, with a focus on food producers and also on emerging trends and new legislation.
- Investigate cases of food fraud and breaches of food legislation

These aims are pursued by:

- Carrying out a range of programmed activities including the inspection, sampling and monitoring of premises and products, taking follow-up action as necessary in accordance with published enforcement policies, to ensure that identified breaches of legislation is rectified.
- Investigating complaints
- Taking enforcement action that is proportionate, transparent, consistent and targeted, in line with the relevant Food Standards Agency Codes of Practice and Practice Guidance and Food Standards Agency advice and guidance, and relevant internal enforcement policies.
- Providing information, advice and training on matters relevant to food standards. In particular, the Section will endeavour to increase the knowledge and understanding of business operators and promote good practice within food businesses.
- Where possible committing resources to promotional and educational campaigns having regard to the Food Standards Agency's strategic aims and local needs.
- Liaising with relevant bodies over issues of enforcement and consistency
- Ensuring that there are sufficient officers who are appropriately qualified, possess suitable technical and professional skills, and are competent to perform the duties expected.
- Monitoring the implementation of procedures to ensure that service standards are maintained and where appropriate improved.

- Consulting with consumers, businesses and other relevant stakeholders, from time to time, to ensure that the service provided meets expectations.
- Ensuring a system is in place to review the plan.

1.2 Links to Corporate Objectives and Plans

The vision for Newport is “Working together to create a proud and prosperous city with opportunities for all”

The outcomes are identified as:

- People in Newport achieve their full potential
- Newport has a prosperous and thriving economy
- People in Newport are healthy and thriving
- People in Newport live in a safe and cohesive community
- Newport is a distinctive and vibrant city

The resultant Single Integrated Plan then identifies a number of priority themes:

- Skills and work
- Economic opportunity
- Health and well being
- Safe and cohesive communities
- City Centre
- Alcohol and substance misuse

There is a clear link between the work of the Section in its food standards activities in relation to many of these issues; specifically surrounding the prosperity of the city and the health agenda.

2. Background

2.1. Profile of Newport City Council and the Port

Newport is situated in the South East of Wales within a few miles of the second Severn crossing along the M4 corridor. Newport is the newest city in Wales and covers 73.5 square miles. It has a population of 145,736 residents and is the second most ethnically diverse city in Wales.

The Port of Newport is a general cargo port and handles approximately 1 million tonnes of cargo per annum. Main imports include coal, steel, timber and timber products. The remainder includes clay products, agribulks and animal feed.

The agricultural base that tends to concentrate on livestock, primarily beef and sheep with some dairy farming

There are a variety of food businesses in Newport, around thirty of which are manufacturers, packers, processors or importers, these businesses are deemed as high risk and are visited at least annually. This aims to ensure the quality, composition and description of the foods produced or packed in Newport meet requirements. The inspections also evaluate the systems the food businesses have in place to assess compliance with the traceability requirements, their ability to facilitate a product recall or to potentially provide a due diligence defence.

2.2. Organisational Structure

Food Hygiene is controlled by the Environmental Health Section of Newport City Council within the Public Protection Service. The Service is managed by the Public Protection Manager; the Environmental Health Section is managed by the Environmental Health Manager; and the Food Safety Team is managed by the Principal Environmental Health Officer (Food)

Food Standards is controlled by the Trading Standards Section of Newport City Council within the Public Protection Service. The Service is managed by the Public Protection Manager; the Trading Standards Section is managed by the Trading Standards Manager.

Animal Feed Standards is controlled by the Trading Standards Section of Newport City Council within the Public Protection Service. The Service is managed by the Public Protection Manager; the Trading Standards Section is managed by the Trading Standards Manager. There will exist a separate Service Plan for 'Feed' which covers all 22 authorities in Wales completed by the Food Standards Agency and WHOTS.

There are three team leaders within the Section and six Trading Standards professionals all of whom are authorised to carry out Food Standards Enforcement. The Trading Standards Manager is the lead officer for Food Standards. High Risk Food Inspections and Official Controls are carried out only by officers who have attained the appropriate additional training and assessment. Other Food Standards Official Controls (which are mostly intelligence led) are undertaken by Food Officers who meet the qualification and competency requirements of the Welsh Food Law Code of Practice.

2.3. The Scope of Food Standards Service

The following functions are undertaken:

- Programmed high risk food standards inspections (and follow up visits)
- Investigation of complaints concerning chemical contamination of food, the incorrect labelling of food, incorrect composition of food and the incorrect presentation of foods
- Food incidents and food hazard warnings
- Food sampling for composition, labelling and chemical contamination of food.
- Advisory visits
- Provision of information on compliance with food standards legislation

2.4 Demands on the Service

Food produced, processed, packed or imported in Newport is varied and the resource required is continually increasing as new business open or the existing businesses change to meet the demands of consumers in the present economic climate. The Food Industry traditionally has low margins and in an effort to cut costs the technical part of the businesses is being reduced, but the demand for diversification has increased. Subsequently, surveillance of the Food Industry needs to be undertaken to ensure compliance and Trading Standards are increasingly being asked for advice.

2.5 Enforcement Policy

The Public Protection Service has a published Enforcement Policy which follows the Enforcement Concordat and Code for Crown Prosecutors. The Trading Standards Section also has a number of general Enforcement Procedures and specific Work Instructions.

3. SERVICE DELIVERY

3.1 Interventions at Food Establishments

Food Standards official controls will be carried out following the Intelligence Operating Model that will aid the allocation of resources that will be targeted towards the more significant hazards and higher risk premises.

Traditionally, this is achieved by employing the national inspection rating systems that ensures more frequent inspections to premises where the hazards are greatest, standards are poor and the confidence in management is low. This approach will mean that the Section concentrates its efforts where there is greatest scope to raise standards and not waste precious resources on businesses that have already achieved high standards and who can be expected to maintain and build on these.

With finite resources available, there also has to be a reasoned choice of the best mix of different techniques having regard to what will have the greatest impact and what provides best value for money. The Section aims to complete a number of targeted interventions whereby a number of premises are visited; not as a 'comprehensive visit' but a visit looking at a particular risk; it is hoped this approach will ensure that the issues of greatest risk are still scrutinised; even where resources do not permit the time intensive full programmed inspections.

Resources will also be made available to other regulatory colleagues to assist with intelligence gathering and problem spotting.

In dealing with non-compliant premises the qualified officers of the Trading Standards Section have the option of serving various official controls including verbal and written warnings, seizure and detention notices, improvement notices and emergency prohibition notices and prosecution action. The options for these official controls will be applied in a manner that is proportionate to the risk, will also consider the record of previous non-compliance, or whether officer feels that an informal approach will be unsuccessful.

An authorised officer will also be able to enter and inspect premises, take samples, and inspect.

Food Risk Ratings Profile

The required workload for 2015-16 is produced in the table below.

	High (Every 12 Months)	Medium (Every 24 Months)	Low (Every 60 Months)	Total
Premises by risk for Food Standards	50	399	674	1096
No of food premises due for inspection in year	50	200	135	385
Planned work for year we aim to do	50 Comprehensive visits	Around 150 interventions (these would not necessarily be comprehensive visits for food standards)		

Officers inspecting high risk food standards require additional knowledge and competencies; the officers with these additional competencies are the two Principal Trading Standards Officers and the Trading Standards Officer Team Leader hold the necessary qualifications and up to date competency Food Standards.

There are five Trading Standards Officers authorised and competent to carry out food standards work and one Fair Trading Officer

Officers will not be able to complete the required work programme due to resource pressures; therefore officers will complete the 50 programmed high risk visits and then will endeavour to complete 150 other key targeted interventions.

The following procedures have been prepared following FSA guidance:

- Enforcement Policy
- Food incidents and product recall
- Inspection and service procedures and working instructions

In addition, all existing procedures and policies are always under review and updated where necessary.

3.2 Food Complaints

Inspectors will fully investigate complaints relating to food premises where the conditions:

- may present a significant risk to public and animal health, and/or
- are a persistent concern to the public, and/or
- the business has a poor history of compliance
- a legal contravention has been identified which is likely to continue or recur, and/or
- the type of contravention is widespread and/or
- the contravention might be due to a deliberate act e.g. for financial gain

Complaints will be actioned in line with the section's service requests procedures.

Inspectors will investigate complaints (service requests) about the whole remit of food standards.

Where the complaint/service request does not warrant a full investigation, the complainant will generally be advised to return the item to the retailer/manufacturer as appropriate, to enable an internal investigation by the business concerned.

In addition, the complaint will be reported to the business, identifying any relevant legal requirements and good practice, and will be recorded on file for investigation at the next visit.

Where the food is manufactured outside the County, the complaint will be reported to the relevant Home Authority and/or Originating Authority.

Where an investigation is conducted, this will proceed informally where: the offence is not serious; a key witness refuses to make a statement; and/or a key witness confirms in writing that they would not be prepared to attend court

In addition, investigations will be curtailed where the initial investigation indicates that there is no worthwhile purpose in pursuing further action (e.g. where a report from the public analyst confirms that no offence has been committed) a reasonable prospect of securing a conviction cannot be substantiated.

3.3 Home Authority Principle

In accordance with the Home Authority Principle, the Council will respond to requests for appropriate information from other local authorities about locally produced foods that have been sold outside the County and are the subject of a complaint. Consideration will also be seriously given to Primary Authority relationships in the year.

3.4 Advice to Business

The Authority recognises the importance of responding positively to all reasonable requests for advice or assistance from food businesses as this:

- proactively assists compliance
- encourages the adoption of best practice
- helps avoid unnecessary expenditure by Businesses
- reduces the need for formal enforcement
- raises the profile of the Authority in supporting the development of businesses

- helps to build a positive working relationship and trust between enforcement officers and businesses

In practice, advice can range from responding to telephone requests for information, to the provision of guidance leaflets, site visits and the preparation of advisory letters.

Wherever possible, to ensure the most efficient use of resources, advice will be provided over the telephone and through the provision of relevant advisory leaflets. However, advisory visits will be made upon request to existing businesses undergoing refurbishment and or development.

Where more detailed advice or support is required businesses will be directed to relevant trade associations, consultants, or other experts, as appropriate or we may contact those bodies on their behalf. The availability of this advice is dependent upon the level of resource within the Team.

3.5 Food Sampling

Sampling can be taken to ensure that businesses are offering food that is:

- nutritionally and compositionally correct
- correctly labelled
- altered or adulterated with a detriment effect to the consumer

Food will be analysed to assess for composition and ensure the maximum permitted levels of certain undesirable substances and the presence of prohibited substances are not found.

Sampling Plan

Sampling focuses on food produced in Newport, imported food and complaints

Sampling will also follow participation in regional projects.

Where food fails to comply with legal standards, follow up visits will be made to investigate possible reasons for failure, if there has been gross negligence enforcement action may be taken and the premises will be targeted during subsequent sampling programmes.

The plan is set out at Appendix 1

3.6 Control and Investigation of Outbreaks and Food Related Infectious Disease

This area of work is undertaken by the Environmental Health Section in Newport City Council.

3.7 Food Incidents

As a result an incident or alert, the team will have due regard to the Food Standards Agency Codes of Practice and Practice Guidance, along with internal procedures.

Newport City Council will have due regard to the Rapid Alert System for Food that will be used if there is an imminent risk to human and animal health.

3.8 Liaison With Other Organisations

The team will endeavour to work closely with other organisations in order to strengthen our position and build closer relationships with the relevant parties particularly those involved with food. Other organisations will include the FSA, technical panels and groups, professional bodies trade associations, and accreditation bodies, and have local liaison with food businesses and farmers. We will also liaise internally with other departments such as Port and Environmental Health and other Trading Standards Authorities. Collaborative projects in Greater Gwent and All Wales groups will be undertaken.

3.9 Food Standards Promotion

By working closely with other organisations, it will help us and the other organisations to provide a service to businesses to ensure the safety and high standards demanded by consumers. We

will constantly aim to improve our service provided to businesses and consumers with the help from other organisations and the adequate financial resources.

4. Resources

4.1. Financial Resources Required for the Service

Inspections: In order to complete the inspection regime it is possible to estimate the amount of time required; and thereby estimate the amount of resources required. Certain assumptions are required, they are:

- At Newport high-risk inspections are generally completed by a Principal TSO and on average take 15 hours to fully complete.
- At Newport medium-risk and low-risk inspections and non-programmed inspections are generally completed by a Senior TSO/TSO and on average take 5 hours to fully complete.

For 2015-16 there are 50 **high risk inspections** programmed for food standards issues; this equates to 1,200 estimated hours at the rate of £28 per hour. The total resources required are therefore **£33,600**

For 2015-16 there 335 **medium-risk and low-risk inspections programmed**; this equates to 1,675 estimated hours at the rate of £22 per hour. The total resources required are therefore **£36,850**

Each year there is a requirement to **visit new businesses**; and it is estimated there are 200 new food businesses opening in Newport each year. These visits would then cause a need for further advice on a further 50 occasions. Based on the 'medium-risk rate'; this would account for further resources of **£27,500**.

Service Requests and Business Advice: Based on 2014-15 data there were 107 service requests for food standards that year. Based on the assumption these will take 6 hours each to be completed and 25% will be done by a Principal TSO and 75% will be done by a TSO. The cost of these service requests is **£15,096** annually.

Training: There are 8 officers requiring 10 hours each of competency training. On the assumption that training is £40 per hour on average; this is estimated at **£3,200**.

Sampling: Based on historical information **£8,000** is sufficient for the needs of Newport City Council. If more were available the service would be better as would be consumer protection.

The total cost of the resources required to meet this standard is £124,246

4.2. Actual Allocation available for the Service

Officer	FTE	Cost [£]
Principal TSO [AH]	0.2	£9,216
Principal TSO [FT]	0.05	£2,304
TSO – Team Leader	0.05	£2,304
Senior TSO/TSO [5 officers]	1.00	£42,240
FTO	0.05	£1,600
Trading Standards Manager	0.025	£1,408
Training Budget		£3,200
Sampling Budget		£8,000

The total available resources Newport City Council puts towards food standards is £67,264

This will allow all the high risk inspections to be completed and the other targeted interventions which will be intelligence led, often as the result of a consumer complaint/project work

- High Risk Visits: resources made available will be £33,600
- Training: resources made available will be £3,200
- Sampling: resources made available will be £8,000
- Targeted Interventions: resources made available will be £7,368

4.3 Staff Development Plan

All officers receive a review and their allocated work and training programmes are agreed in line with Newport City Council's Review Policy and procedure.

5. Quality Assessment

The Food Law Code of Practice requires authorities to maintain documented monitoring procedures.

5.1. Internal Monitoring

A management system will monitor and ensure consistent inspections and the quality and nature of work carried out, to make sure as far as practicable that work is undertaken competently and to a uniform standard. Monitoring should be undertaken in accordance with this procedure.

The procedure includes measures to monitor:

- adherence to the section plans
- that priority is given to inspecting the higher risk premises
- compliance with Food Standards Agency Codes of Practice, Practice Guidance and central government guidance
- compliance with internal procedures and policies
- that inspection ratings allocated are appropriate
- that the interpretation of legislation, and action taken by officers following inspections/investigations, are consistent within the authority and with central government guidance.

The procedure is composed of three elements:

- Performance review.
- Monitoring of records and service requests.
- When appropriate - Accompanied inspections. A senior officer and inspecting officer will visit the premises at the same time, one to undertake the inspection, the other to monitor the officer's approach, judgements, thoroughness, etc. A minimum of one visit will be made with each officer during the year.

In addition to the monitoring systems describe above, the following arrangements are in place to promote quality and consistency:

- A document control system has been established to ensure that officers have access to current policies, procedures, legislation and official guidance.
- Team meetings are held during which issues of interpretation and enforcement is considered.
- A Lead officer has been appointed to promote consistency in food standards regulations.
- All files presented for formal action (caution or prosecution) are reviewed by the Trading Standards Manager.

6. Review

6.1. Performance against this Service Plan

This will be reviewed at the end of 2015. The feedback given will include information on levels of compliance with all aspects of the Plan, including specified performance targets and standards, and other stated outcomes.

6.2. Identification of any Variation in the Service Plan

If there is a variation from the Plan this will be discussed at Management meetings for action.

6.3. Areas for Improvement

The service was subjected to an audit in January 2014.
An Action Plan now exists; all recommendations will be completed.

APPENDIX 1

Sampling Plan for 2015/16

Objective

The objective of this sampling programme is to ensure that food businesses are compliant with the relevant requirements that apply to them with regards to food.

We will primarily be sampling for compositional compliance chemical contaminants or for undesirable substances.

Sampling will prioritise food produced in Newport

Food Standards

- The Section will take samples from its 'home authority' businesses during key visits
- The Section will participate in the various projects of the regional groups; where sampling is required there will be full participation
- The Section will take samples for meat speciation
- The Section will take samples for labelling compliance

Budget

£8,000

Public Analyst

The Public Analyst that will be used for conducting the formal and informal samples procured during the course of the year will be decided depending upon the test required but generally will be Alistair Low.

The details on samples taken will be inputted using UK FSS.

APPENDIX 2

Premises Food Standards

F01	Food Manufacturer - national	8
F02	Food Manufacturer - regional	3
F03	Food Manufacturer - local	28
F04	Food Packer	2
F05	Food Importer/Exporter	3
F06	Food Distributor/Wholesaler	19
F07	Food Retailer large	25
F08	Food Retail/Manufact - small, equipment	19
F09	Food Retail - small equipment/crit date	156
F10	Food Retail - small no equip/crit date	18
F11	Food Retail - licensed premises	101
F12	Food Retail - licensed meals/accomm	116
F13	Food Retail - unlicensed rest/takeaway	292
F14	Other food suppliers	350
Not Risky		386
	Total	1526

APPENDIX 3

Key Activities (From the Trading Standards Business Unit Plan)

Included in the **priorities** relevant to the Food Plan of the Business Unit Plan:

- Food Chain Integrity

Included in the **key activities** relevant to the Food Plan of the Business Unit Plan:

- **Criminal Investigations:** In order to work towards the priorities officers carry out criminal investigations into rogue trading activities of traders.
- **Business Interventions (Inspections and Advice):** The Section carries out business inspections on a risk-based and intelligence-led model. The principle is 'no inspection without reason'. Routine inspections are carried out where the business or farm is due for an intervention following the LACORS (for Trading Standards) and DEFRA (FOR Animal Health) Risk Assessment Schemes. Depending on the type of business and its individual compliance history; it will be rated high, medium or low. Each high risked business is visited at least once a year; each medium risked business at least once every two years; whilst low risked businesses are nominally visited once every five years.

Prevention

Activities intended to educate and advise businesses and consumers in relation to their responsibilities and rights with the intention of preventing problems occurring

Control Strategy Priority	Activity Description	Activity Detail	SMART Targets	Anticipated Date of Activity	Responsible Officer
Supporting Reputable Business	Business Guidance	Provide businesses with advice and education regarding compliance during inspection activity	Improve the recording of the advice provided and seek a 10% improvement on previous year	All Year	Matthew Cridland

Enforcement

Proportionate and responsible enforcement activities necessary to investigate reports of businesses and individuals breaching trading standards and public protection legislation and for the surveillance of the market place to ascertain compliance

Control Strategy Priority	Activity Description	Activity Detail	SMART Targets	Anticipated Date of Activity	Responsible Officer
Supporting Reputable Business	Local Business Sampling	From local producers and importers and other businesses governed by Food Standards Law and Feed Law samples will be taken; appropriate enforcement action will then be taken. This activity will be outside of the national campaigns.	Visit each high risk business at least once.	All year	Matthew Cridland
Food Chain Integrity	Food Manufacturers Process Assessments	Each Food Manufacturer will receive a process assessment on either traceability or average weight to ensure systems remain robust for the maintenance of the safety and quality of the food produced	12 Visits and a Report	All year	Matthew Cridland
All Areas	WHOTS and Gwent Surveys	The Section will participate in all WHOTS and Greater Gwent TS Surveys looking at key areas of concern for Wales and Gwent	The Section will identify each survey and take part	All year	Matthew Cridland
Food Chain Integrity	Food Fraud Hits	Intelligence Led Proactive Interventions Highlighting specific areas of food law compliance that lends itself to food fraud	Liaison with Regional Intelligence Resource Production of	Quarter 3	Matthew Cridland

Control Strategy Priority	Activity Description	Activity Detail	SMART Targets	Anticipated Date of Activity	Responsible Officer
			Operational Plan Completion of plan		
Food Chain Integrity	Fast Food Compliance Survey	Undertake visits to independent fast food businesses selling meat products; 10 businesses were visited in Newport last year and all of them were found to be selling falsely described meat. There needs to be an assessment of all such premises (Kebab and Pizza Shops etc.) in Newport	Visit 50 premises	Quarter 1	Matthew Cridland
Tackling Fraudulent Trading	Self-Storage and Cold Store Project	Complete surveillance activities at such premises in an attempt to find illegal consumer goods	Liaison with Regional Intelligence Resource Production of Operational Plan Completion of plan	Quarter 3	Matthew Cridland

Service Improvement

Service Improvement: In order to continue to move the Section's performance forward particular service improvements activities will be completed

Control Strategy Area Priority	Activity Description	Activity Detail	SMART Targets	Anticipated Date of Activity	Responsible Officer
Food Chain	Responding to FSA Audit Action Plan	The Section will consider the action plan following the audit and make all improvements necessary	Action Plan will be Agreed and Delivered	All year	Matthew Cridland
All areas	Regulators' Compliance Code	The Section will endeavour to comply with all requirements of the recent code	Maintain up-to-date knowledge of all issues	All year	Matthew Cridland
All areas	Regular Meetings	Each month the Section will meet as one where corporate, sectional, operational and health and safety issues affecting Trading Standards will be discussed. Each month the Teams will meet to discuss more local issues. Each month the Team Leaders will meet with the TSM	Meetings Schedule	All Year	Matthew Cridland
All areas	Media Opportunities	The Section will fully utilise media opportunities to ensure that the messages from the Section are put into the public domain; this activity would include; deterrent messages where traders have been prosecuted; precautionary stories where consumers have been disadvantaged by a trader; stories about the good work of the officers; and messages to educate the trade and consumers.	The Section will seek to increase the media messages and endeavour to ensure 25 releases are covered in the media	All Year	Matthew Cridland
All areas	Database	The Section will look to ways to improve its use of databases to support the work of the Section	Production of regular monthly performance reports in order to provide year-on-year comparisons	All Year	Matthew Cridland
All areas	NCC Web Site	The Section will continue its improvement of the corporate web site and will use it as a method to provide a portal of help and guidance to citizens and businesses and a method of promotion of the good work	Two Reviews to occur during the year.	All Year	Matthew Cridland

Control Strategy Area Priority	Activity Description	Activity Detail	SMART Targets	Anticipated Date of Activity	Responsible Officer
		of the Section's officers.			
All areas	Service Satisfaction	The Section will seek to question the views of users of our service regarding their experience when dealing with us; questionnaires will be sent out to consumers and businesses and where negative feedback is provided, in each case an investigation will be carried out. This area of work will expand from just the 'trading standards function' into the Dog Control and Kennel Service.	The Section will seek to obtain a 90% user satisfaction rate	All Year	Matthew Cridland
All areas	Regional Enforcement Projects	The Section will fully participate in the regional enforcement initiatives such as the Wales Illegal Money Lending Unit and the Scam Busters Team. Wherever there are regional enforcement jobs recognised by the Section a request for regional assistance will be submitted.	The Section will attend each IOM Meeting and will liaise with the WIMLU and the UK eCrime Unit when appropriate.	All Year	Matthew Cridland
All areas	Code of Practice: Power of Entry	The Section will comply with the new Code of Practice in relation to Powers of Entry and produce new procedures	Implement new procedures	10 April 2015	Matthew Cridland
All areas	Intelligence Operating Model	The Section will seek compliance with the IOM	Carry out Audit of compliance by Christmas	All Year	Matthew Cridland
Food Chain	Feed Sampling	The Section will seek external funding to assist with this key activity	Application to be sent to FSA	Quarter 1	Lindsay Horth
Food Chain	Official Controls Review	The FSA will be completing its review of Food Standards and Feedings Stuffs enforcement; there will be a need to liaise with government and LA partners to ensure the best outcome	Maintain up-to-date knowledge of all issues	All year	Matthew Cridland
Food Chain	Food and Feed Competency	Food Standards and Feeding Stuffs Enforcement require competent officers to satisfy statutory competency requirements; the levels of training will be monitored and	Each Food and Feed Officer to receive training as	All Year	Matthew Cridland

Control Strategy Area Priority	Activity Description	Activity Detail	SMART Targets	Anticipated Date of Activity	Responsible Officer
	Requirement	controlled	set out in Codes		
All Areas	Partner Engagement	The Section will fully participate with key partners and attend best practice forums and meetings . Officers from the Section currently attend the WHOTS Fair Trading Group, the Regional Intelligence Group, the WHOTS IP Group, the WHOTS CACS User Group, the All Wales Doorstep Crime Group, the Stop Newport Smoking Group, Safer Newport Groups, and the Wales Heads of Trading Standards Group. At the national level officers attend the Scam Busters UK Governance Group and the Scam Busters Managers Group.	Attendance at all appropriate meetings and groups	All Year	Matthew Cridland
Food Chain and Fair and Safe Trading	FSA, section 70 NMO and Hallmarking Return	There are statutory returns required from the Food Standards Agency, the National Measurement Office and the Assay Office regarding their spheres of interest. The Section will ensure that these returns are sent to these agencies promptly.	Timely submission of returns	Various dates	Matthew Cridland
Food Chain	National Sampling Database	The Section will ensure that its procedures for the recording of food samples that are intended for analysis are compliant with the UKFSS National Sampling Database Procedure and that samples are recorded in this manner	All food samples that are sent to the Public Analyst are uploaded onto the National Sampling Database	All Year	Lindsay Horth
Age Restricted Sales	Survey Collation	Conducted annually for alcohol, tobacco, fireworks, solvents, gas lighter fuels, petrol, etc.	Reply to collator within one month of request	Quarter 1	Ruth Harris

Performance Management

Name of Indicator	2013-2014	2014-2015	2015-2016 Target
Percentage of significant breaches brought into compliance or malpractice ended The purpose of this measure is to demonstrate how successful the officers are in the area	83%	78%	85%

<p>of solving significant problems. The measure first of all measures the number of each 'significant breach' identified by officers (and these are those matters that are so important that officers will take action in order to make sure the matter is sorted out). Then once the breach has been identified, an assessment is made as to whether it has been sorted out within the following 6 months</p>			
<p>Percentage of high risk businesses inspected There are a number of schemes which measure the risk posed by each business. Where a business is shown to be high risk to consumers; there is a requirement to visit once a year.</p>	100%	100%	100%