

Appendix 1



MID KENT ENVIRONMENTAL HEALTH

FOOD SERVICE PLAN

2022– 2023

Introduction

This plan explains the work undertaken by the Food and Safety Team, Mid Kent Environmental Health Service (MKEH). It has regard to the Food Standards Agency's Food Law Code of Practice and looks forward to for the next year following which we anticipate the Food Standards Agency (FSA) to announce changes in the enforcement model.

MKEH Food and Safety Service aims to protect and improve the quality of life of the local community, workforce, and visitors to the districts of Maidstone, Swale and Tunbridge Wells. Officers are based at two locations – Sittingbourne and Tunbridge Wells but have utilised remote working as a way of maximising efficiency of time and planning visits and interventions; they also have access to Maidstone House when working in Maidstone.

The purpose of the Food & Safety Service, in relation to its food activity, is to reduce risk to the public from food purchased, produced, or eaten in the Mid Kent area. We have a responsibility to ensure we provide accurate and timely advice to food businesses, based on national guidance produced by the FSA. Most of the team's work focuses on food safety, health and safety at work, infectious disease control and the registration of tattooing, cosmetic piercing etc. The service also delivers shellfish monitoring for Swale and animal welfare for Tunbridge Wells.

Food composition, labelling, and feed stuffs are dealt with by Kent County Council Trading Standards.

Included in this service plan is:

- Where we work and what we do
- How we deliver our food service
- Our achievements 2018 - 2021
- Planning ahead and the challenges we face

1. Where we work

The service is delivered from Swale House, Sittingbourne and Town Hall, Tunbridge Wells. Officers use Maidstone House as a place of work when working in or near the town, for meetings with other service areas and for administrative needs.

We support home working in line with HR policies to ensure that officers work efficiently and flexibly. We work according to business demands including evening and weekend visits to premises that are inaccessible during 'normal' working hours.

Tunbridge Wells

The main urban area is the historic town of Royal Tunbridge Wells and Southborough and the two market towns of Cranbrook and Paddock Wood. Beyond these towns, the Borough is predominantly rural in character and nearly 70% of the borough is designated as an area of outstanding natural beauty. There are eleven premises approved under EU Vertical Directives, including a cheese manufacturer, meat and fish products and cold stores.

Swale

There are eleven premises approved under EU Vertical Directives, including a cheese manufacturer, meat and fish products and a cold store. Sittingbourne has one of the largest bottling and packing plants in Europe for cherries and other fruit, whilst Faversham has one of the oldest breweries in the country. In the summer months there is an increase in fast food and mobile food operators within the district and a general increase in business as tourism attracts an influx of people, especially on caravan and chalet sites on the Isle of Sheppey. As a coastal authority the Council has responsibility for sampling of shellfish from the Swale.

Maidstone

Maidstone is the county town of Kent and has the largest population of all the Kent Districts. A large, diverse number of food premises are situated in the town centre which also has a vibrant night-time economy. There are many catering establishments in the rural communities with much of the countryside designated areas of outstanding natural beauty. The M20 corridor along the north of the borough provides easy access to Europe and the rest of Britain for a number of food distribution sites. Maidstone has a flourishing weekly market (Tuesdays and Saturdays). Ten premises are approved under EU Vertical Directives, including dairy, meat, and egg products.

Table 1: Total Premises and EU Approved Premises

	Maidstone	Swale	Tunbridge Wells
EU Approved Premises	10	11	11
Total Number of Food Establishments (as reported in 20/21 Food Standards Agency return)	1488	1384	1292

All districts have a proportion of food establishments catering for world cuisines such as, European, Asian, Indian, Chinese, Nepalese, Mexican and many employees whose first language is not English.

1.1. Our Service Standards

We pride ourselves on the professionalism, integrity, and experience of our officers. The service reports to the MKS Shared Service Board for Environmental Health, members at each authority, and the public. As food authorities we must ensure we work to the standards defined by the Food Standards Agency Code of Practice and associated Practice Guidance as well as meeting the standards set by the Health and Safety Executive. We also ensure all officers' competency is maintained in line with FSA's competency framework. We also ensure that each officer working in food safety maintains their annual minimum of 10 hours Continuing Professional Development (CPD) in food safety matters to comply with the Food Law Code of Practice and 10 hours made up from other professional matters.

Our performance standards include:

- Responding to service requests within 5 working days
- Carrying out all food interventions within the timescales in the Food Standards Agency Code of Practice.
- Ensuring regular updates of national food hygiene rating scores (FHRS) to the Food Standards Agency website
- Applying a risk-based approach to prioritizing new food businesses

1.2. How we provide information, guidance, and advice

We carry out advisory visits to food premises on request and payment of the relevant fee; we do respond to enquiries via the telephone or e-mail and make no charge. We provide technical information and signpost to national standards, guidance, and legal requirements. Each authority website provides help and guidance with links to other reference sources and is updated regularly.

MKEH have a dedicated and trained administration team who triage many enquiries, update database information and are responsible for collation of system information. They can be contacted at:

01622 602460 or 01622 602450

e-mail: ehadmin@midkent.gov.uk

1.3. How we check compliance with the law, assess risks and let those we regulate know what they should expect from us.

We visit food businesses and respond to customer service requests. Using the Food Standards Agency Food Law Code of Practice, we assess the risks to food safety and rate businesses accordingly. This process governs how often we will visit a food premises, for example, with A rated businesses (the highest risk) receiving visits every 6 months.

We give feedback to food business operators, verbally and in writing at the time of visiting, distinguishing between what is required by law and recommendations of good practice. If a business is rated 0-2 for National Food Hygiene Rating, then a letter including photographs, when appropriate, is sent providing further detail. These letters are sent to ensure that the food business operator is clear about the work needed to comply with food laws.

Additionally, we give eligible businesses a rating under the National Food Hygiene Rating Scheme (FHRS) which is published on the Food Standards Agency website. Ratings can vary between 0 [urgent improvement necessary] to 5 [very good]. Not all food businesses are eligible for inclusion in the scheme governed by the FSA's Brand Standard (for example home caterers and manufacturers are excluded).

We will undertake enforcement revisits to food premises where the risk to health requires action to be taken before the next inspection, usually premises with a rating of 0, 1 or 2. We charge £168 (2022/23) for requests for re-inspection for re-rating purposes. This enables those businesses that wish to improve their score quickly and demonstrate to officers they have completed the necessary work, the opportunity to have their rating reviewed, there is no limit to the number of times they can request a re-inspection for re-rating purposes. Businesses have a 'right to appeal' the officers original risk rating and a 'right to reply'. By publishing the ratings consumers can make informed decisions about premises they visit.

- **How we deal with non-compliance**

We advise and educate to achieve compliance. Persistent and/or serious non-compliance may lead us to serve statutory notices requiring action within a specified time and/or to prosecute offenders in line with our enforcement policy.

▪ **Our Enforcement Policy**

This explains in more detail our aim to provide a service that is proportionate, targeted, transparent, and consistent. All three local authorities have adopted the Government's Enforcement Concordat and we have a common Enforcement Policy based upon its principles. The Enforcement Policy is consistent with the Regulator's Compliance Code.

We seek to ensure that local businesses comply with important statutory requirements designed to protect the health, safety and welfare of employees, the public and the environment whilst placing the minimum possible burden on businesses.

This is achieved by targeting food business operators posing the highest risk to food safety and taking a 'softer touch' to lower risk and fully compliant operators.

▪ **Our fees and charges and the reasons behind them**

We carry out our services because we are legally obliged to as a 'Food Authority'. We charge for the following services.

- Attestations for exporting low risk goods
- Voluntary surrender certificates for insurance claims
- Requests for a re-inspection for re-rating purposes
- Advice visits

Fees are calculated according to how much it costs us to provide the service. These must be reasonable, and we do not make a profit.

▪ **How to comment or complain about our service**

Each council has a complaints policy that can be found on their respective websites or by contacting EH Admin.

2. How We Deliver our Food Service

We do this by:

Enforcing food safety in all food premises through targeted interventions, investigate and respond to food service requests/complaints, investigate food poisoning notifications and outbreaks, undertake food sampling, imported food, infectious disease control, sampling, and classification of shellfish, and dealing with general enquiries from the public.

2.1. Programmed food hygiene inspections & Food Hygiene Rating Scheme

We target those businesses posing the highest risk to food safety, interventions are carried out in premises risk-rated as A - D, with A rated posing the highest risk. Premises rated as the lowest risk, E (unless they are Approved Premises) are targeted as part of an alternative enforcement strategy, using questionnaires every 3 years to track changes in food operations that may trigger an intervention. If a response to the questionnaire indicates higher risk activities are being carried out an inspection will be made. Visits may be made as a follow-up to a 'non-response' by a business.

Other premises will be targeted where intelligence arises from various sources including the public, FSA and neighbouring authorities or other agencies.

Premises profile

On the 1st April 2022 there were 3872 operating food premises within the Mid Kent Shared Service. The table below shows the number of food businesses in each risk category per area.

A = indicates the category with the highest risk.

O = those premises registered but outside of the inspection regime, usually because the risk is perceived to be so low or they may be inspected by other agencies.

The figures vary during the year as new businesses open, some premises close or change food business operators. Table 2 shows the FSA Local Authority Enforcement Management return figures for 2021 – 22.

Table 2: Premises by Risk Category

Category	Maidstone	Swale	Tunbridge Wells	Total
A	1	2	2	5
B	13	17	17	47
C	129	113	161	403
D	597	560	444	1601
E	660	630	526	1816
O	57	40	111	208
TOTAL	1457	1362	1261	4080

2.2. New premises

New food businesses are required to register with the local authority and are allocated to officers for inspection. The figure varies, but averages about 16 new businesses per local authority per month. An initial inspection will be carried out to assess the business risk rating and subsequent routine inspections frequency will be based on the overall risk profile.

2.3. Investigating complaints about food and food premises.

All officers are expected to respond to all food service requests within the time scales specified in the service Standard Operating Procedures, currently 5 working days. Priority is based on the perceived risk to health and depends on

information received from the complainant, the resource available. Some service requests will not be investigated as they pose no risk or we have no powers, however, contact will still be made with the complainant to advise them of this.

2.4. Investigating cases of food poisoning, food borne diseases & other infectious diseases.

We investigate cases of food poisoning, or suspected food poisoning, usually associated with food consumption. Notifications are received from the Kent branch of UK Health Security Agency (UKHSA) and are investigated using Department of Health Guidelines and our Food Poisoning / Infectious Disease Investigation Procedure.

'Other' infectious diseases generally refer to Hepatitis or Legionella and we assist the UKHSA in the investigation and prevention process of a variety of infections, either locally or part of a wider outbreak.

Outbreaks of sickness and diarrhoea, often associated with Norovirus type infections are also investigated, although many people can be affected, such outbreaks are rarely associated with food safety. Where a problem of wider importance is discovered, relevant food enforcement authorities and the Food Standards Agency will be notified in accordance with the Food Law Code of Practice

2.5. Approving and monitoring compliance with food law in businesses manufacturing products of animal origin.

These 'specialist' food premises often pose a potential higher risk to food safety because they distribute their food products over wide areas, sometimes internationally. Typically, producers of meat, fish and dairy products are required to be 'approved' rather than registered with their local authority to reflect slightly more stringent requirements of food law.

2.6. Sampling and arranging for microbiological analysis of food.

Sampling is carried out in accordance with our Sampling Policy. To prioritise resources, this is based mainly on the national sampling programme produced by UKHSA and Local Government Regulation (LGR) and co-ordinated across Kent by the Food Sampling Sub-Group.

The exception to this is sampling of shellfish in the Swale estuary. 60 shellfish samples are submitted annually for microbiological examination (5 per month) with additional samples tested for the presence of algal toxins. Sampling is undertaken by the Port of London under contract with Swale BC.

The purpose of sampling is to provide potential evidence to assist when suspect food has been implicated in food illness, to gain information about emerging trends in food safety or to monitor food business controls of food likely to support bacterial growth.

We provide feedback and guidance to those food business operators on sampling results.

2.7. Maintaining a register of all Food Businesses (except exempted businesses)

We are obliged to maintain a register of food businesses within each district under the Food Law Code of Practice. This can be provided from the database on request in hard or electronic copy. It contains the name, address and nature of all the relevant food business (i.e. restaurant, manufacturer).

2.8. Food Safety Incidents & Food Alerts

We receive food alerts, either from the FSA or local businesses where action needs to be taken because of a problem with food that has been distributed, usually affecting more than one local authority area. We may need to prevent the distribution of food and help trace where it has been distributed to prevent further food safety issues.

2.9. Supporting Businesses

Imported Food Products & Checks for Illegally Imported Foods

Checks are made during our visits to businesses to make sure food can be traced back to its origins. This includes checks on imported food to ensure fitness and that it has the correct documentation.

Advice on Good Practice in relation to Food Safety

We not only enforce the law, but we give advice to food business operators and members of the public about food safety and health and safety at work. If a business asks for advice, we can give over the telephone there is no charge, however, if an advice visit is requested this is chargeable (as above). In addition to this there is information available on all 3 websites including signposts to FSA and other relevant external agencies.

2.10. Maintaining a High Quality, Professional Workforce

The service organisation chart is provided in section 5 together with the cost of the Food & Safety Service. We consider the development and training of staff important to our success in delivering quality services are to our customers.

All officers are appropriately qualified and receive regular training to maintain their level of competency and continuous professional development. Regular update training is provided in-house for policy and procedures, especially when new legislation or for changes in approach, all officers have access to a high-quality online training platform.

We have fortnightly team meetings involving all officers to promote consistency and work across boundaries to ensure targeted work is achieved. We encourage shadowing between officers including inspecting more complex food operations (approved premises) and team leaders have a programme of accompanied visits to support officer development and provide constructive feedback on inspection skills. We participate in the annual Food Standards Agency annual national consistency exercise as well periodic inhouse consistency exercises.

2.11. Working with Government Agencies & other Organisations to Maintain or Improve Standards in Food Businesses

We are committed to ensuring the enforcement approach we take is consistent with neighbouring authorities and authorities with similar premises. We have regular contact with colleagues in other Kent authorities. There is a conscious effort between the organisations to ensure that there is a consistency of working practices. Arrangements to ensure engagement and collaboration are:

- Kent & Medway Food Liaison Group - review legislation and Codes of Practice and develop good-practice guidance to be available for use by all Kent authorities.

- Kent & Medway Sampling Sub-Group - co-ordinate sampling, exchange ideas and provide low-cost training opportunities.
- Inter-Authority Audit Schemes via Kent & Medway Environmental Health Manager's Group
- Local Government Regulation (LGR) – for guidance and advice
- Food Standards Agency – for guidance and training
- UK Health Security Agency for support in sampling, food poisoning and outbreak control.
- Planning and Building Control Sections – Notification of relevant planning applications are submitted to the team for perusal and comment and food safety advice is often provided before the formal application is submitted.

3. Our Achievements in 2018 - 21

3.1. Programmed Inspections

Each authority is required to submit annual returns to the FSA. The following information provides a summary of the workload and outputs achieved by the teams over the last 3 years. There are a range of interventions carried out by the team to reflect the needs of the food businesses we regulate, this includes the programmed inspections and audits, verification & surveillance and reactive interventions such as advice and education.

Table 3: Type of Intervention Undertaken

Category of Intervention	Maidstone			Swale			Tunbridge Wells		
	18/19	19/20	20/21	18/19	19/20	20/21	18/19	19/20	20/21
Inspections and audits	341	429	269	307	395	256	221	350	179
Verification and surveillance	14	48	42	26	36	46	30	35	19
Food sampling	50	14	16	58	11	41	33	117	0
Advice and education	36	220	43	53	221	47	178	257	52
Information/intelligence gathering	86	141	87	94	107	101	60	132	71
TOTAL	527	852	457	538	770	491	522	891	321

3.2. Service Requests

Reactive work is generated by complaints or information from the public, other local authorities and agencies.

Table 4: Service Request by Type and Year

Category	Maidstone			Swale			Tunbridge Wells		
	18/19	19/20	20/21	18/19	19/20	20/21	18/19	19/20	20/21
Food	47	43	41	42	38	50	30	37	27
Hygiene of Premises	133	127	71	99	97	92	87	78	66
TOTAL	180	170	112	141	135	142	117	115	93

3.3. New Business Registrations

The service must inspect and risk rate new businesses that register with the local authority within 28 days of registering, with the FSA indicating these businesses should be regarded as high priority. In practice many businesses register before they are ready to trade which can require us to monitor their progress to enable officers to undertake an inspection. We also find that some registrations don't materialise into trading businesses.

Since the pandemic we have seen a noticeable increase in the number of food business registrations which places further demands on officers time.

Table 5: Number of New Business Registrations (average per month) per local authority

Year	Average number of new food registrations received per LA per month
19/20	12
20/21	23
21/22	16
22/23 to date	15

3.4. Food Hygiene Rating Scheme (FHRS)

Appeals against the food hygiene rating score and requests for re-inspection and re-score

Businesses have a right to appeal against the FHRS score decision made by food inspectors, the process for appeals is laid out in the FSA Brand Standard. Both Food & Safety Team Leaders review the inspection information for the business to provide a robust process.

Businesses also have a right to request a re-score of the initial inspection score, where they have completed the work required by the inspecting officer. Generally, this is where a business has scored below a five and would like to improve

their score to prevent negative publicity. The inspection for re-rating must be carried out by the service within three months of receipt of this request.

Table 6: Appeal and Re-Scoring Requests

Category	Maidstone			Swale			Tunbridge Wells		
	18/19	19/20	20/21	18/19	19/20	20/21	18/19	19/20	20/21
Appeal	0	0	0	0	2	1	3	1	1
Rescoring inspection	7	18	6	9	17	2	17	11	5

3.5. Projects and Initiatives

- 3.5.1.** As a result of the Covid 19 pandemic the way we worked changed dramatically with officers being fully based at home. The way we conducted our inspections changed with the FSA requesting that all inspections from 1 April 2020 to 30 June 2020 ceased and when they did resume, they had to be undertaken in a covid secure fashion. Much of the 2020/21 and 2021/22 period was taken up with responding to the demands of Covid Enforcement, with officers involved in numerous projects. Visiting many local businesses to speak to them regarding their Covid secure measures and providing free of charge signage for mask wearing, social distancing etc. which was well received.
- 3.5.2.** In the recovery phase of the pandemic ongoing proactive surveillance was/is essential to re-establish an accurate picture of the local business landscape and to identify open/closed/ recently re-opened/ new businesses; as well as businesses where there has been a change of operation, activities, or food business owner. We were successful in obtaining specific FSA funding relating to new businesses, all new food registrations received during the pandemic were subject to triage to identify premises which are deemed to be high priority for inspection.
- 3.5.3.** We also successfully applied for funding from the Food Standards Agency to fund personal protective equipment and officer time for the inspection of the numerous fishing vessels registered within the Swale area. This project involved a Senior EHO making direct contact with fishing businesses and boarding each boat to undertake a food inspection.
- 3.5.4.** In the summer of 2019/2020, we received a high number of reports from various sources, including Kent Police, regarding the illegal harvesting of shellfish from around The Swale. This posed a food hazard as the illegal harvesting was not from classified beds subject to regular sampling, and the qualities taken suggested that it may

enter the food chain rather than for personal consumption. Our officers attended various patrols along with Kent Police, The Gangmasters and Labour Abuse Authority and Kent & Essex Inshore Fisheries & Conservation Authorities. In association with these agencies and Natural England our officers designed signs which was subsequently erected at common harvesting points. The number of reports the following year was very low in comparison.

3.5.5. In July 2021 routine sampling of the Swale indicated the presence of microorganisms necessitating the temporary closure of Cleve Marsh Beds. Notices alerting the public were positioned either side of the Swale to inform the public. The beds remained closed until September following further sampling of shellfish and water indicating levels of contamination had reduced to safe levels. The beds were not being harvested by the authorised shellfish fisherman at the time due to low stock levels.

4. Planning Ahead & challenges 2022 - 25

4.1. Overview

There will be some notable external challenges ahead of us in relation to realigning the routine inspection plan to pre-Covid pandemic levels, due to several factors. The pandemic saw a high level of food business closure and opening, plus the present challenging economic environment; staffing shortages in the service sector, increasing energy and wage costs, and the backdrop of financial constraints on household finances.

Change is anticipated for food regulation in the UK that may include changes to how we regulate food safety following the UK leaving the EU – particularly in relation to imported food. Maidstone, Swale and Tunbridge Wells do not have port-based imported food inspection responsibilities, but our proximity to two of the busiest ports of entry into the country may impact on the future arrangements for inspecting food entering the country.

4.2. Workforce

We have a strong record of providing access to food training courses to ensure officers maintain and go beyond their professional CPD requirements. Looking forward it is even more important to ensure that suitable training provisions are available to deliver the agile and resilient workforce required to meet the demands of the future. We currently have 4.5 FTE vacancies within the Food & Safety team. Despite several recruitment attempts over the past two years we have been unsuccessful in appointing to these posts. This reflects regional pressures of high cost of living in the SE England, plus competition of London weighting salaries and very competitive Border Control Points at Dover and Ashford, within easy commuting distance to our authorities makes recruitment very difficult.

Given these pressures it is inevitable that we need to radically rethink of what skill set officers need to deliver interventions; to this end we are exploring alternative options to reflect recent changes in the FSA's competency framework for authorising officers. To address the short-term resource issue team leaders are undertaking more front-line work, the vacancy budget is used to fund contractors, plus we offer overtime to staff on a voluntary basis.

4.3. Modernising Regulation

The FSA has introduced the Achieving Business Compliance (ABC) programme approach to modernising the way food businesses are regulated by the FSA and LA's. Today, 95% of our groceries come from 10 large supermarkets. Online food sales have substantially increased, with online food sales almost doubling in the last 5 years. In addition, businesses have more data available.

For some parts of the food sector, there may be more effective ways to make sure businesses comply with the rules than our current regulatory model, which is based heavily on in-person and regular inspection of food business premises by local authorities.

The ABC programme will develop a set of smarter regulatory approaches which:

- make it easier for businesses to provide safe and trusted food for consumers
- target regulatory resources at the areas which pose the greatest risk
- improve compliance across the system by working with and through others, including regulatory partners and influential businesses

4.4 Process Efficiencies

The service actively encourages officers to identify ways of making their inspection processes more efficient. We have introduced some pre-inspection checks to establish if the businesses are still trading following their food registration or they have a low inspection frequency. These checks are carried out by Admin and help save on journey time to businesses that have ceased trading or 'no show' visits.

4.5 Attestations & Export Health Certificates

The provision of Export Health Certificates has been currently suspended due to key trained officers leaving the service this will be re-examined when resources allow. We currently charge on a cost recovery basis for attestation service for food business operators who wish to export low risk food stuffs to the rest of the world, this may be a growing area of work but may have to withdraw this offer if staffing levels do not improve.

4.5 Mobile working

We have been working closely with the Mid Kent IT development team to explore more efficient ways of working using up to date technology, we have partnered with an external agency which is a market leader in field service and mobile workforce management technology. We will shortly be providing officers with new hardware to adopt phase 1 of this project, integration between the software and the Uniform database with an aim to extend this to food inspections later in the year. The objective is to streamline processes by recording visit and inspection outcomes directly to the database, allowing officers to focus time on undertaking inspections not the paperwork.

4.6 Hybrid working

In line with the Tunbridge Wells Borough Council's flexible working policy our officers have adopted a hybrid way of working. Whilst officers have always spent time in the borough's undertaking various interventions. Alongside this however, we recognise the importance of maintaining strong team bonds to provide officers with sufficient support to enable them to develop and have confidence that should they need support when faced with serious enforcement

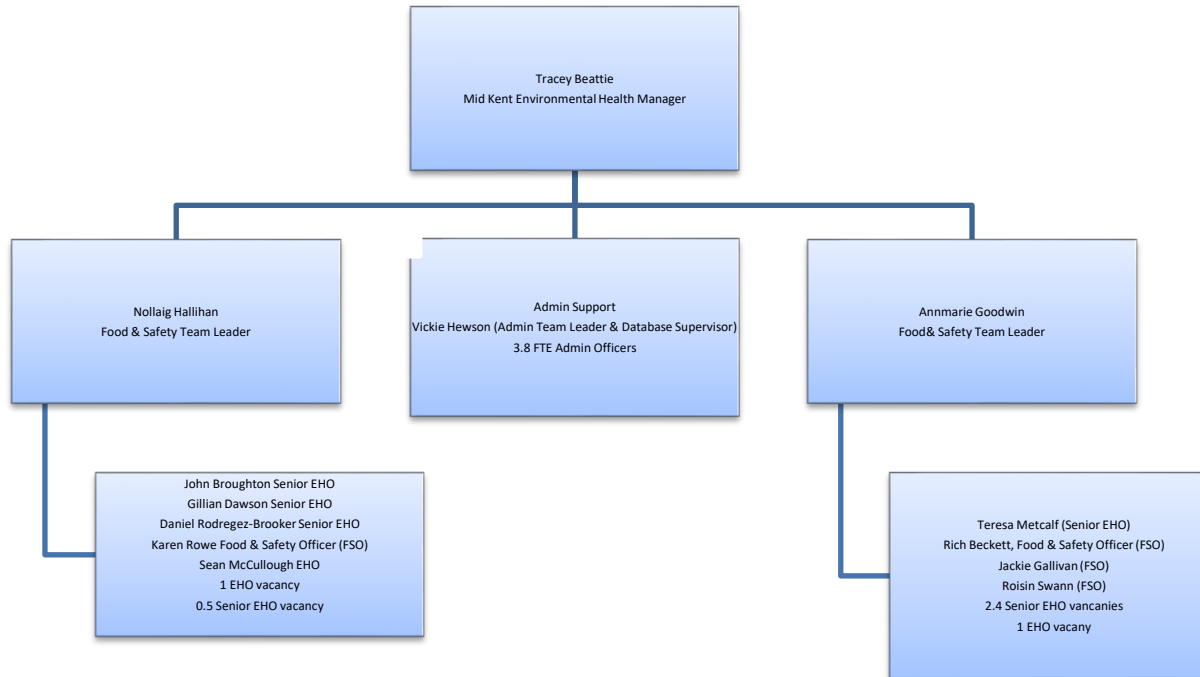
situations. To this end Team Leaders encourage team working days in the offices and annual Service Planning days, where system improvements are identified by all participants.

4.7 Internal Audit Jan – March 2023

The Food & Safety team will be subject to an internal audit in early 2023 to ensure we are maintaining our service standards etc.

5. Resources

Mid Kent Organisational Chart (As of 1 April 2022)



6. Budget Allocation to Food Safety

The allocation of budget across MKEH is provided in the table 7 below. The budget set for 2022/23 remains the same as the previous Mid Kent Service Plan. It is based on an estimate of 60% of Management time, 80% of Professional officer time and 60% of Admin time spent on food functions. Table 8 provides the cost to each local authority.

Table7: Total Shared Service Costs for Food Safety

	Budget 2022/23 (£)
Management costs (60% of team leader time & 30% Service Manager)	100,914
Professional Employee Costs (Includes overtime, PRP, NI and Superannuation and training)	530,924
Mileage & Transport Expenses	21,912
Administrative support costs	86,502
Income (est)	-14,000
TOTAL (Available expenditure)	728,777

Table 8: 2022/23 Food costs per Local Authority

	Maidstone	Swale	Tunbridge Wells
Food Service costs	228,763	240,424	259,590