

ISLE OF WIGHT COUNCIL

ENVIRONMENTAL HEALTH DEPARTMENT



Business Regulation and Public Protection Team Plan

The purpose of this team plan is to document how we aim to protect public health and promote regulatory compliance across the Island. This team plan contains the service strategy, aims, objectives, resources, and systems for securing the service plan objectives.

Business Regulation forms part of the multi-discipline Environmental Health Service within the wider Regulatory Service of the Neighbourhoods Directorate in the Isle of Wight Council.

Executive Summary

This service plan provides an overview of the performance of the Business Regulation and Public Protection Team in 2022/23 and outlines our work plan for 2023/24. Historic data is combined with information about changes in legislation and national priorities, to predict service demands over the coming year. Whilst the historic data indicates that service demands are likely to remain broadly the same as last year, the service has been placed under significant pressure which has been compounded by the pandemic.

Sources of pressure include reduced budgets as the Council seeks to reduce its deficit, a continuing inability to recruit suitable qualified officers and retention of existing staff. The team has seen two members of staff leave over the last year in addition the designated workspace has changed and now we have moved to a fully agile team.

The impact of the Covid-19 pandemic has been great on Regulatory Services and the full recovery will take time. Since the first national lockdown the service found itself under sustained pressure which involved balancing business as usual with the Covid response.

Food Hygiene

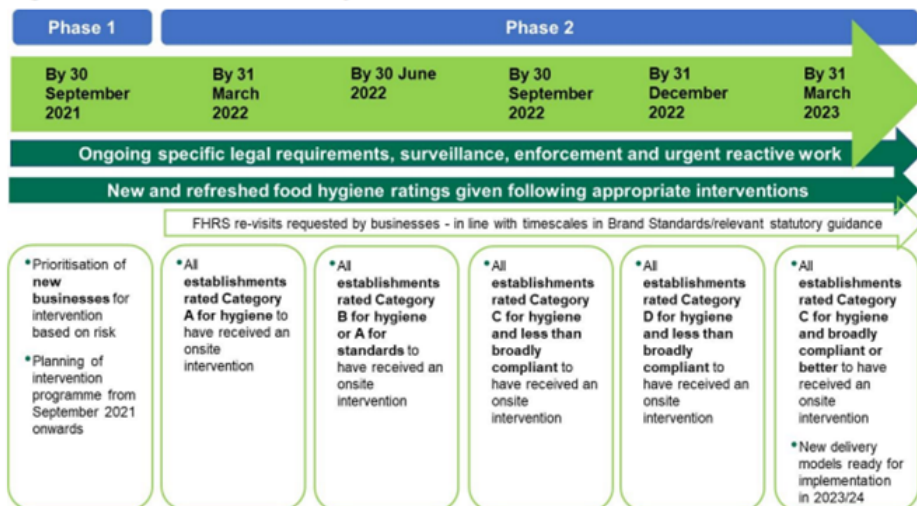
As of the 1 April 2023 there were 2003 food premises registered with the Council, the majority of these are catering or retail establishments. In addition to these premises there are also visiting businesses at outside events which often require checks to ensure any risk to public health is identified and addressed.

There are 13 approved premises registered, these are generally small-scale manufacturing premises and span a wide scope of products including, crab meat, smoked fish, cheese and milk.

The Food Standards Agency has provided Local Authorities with regular communication regards its guidance and advice on delivery of official controls and related activities.

The service has embraced the proposed Covid-19 Recovery Plans and associated milestones in assisting the backlog of routine and reactive work. The plan also sets out an expectation that LAs move at a faster pace where there is an ability to do so. Again, the service has embraced this approach and pushed on where feasible.

Figure 1: Outline of the Recovery Plan



Last year 49% of the businesses that were due a food hygiene inspection received one.

Efforts were focused on achieving 100% of the high-risk businesses (A rated) and 96% of businesses rated B were inspected. A high percentage (85%) of businesses remain in the top food hygiene ratings of 3, 4, or 5.

Despite being given a priority, we are failing to inspect new businesses within a timely manner, we recognise that without any prior approval or licence that these businesses pose a risk. During this service year we have adopted a more robust triage of new businesses, which is using the Regulatory Support Officer role. In addition to offering advice and the opportunity to attend a training and question and answer webinar.

We have adopted a change in the way we operate where existing businesses rated three, four or five can be provided with the inspection report and hygiene rating at the time of the inspection to reduce officers' administration time.

We served 11 Food Hygiene Improvement Notices on four premises. We have no enforcement cases, as since the pandemic and during this recovery period we are away of the pressures on businesses and have adopted a supportive approach. In addition, the service has had had 285 reactive services (complaints, advice that have required consideration).

We continue to be scrutinised by the FSA following the full-service audit in 2015 as we still have outstanding actions from the improvement/action plan. These directly relate to the inspection programme and the number and frequency of inspections.

Food Hygiene Inspection programme 2023/24 due:

Risk Rating	Total no	Due/Overdue on 1 April 2023
A (at least every 6 months)	2	2
B (at least every 12 months)	70	70
C (at least every 18 months)	298	226
D (every 24 months)	713	461
E (every three years intervention)	681	424
Unrated	239	239
New – Estimated based on last three years		200
Total	2003	1622

With the resources that we have we can complete a reduced inspection programme (this below table does not include the unrated and the new premises that register):

Risk Rating	% of Inspections achieved						
	2023/24 Target	2022/23	2021/22	2018/19	2017/18	2016/17	2015/16
A	100%	100%	100%	92%	100%	91%	100%
B	100%	96%	84%	96%	94%	100%	100%
C	94%	69%	50%	49%	55%	66%	72%
D	71%	50%	36%	45%	52%	52%	68%
E	7%	37%	3%	47%	45%	78%	39%
Total	55%	49%	29%	54%	68%	61%	88%

Food Standards

As of 1 April 2023, the service had 2006 premises registered for food standards. Inspections for food standards are only undertaken when a food hygiene inspection is due, this is consistent with Government's objective to reduce regulatory burdens on businesses. Consistent with previous years in 2023/24 food standards inspections will only be completed when the food hygiene inspection is due, independent of risk rating.

In 2022/23 1303 premises were due a food standards inspection and 25% of these were achieved (320). 1332 premises are due or overdue a food standards inspection in 2023/24, and the plan it is predicted that 40% of these will receive an intervention.

We do now have the power to serve Improvement Notices for some food standards offences. However, the focus at inspections has been to ensure that the business is fully aware of their responsibilities, particularly with regards to controlling the risk from allergens.

Health and Safety

There are approximately 5500 (this is an estimate) premises on the Island where the Service is the enforcing authority for health and safety. The vast majority of these businesses are lower risk premises such as offices, catering and retail establishments.

A risk-based approach is taken to inspection and is guided by the nature of the business, complaints received, reported accidents, and national and local priorities.

The investigation of complaints and accidents is proportionate to the risk presented to the public and our responses are in line with criteria used by the HSE and can be categorised as either a full investigation, an investigation by correspondence or telephone, not investigated, or referred to another agency.

The service completed very limited proactive work during 2022/23. However, the service had 69 accident notifications last year. In addition, the service has had 82 reactive services (complaints, advice that have required consideration). In the investigation of these resulted in 32 inspections/interventions that are reportable under the LAE1 return.

The HSE set a number of national priorities, for 2023/24 which are listed in the plan, in addition to this the Service has identified a local priority licenced premises that offer special treatments and larger hotels.

Private Water Supplies

Private water supplies are categorised into large supplies, small supplies and single domestic dwellings, with different legal requirements for each supply type. In 2022 there were five large supplies on the Island which require sampling each year, one small supply which requires risk assessment and sampling every five years, and 13 single domestic dwellings which require no action unless they make a request to the Council. The regulations also require the risk assessment and sampling of redistributed mains water, known as private distribution networks. These are relatively low risk and the focus will remain on large supplies.

The Council is required to review the risk assessments for all large and small supplies every five years, these are up for renewal in 2024.

The amendment regulations also introduced several changes which will require resources allocation in 2019, these include:

- That sampling officers must have their competence assessed by an accreditation body.
- Sampling Manual to accepted to gain the appropriate accreditation to complete the required sampling.

Shellfish

For several years Southern IFCA (Inshore Fisheries and Conservation Authority) have issued a temporary closure of the wider Solent oyster fishery. However, in 2018 they sought to re-open Ryde Middle bed, which falls within the jurisdiction of the Isle of Wight Council. This required the Council to collect samples to classify the re-opening of the bed. Southampton Port Health Authority already collect samples from an adjacent bed and it was arranged that they would also collect samples from Ryde Middle and re-charge the Council.

It is possible that Southern IFCA will seek to re-open other beds in the Solent, this will require the Council to put out a tender for the collection of oysters in the other beds.

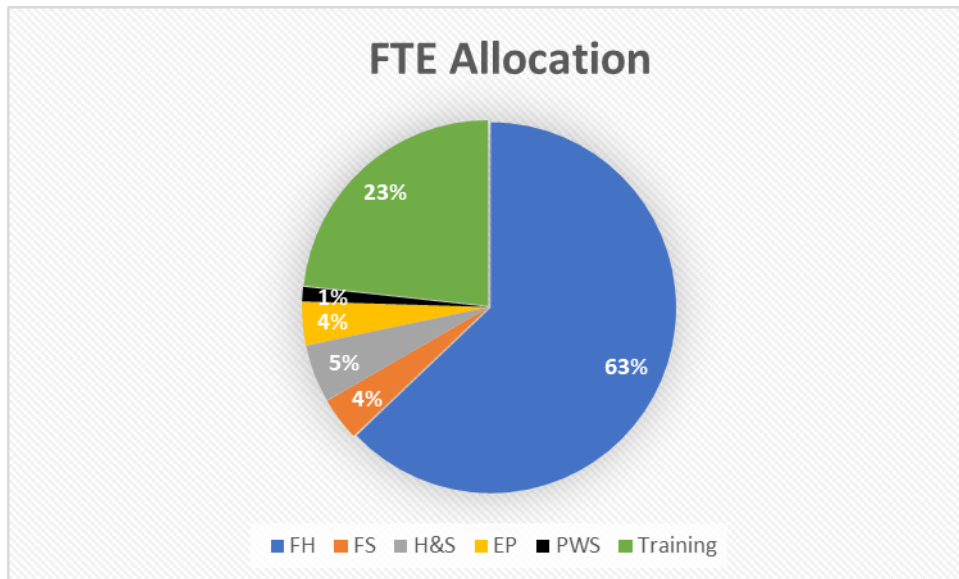
Resources

To deliver the full inspection plan for food hygiene an estimated FTE of 7 is required. The current FTE available including contractor is approximately 4.7. Resources are also anticipated in order to deliver the private water supply programme.

The officers also assist in the out of hours service for the Environmental Protection team.

Continuing efforts to recruit suitable qualified officers have been partially successful. Due to ongoing issues we reverted to plan to fill posts with trainee positions, this is now being implemented with three officers completing the advanced Professional Certificate in Food Hygiene and Standards Control pathway to registration and more recently two officers on the BSc Environmental Health Practitioner apprenticeship programme.

As a result of the level of training required it is acknowledged that there will be a significant lag time before this will have an impact on delivering the service plan.



Food Hygiene and Standards

Food Authorities are required to prepare and annually review a food service plan for their area under the FSA's Framework Agreement on Official Feed and Food Controls by Local Authorities, which must contain certain details and therefore this supplementary plan has been produced to fulfil this requirement.

Aim and Objectives

This service team plan outlines how the Isle of Wight Council intends to maintain or improve the hygiene of businesses selling, distributing and manufacturing food; ensure the safety and fitness of food in the area; meet the expectations of businesses and consumers; and protect public health.

Generic officers within the environmental health team carry out the food safety and food standards interventions to ensure that all food intended for human consumption that is manufactured, prepared or supplied on the Island complies with the food law.

The service undertakes food standards work (a key role in diet and nutrition), by checking the accuracy of food labelling, including information for people with allergies and working with business to ensure that the advertising and promotion of food is fair and not misleading. Consumers are then able to make healthy choices based on accurate product information.

The **scope of the Food Service** primarily includes:

- To ensure that food premises are registered or approved and to maintain an accurate database of food premises, to record information and intervention on the premises.
- Undertake inspections/interventions of food businesses in accordance with an inspection programme. Having regard to official codes of practice and, in particular the frequency of food safety interventions
- To ensure that a framework is in place so that food premises not registered on the Island but trading on the Island comply with the legal requirements and that the food is safe to eat.
- Undertake sampling, monitoring and verification activities to ensure that satisfactory standards are achieved.
- Sampling shellfish from classified beds, in accordance with the annual sampling programme produced by the Centre for Environment, Fisheries and Aquaculture Science (CEFAS), an agency of the Department of Environment, Food and Rural Affairs (DEFRA).
- Identify and assess premises that require approval in respect of specific food products or processes and to ensure that they are issued with condition or full approval as necessary.
- To respond on a risk assessed basis to allegations and complaints about food and food premises/practices.
- Investigate incidences of foodborne disease and take action, including liaison with other bodies such as Public Health England in agreement with joint GI plan to identify the source and prevent further infection.
- Take appropriate enforcement action in accordance with the Council's enforcement policy, which has regard to the principles of the regulators compliance code and the Government's better regulations agenda.
- Allow economic progress and only to intervene when there is a case for public protection or failure to comply with legal duties.
- Advise and educate consumers, food handlers, food business and other service users on food safety matters.

- To monitor the quality of our food hygiene inspections in accordance with the Council's procedures, guidance issued by the Local Government Regulation and the Food Standards Agency publication 'Making Every Inspection Count'.
- To respond to food alerts issued by the Food Standards Agency, in respect of food hazards and incidents, in accordance with the Food Law Code of Practice, where these impact upon food originating or traded on the Island.
- To implement the National Food Hygiene Rating Scheme (FHRS) in accordance with the Brand Standard.

National Factors

The Isle of Wight Council produces its food safety inspection programme on the basis of the revised Statutory Food Law Code of Practice (England) issued by the Food Standard Agency under section 40 of the Food Safety Act 1990. Further practice guidance to support the Food Law Code of Practice was revised and issued in April 2015.

The Food Standards Agency produced a strategic plan for 2022-2027³ 'food you can trust' which aims to focus on three main themes which need to be addressed and balanced to get the best overall outcome for consumers:

- Food is safe
- Food is what it says it is
- Food is healthier and more sustainable

³ Source [Food you can trust - FSA Strategy 2022-2027 | Food Standards Agency](#)

Other Influences:

- Achieving Business Compliance - In addition to the strategic plan the Food Standards Agency have embarked this programme. This is an approach to modernising the way food businesses are regulated.

It recognises that the food landscape has changed dramatically in the three decades since the current regulatory system was introduced. Although regulation has continued to evolve, it has not kept pace with the significant changes in the food industry.

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.

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.

It was set up to make sure consumers continue to have food they can trust in the future and 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.
- A report by the National Audit Office in June 2019 considered the effectiveness of the current regulatory system arrangements to ensure food is safe to eat and is what it says it is. The summary advises that failures in food safety can have catastrophic consequences for human life, public confidence, and the wider economy. People can fall ill if they eat food that has been contaminated by bacteria because of

poor food hygiene, or if they eat foods that is not what it says it is. The full report can be viewed at <https://www.nao.org.uk/report/ensuring-food-safety-and-standards/>

The key findings of this report are that the:

Use and prioritisation of resources

- Level of funding local authorities allocate to food controls had been declining for a number of years.
- Some Local Authorities are failing to meet statutory objectives to conduct interventions.
- The FSA is attempting to address the deficiencies in the information available to assess and manage risks, but its new approach has yet to be tested
- The regulatory system lacks the full range of enforcement powers to ensure businesses supply safe food.

Evidence of an effective regulatory system

- Food business are meeting hygiene requirements and levels of major food-borne illness have been broadly stable
- Consumers play an important role in driving improvements in food safety and standards buy need better information to make well informed choices.

Responding to Change

The risks to food safety and standards are changing

- The food industry is becoming more diverse – growth of online business, food delivery and delivery sales and complex global food chains.
- Food allergies are an increasing concern.
- Climate change and population growth are longer term risks.

The FSA has recognised that it needs to respond to current and new challenges and has begun reforming the regulatory arrangements

The FSA has had to re-prioritise its work programme to prepare for EU exit, which has meant the reforms have had limited progression.

In addition, the existing pressures, new trading relationships after the EU exit could lead to a higher volume of imported food from countries with different regulatory regimes.

New trading patterns could increase the risk of incidents involving food safety and standards.

This report then has identified a number of recommendations for the FSA as it takes forward the plans for a more flexible and risk based regulatory system.

- Following the examination of 60 policy areas, the Rogers Review recommended in March 2007 that Government should specify five priorities for local authority trading standards and environmental health services. One of the five priorities is the hygiene of businesses selling, distributing and manufacturing food and the safety and fitness of food. Subsequent reports to the Government by Hampton, Davies, Macrory and Anderson have promoted regulatory concepts of transparent and proportionate enforcement, not asking for more than is legally required, using new civil sanctions and making sure that businesses get clear information about legal requirements. These measures and principles are already included in how we deliver our services and enforce legal requirements.
- Additionally, the Regulatory Enforcement and Sanctions Act 2008 introduced a 'Primary Authority' partnership scheme under the Government's better regulation agenda. This scheme requires Councils to adhere to any published inspection scheme which has been agreed between a 'primary authority' and a business under the terms of a partnership agreement. Businesses seeking these agreements could include food manufacturers whose goods are distributed for sale across a number of Council areas. In

such cases, except in certain circumstances, we would have to obtain agreement from the 'primary authority' in question before any formal action can be taken against the business concerned. In delivering this plan we will continue to take direction from inspection plans produced by Primary Authorities for multi-outlet businesses with establishments on the Island. The Council will also notify relevant Primary Authorities where it proposes taking formal enforcement action (other than that deemed urgent) and have regard to advice received.

- The Isle of Wight hosts a number of high-profile licenced events, these attract many food premises that are registered with other Local Authorities and are therefore outside our inspection programme, however we have a duty to ensure that the events do not pose a risk to public health and therefore undertake additional work at these events.
- Primary Production – The Food Standards Agency extended the pilot for highest risk ready to eat fresh fruit and vegetables. There was an instruction that Local Authorities noted the National Enforcement Priorities and commences a programme to commence an effective identification and appropriate registration of food business operating at the level of primary production.

Inspection plan to undertaker interventions the establishments growing highest risk fresh fruit and vegetables. The FSA created a top-tips for identification and an inspection audit form. In 2018/19 we undertook this task and the result was that two premises were classified as the highest risk category, where we did have a further number that required registration but were not in the high-risk category.

- The current economic climate has increased the risk of reduced food safety standards in food businesses including food fraud and reduced investment in food safety.
- Programmed inspections and investigation of complaints and allegations are key elements in ensuring the well being of the community and improving and maintaining standards in a period of austerity. In recognition of the current economic situation, officers undertaking food safety enforcement work will provide advice and information on food safety matters and methods of compliance. However, in line with our enforcement policy we will take proportionate action when required.
- We operate an alternative enforcement strategy to enable resources to be focused on those businesses who present the greatest risk to consumer safety and/or who are failing to meet their legal obligations. It will also allow us to maintain contact with low risk businesses to offer them the advice and guidance, and to identify when their activities change.
- We do not have sufficient resources to complete all elements of the statutory framework and we will prioritise and target our resources with the aim of making the most impact whilst aiming to introduce the least possible burden on business. We will seek to combine our inspection activity where possible carrying out combined inspections with food safety/standards, health and safety and environmental protection activities.

Demands Relating to Food Service

As of 1 April 2023 there were 2003 food premises on the Island. As the following table illustrates, the majority of these food premises are catering establishments. These include the Island's prison, hospitals, schools, residential and nursing homes, hotels, guesthouses, restaurants, takeaways, pubs and clubs:-

Category	Type of premises	No of premises 2023	No of premises 2019	No of premises 2018	No of premises 2017	No of Premises 2016
A	Food producers	44	51	42	46	51
C	Manufacturers and packers	46	60	63	70	68
E	Importers/Exporters	2	2	1	1	1
F	Distributors	17	26	28	38	32
G	Retailers	354	221	226	343	342
H	Restaurants and other caterers	1657	1644	1616	1519	1562
Total		2003	2004	1976	2012	2069

A large number of the Island's food premises are seasonal, chiefly operating from April until the end of September, which puts pressure on inspections during this period. This also coincides with a substantial rise in the number of complaints received.

There are some businesses that operate outside normal office hours, although these may be open for business during office hours, production and handling practices may not be carried out at these times. Therefore, details of businesses opening times will be recorded on file and officers will visit out of office hours.

In accordance with the code of practice when a range of activities takes place over different times/days, officers will aim to examine each of these activities at a frequency related to risk.

Mainland food businesses trading on the Isle of Wight

In addition, throughout the year, there are several festivals, outside events that attract large numbers of visitors and attendant catering facilities, which will require inspections or spot checks; (partial inspections covering the critical control points).

These visits are targeted on a risk-based approach which includes gathering intelligence and information from the Local Authorities where they are registered.

Approved Premises

13 food premises are approved under Regulation EC 853/2004 laying down specific and additional hygiene rules for food of animal origin these are:-

Approval Number	Issued to	Type
IW006	Calbourne Classics	Dairy
IW046	Isle of Wight Cheese Company	Dairy
IW053	Fruits of the Ledge	Fishery Products
IW054	Blakes, Ventnor Haven Fisheries	Fishery Products
IW056	Seafresh	Fishery Products
IW061	Isle of Wight Ice Cream Company	Dairy
IW068	Seacatch	Fishery Products
IW067	Island Fish	Fishery Products
IW072	Briddlesford Cheese/Butter	Dairy
IW073	We've Got Crabs	Fishery Products
IW074	J&B Wholesale	Fishery Products
IW076	Hazelgrove Eggs	Eggs
IW077	Delysia Smoke House	Dairy
FSA	WA Foods	fresh meat and/or meat products
FSA	Island Foods	fresh meat and/or meat products
FSA	Cheverton Farm	fresh meat and/or meat products

[Approved food establishments | Food Standards Agency](#)

These premises are risk rated in order to identify the appropriate inspection frequency. Due to the complexity of some of these processes and the size of the businesses these are often undertaken by two officers with one normally a senior officer being assigned the lead for the premises.

In addition, we have three premises that require approval for fresh meat and/or meat products and following the change in the legislation these are now enforced by the Food Standards Agency, although the Isle of Wight Council remain the regulator for Food Standards.

Additional Demands on the Service

- Very few premises are run by proprietors/managers whose first language is not English. The Council does consider the use of interpreters when regulating these businesses as and when they are needed.
- The Council undertakes oyster sampling in accordance with Regulation (EC) No 854/2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption. This sampling data is used by the FSA to classify production areas and the Council issues Shellfish Registration Documents to gatherers which provide a system of traceability.
- We have signed up to adopt the national food hygiene rated scheme. The primary purpose of the Food Hygiene Rating Scheme (FHRS) is to enable consumers to make informed choices about the places where they eat out or shop for food and, through this, to encourage businesses to improve hygiene standards.

Service Delivery – Proactive Demands - Inspections

Food Hygiene

In carrying out its food hygiene interventions the Council is committed to an efficient and effective approach securing real, demonstrable improvements in food hygiene compliance and food safety management, whilst building on the outcome measures that featured in the previous service plan.

As 1 April 2023 the Island has 2006 food premises, in the following food hygiene risk categories: -

Risk Category	Premises Profile 2023	Premises profile 2019	Premises profile 2018	Premises profile 2017	Premises profile 2016
A	2	11	13	18	16
B	70	89	77	126	82
C	298	378	363	377	385
D	713	629	610	605	639
E	681	713	717	768	910
U (unclassified)	239	184	196	68	42
FSA Enforced	3	2	2	2	2
All premises	2006	2006	1976	2012	2069
% of broadly complaint premises	86%	85%	84%	87%	92%

The Council has adopted a scheme of classifying food premises according to risk, based on the rating system set out in the 'Food Law Code of Practice'. This scheme has been used to determine the minimum frequency of inspection and forms the basis of the Council's targeted food hygiene and standards inspection programme.

86% of food establishments in the area are broadly complaint (rated 3 or above in the hygiene rating scheme) with food hygiene law. Although this is no longer a national indicator 'Broadly complaint' is an output measure which the FSA has developed to monitor the effectiveness of the regulatory service relating to food law.

Complementary to this internally we measure and record the interventions completed on the 0/1/2 rated premises and the change that the intervention has made on their rating.

Food Standards

As at 1 April 2023 the Island has 2006 food premises in the following food standards risk categories:-

Risk Category	Premises profile 2023	Premises profile 2019	Premises profile 2018	Premises profile 2017	Premises profile 2016
A	3	5	5	10	6
B	251	161	182	179	132
C	1367	1420	1404	1660	1773
Unrated*	385	420	387	165	160
All premises	2006	2006	1978	2014	2071

* Premises currently with no food standards inspection risk rating allocated

Food Hygiene – Performance 2022-23

Food Hygiene Inspections

Our performance last year (2022-23) and our target are detailed below, resources were targeted in line with risk and the recovery plan issued by the Food Standards Agency – the data below is the whole data set -

Premises that were due/overdue for Intervention 2022/23:				Performance against Target	
Risk Score	Total	Target	Target %	Completed	% inspected of total
A	3	3	100%	3	100%
B	55	55	100%	53	96%^
C	212	212	100%	146	69%
D	414	176	43%	208	50%
E	669	20	2%	247	37%
Totals	1353	466	34%	657	49%
Unrated* (total number)	391			239	

^ The two B rated premises were seasonal and where not open until April this year, and I can confirm that they have now both been completed.

*This includes those that registered during the year.

This shows that despite a number of other service demands and challenges we achieved a higher percentage of interventions than predicted.

This was due to the use of the covid funding that was used to fund officers in the Regulatory Support Officers Role that allowed the extension of the alternative enforcement on E rated.

In addition, we used the flexibilities in the code of practice and the use of officers to complete surveillance visits on the Broadly Complaint C and D rated premises therefore this added a total of 90 interventions to these categories.

This inspection programme had assistance in FTE from a contractor who achieved a number of the broadly complainant C and D rated premises.

We started the year with 391 unrated premises, and at the end of the year had 239. This included those that registered during the year, this number was 188. This number was as expected and although we did not reach our target a preliminary contact with the business, and a risk rating is undertaken and new businesses that pose the high risk were inspected as a priority.

In addition, new business have been invited to a webinar where officers deliver a presentation over the essential food hygiene requirements of running a food business and they have the opportunity to ask questions of the officers.

Food Hygiene Rating Scheme:

Score	Description	Number April 2023	Number April 2019	Number April 2018	Number April 2017	Number April 2016
0	Urgent improvement necessary	2	3	7	12	5
1	Major improvement necessary	10	30	30	45	37
2	Improvement necessary	34	67	75	92	60
3	Generally Satisfactory	99	124	119	142	92
4	Good	247	282	258	288	385
5	Very Good	1372	1314	1291	1365	1448
Unrated Premises		239	184	196	68	42
% 3,4,5 Rated		86%	86%	84%	89%	94%
Total		2003	2004	1976	2012	2057

We are maintaining a high percentage of our food premises in the 3,4,5 rating and this will continue to be recorded on an annual basis with the aim of achieving 90% or greater. This has reduced over the past couple of years and is due in part to the number of unrated premises.

The introduction of the National Food Hygiene Rating Scheme in April 2011 brought with it some additional work in applying the safeguards for businesses. The following table shows the extent to which these safeguards were used by businesses, and the resulting demand placed on the service:

Food Hygiene Rating Scheme – Requested Action		2022/23	2018/19	2017/18	2016/17	2015/16	2014/15
Appeal:	Dismissed	2	4	1	2	4	5
	Upheld	3	4	1	3	8	3
	Total	5	8	2	5	12	5
Re-Inspection Request		17	24	13	36	51	29
Number of 'Right to Replies' submitted		1	1	0	1	0	0

Charging we have introduced a charge for a re-inspection of £205 (based on cost recovery) for the visit.

Based on these figures it is estimated that approximately 24 premises will request a re-inspection in 2023/24 and that we will receive approximately five appeals to food hygiene ratings.

Lord Young recently undertook a review for the Government into certain aspects of local authority regulation. In his report he was very supportive of the national Food Hygiene Rating Scheme and his recommendations, including that all local authorities should implement it were adopted as Government policy.

Food Hygiene – Planning Ahead 2023/24

Food Hygiene Inspection Programme

This shows the total number of premises due an inspection in 2023/24:

Premises Due for Inspection		
Risk Score (frequency)	Total no of premises	No. of premises due an inspection
A (6 months)	2	3
B (annually)	70	69
C (18 months)	298	226
D (two years)	713	461
E (three years)	681	424
Unrated	239	239
New (estimated)		200
Totals	2003	1622

*potential to be greater as A rated premise inspection frequency is six months and therefore do not fit into an annual service plan.

New Registrations

Under Regulation (EC) No 852/2004, Article 6, Paragraphs 1 and 2, food business operators must register their establishments with the appropriate Food Authority, except establishments that :

- a) are subject to approval under Regulation 853/2004 (see table on page 6)
- b) fall outside the scope of the Regulation 852/2004 as the rules should apply only to undertakings, the concept of which implies a certain continuity of activities and a certain degree of organisation, the establishment is exempt of registration.

The table below gives information and data relating to the new business registration and inspections that are undertaken.

Year	2022/23	2021/22	2020/21	2019/20	2018/19
Total number of new inspection premises required	188	562	174	235	213
Number open and still unrated	98	115	102	92	57
Total that are from 1 April 2023 now closed	17	76	92	113	114

2021/22 the majority of the Island schools had a change to the catering contractor which has seen an increase in numbers, in addition the pandemic also we noted a change in ownership with local businesses.

Average time to receive an inspection over that five year period is 15 months. The figure of 200 will be used as an estimate when considering the inspection programme and that estimated number of new inspections that will be required.

The food law code of practice states that it is the intention of the Food Standards Agency that an initial inspection of a new food business must take place within 28 days of registration or when the LA becomes aware it is in operation, whichever is sooner.

However, flexibility to these timescales is provided where an establishment is believed to be low risk, then consideration can be given to postponing the initial inspection in circumstances where conducting it would delay planned interventions to premises involved in high-risk activities.

It is the Council’s opinion that new businesses should be a priority in the inspection programme, as there is no form of prior approval or licence for food premises and therefore there is the potential that a food business may open and the operator may have very limited knowledge of the legislation and hazards that are associated with running a food business and therefore control measures and safe practices may not be implemented to prevent or eliminate these hazards.

When new businesses open, it is important that support and guidance on food safety issues is given at an early stage. Although new food businesses registering with the service are offered guidance to assist compliance with food safety legislation, the operation of a business which has not had an intervention may present a risk to consumers, and therefore these businesses are prioritised in the inspection plan.

In 2021/22 we gained grant funding from the FSA to create and implement a risk rating of new businesses, this has continued and we will proactively make contact with new businesses to gain information to enable us to rate the premises to ensure we are using resources at the highest risk premises.

Inspection Programme

The Code of Practice recognises two distinct types of intervention, official and non-official controls. The types of interventions that make up these controls are:

Official Controls	Non-Official Controls
Inspections Audits Monitoring Visits Surveillance Visits Verification Visits	Education Advice Coaching Information and intelligence gathering
----- Sampling visits if combined with one of the above	

Although there is flexibility in the use of the above intervention activities there is a framework which is in the Code of Practice which outlines the type of intervention required at certain premises (see below) in order to maintain a comprehensive and up to date hygiene rating.

In the 2023/24 inspection programme emphasis will remain on completing official control activities, with the exception of the E rated premises (low risk) where the alternative enforcement strategy will be applied. This year we intend to develop an online self-assessment form to complement the alternative enforcement strategy.

The practical use of interventions is heavily influenced by the participation in the National Food Hygiene Rating Scheme. The value of the scheme requires a robust and consistent inspection programme

The use of non-inspection/audit official controls

Establishments may only be rescored if the intervention used is an audit, inspection or part audit/inspection. However, if another official control is used and it is deemed appropriate then the inspection date can be recalculated. This impacts the next inspection date in the database but not on the food hygiene rating site.

Since 2019/20 we have used the flexibility within this code and used the Regulatory Support Officer in addition to officers that are working towards the baseline CIEH qualification to complete these interventions on suitable premises (those that have a reduced inherent risk and a good compliance history) with the supervision of Authorised Officers.

The aim of this strategy is to enable resources to be focused on those premises which present the greatest risk to consumer safety, whilst minimising the enforcement burden on those businesses which largely achieve regulatory compliance.

The approach adopted in this strategy has the benefit of retaining face-to-face contact with broadly compliant businesses, enabling advice and information to be provided, whilst also being able to monitor those activities most likely to put customers at risk if left uncontrolled and refer for a full inspection/audit.

In the past it has been considered that all high-risk food business operators scoring less than the maximum five must be given the opportunity to improve their score, however for this service year 2023/24 it is proposed that four rated (good) are included in this approach.

The process of undertaking an inspection was reviewed following the FSA audit and officers are now able to leave the inspection report and hygiene rating at the premises if the hygiene rating is a score of 3, 4 or 5. The aim of this is to reduce the time spent on the post inspection administration and therefore allow the officers to focus their time on the lower performing and highest risk food premises. We are currently exploring the use of technology to examine if this can meet with the requirements of an inspection and ensure we are being as efficient as possible.

Food Hygiene Inspection programme 2023/24:

Risk Rating	Total no	Number Due Intervention	Number and type of planned intervention			Total Interventions	Target %
			Inspect/Audit	Surveillance	Alternative enforcement		
A	2	3	3	-	-	3	100%
B	70	69	69	-	-	69	100%
C	298	226	128	80	-	208	94%
D	713	461	166	163	-	329	71%
E	681	424	10	30	-	40	7%
Unrated	239	239	200	-	-	200	84%
New		200	150	-	-	150	42%
Total	2003	1622	726	273	0	999	62%

We have failed to have sufficient resources to deliver the food hygiene programme for a number of years. This is exasperated by the inability to attract qualified and competent officers to the vacant posts (that includes contractors) in addition to the other demands placed on the team.

The service plan for inspections has had to be scrutinised and tailored to fit the resources that we have in addition to the risk of the premises (which the risk rating scheme provides a combination score considering the potential hazard and compliance) therefore the priority has been placed on the following category of premises from highest to lowest:

Description	Comment	Number when known
Premises risk category A	All to be completed	2
Premises risk category B	All to be completed	70
Premises Unrated (Higher risk)	<p>Number not known as project to rate premises as Higher/Medium/Lower risk being undertaken.</p> <p>This will include the 239 unrated in the system and approximately 200 newly registered premises that will require an inspection.</p> <p>Focus to be on highest risk to prioritise visits.</p>	-
Premises risk category C	Those that are not Broadly Compliant	20
Reactive complaints from inspections that are overdue and not included above will	Estimated at 30 overall risk categories and could be included in the above.	30
Re-inspections	Estimated at 24 overall risk categories and could be included in the above.	24
Premises risk category D	Those that are not Broadly Compliant	1
Premises risk category C	<p>Higher risk based on local knowledge and data includes:</p> <ul style="list-style-type: none"> • Those that have score 0/1/2 in the last three interventions • Those that have an extra 20 for the processing score (high risk processes undertaken) • Premises that have the 20 for significant risk score (when potential for contamination of specified micro-organisms that can cause harm) • Those that are due earlier than 2019 	100
Premises risk category C	That had a surveillance visit as last intervention	18
Premises Unrated (Medium risk)	As above for High risk	-
Premises risk category D	<p>Higher risk based on local knowledge and data includes:</p> <ul style="list-style-type: none"> • Those that have score 0/1/2 in the last three interventions • Those that have an extra 20 for the processing score (high risk processes undertaken) • Premises that have the 20 for significant risk score (when potential for contamination of specified micro-organisms that can cause harm) • Those that are due earlier than 2019 	97
Premises risk category D	That had a surveillance visit as last intervention	108
Premises Unrated (Low risk)	As above for high risk	-
Premises risk category D	Lower risk those that fall outside of the parameters listed in the above two categories of D rated premises.	205
Premises risk category E		424

Performance monitoring

The above inspection programme has been considered and placed into an individual inspection target which is then translated into a monthly performance indicator measure.

This is used to monitor performance in order to achieve the 62% target:

In addition to the output indicators above, the outcome-based target will be continued which is based upon improving business compliance by increasing their rating in the scheme.

Additional inspection work

Further focused spot checks will be undertaken to ensure that food businesses trading during events including; Cowes Week, Isle of Wight Festival, Garlic Festival and other outside events are complying with food hygiene requirements.

These are completed on a risk-based approach using intelligence and a condition of the event is that the organiser provides the department with a list of traders. This enables a risk rating to be undertaken taking into account the nature and type of food prepared, the premises history, speak to the originating authorities and ensure a risk-based approach is taken when we attend the event.

Health and Safety

Lord Young's report, mentioned above, covered the operation of health and safety laws and the growth of the compensation culture. The Coalition Government has accepted all the recommendations, one being to reduce the inspection burden on business and improve the way local authorities direct their resources. This can be achieved by implementing combined intervention programmes where the local authority's food and health and safety intervention programmes coincide.

This has been adopted and implemented by this Council since the move to the generalist officers in 2007 and therefore if a health and safety intervention is due then this may be undertaken at the time of the food inspection. Please note that the health and safety interventions will be targeted on specific priority risks (see health and safety section of the service plan) specific to that business to ensure that this does not have the effect of increasing the overall number of inspections or reducing levels of protection.

The expectation is that officers that undertake food enforcement and inspection work (including contractors) will have a level of knowledge and awareness of health and safety legislation and common hazards and risks. Therefore, when officers are visiting these premises any matters of evident concern noticed will be dealt with during this visit, regardless of the original purpose of the visit.

Food Standards – Performance 2022-23

Food Standards Inspections

Last year's performance and this year's target for food standards inspections are detailed below:-

Premises were due overdue for Inspection 2022/2023:			
Risk Score	Total number due in each category	Number achieved	%
A	6	4	67%
B	118	33	28%
C	608	96	16%
Unrate	571	187	33%
Totals	1303	320	25%

During 2022/23 the Council only intended to inspect premises that are due an inspection for food standards, if there is a visit due at the premises for food hygiene. Priority was given to the recovery plan for food hygiene and we were aware that the focus was not on food standards.

Food Standards – Planning Ahead 2023-24

Food Standards Inspection Programme

Risk Score	Total Premises	Total Due	Number that are due FH
A (Annual)	3	3	2
B	251	170	71
*C	1367	739	502
Unrated	384	420	Unknown
Totals	2005	1332	

*The C lower risk category premises will be inspected by officers that are competent food enforcement officers, but do not hold the relevant food standards endorsement however these will be recorded as a part of the alternative enforcement strategy.

During 2023/24 the Council intends to only inspect premises that are due an inspection for food standards, if there is a visit due at the premises for food hygiene.

Service Delivery – Reactive Demands – Service Requests

Service Requests

All complaints have a three-day response time (review of service standards pending) and an 8 week resolution target. This is a standard performance indicator for all Regulatory Service areas (pending a review due to service demands).

A complaint is a concern, originating from outside the Local Authority, in relation to an activity and premises that the Local Authority is the enforcing authority, that is sufficiently specific to enable identification of the issue and the person responsible/location and that has:

- The potential to cause harm and appears to constitute a breach of legislation.

The team will consider every such complaint unless:

- The complainant wishes to remain anonymous and/or will; not allow the LA to disclose that a complaint has been received (unless it involves a vulnerable person).
- Is from a serial complainant (defined in accordance with the Councils Unacceptable Behaviour Policy)
- It has been made by an employee and has not been taken up with the duty holder/FBO or trade union (unless it involves a vulnerable person).

We will not investigate everything that is reported to us, however we do consider all the concerns and make a risk-based decision on what intervention/action to take.

Premises Complaints'

Factors making intervention more likely to be justified

- Significant risk of harm present /imminent
- Lower risk of harm BUT there has been a significant contravention of the law which puts it in the public interest to intervene AND evidence remains.
- Poor history of previous compliance, AND whilst the complaint relates to a low risk matter, may indicate poor controls are in place in other areas of the business.

Factors making intervention less likely to be justified

- Although the situation may repeat/worsen, the risk of harm is very low.
- Although there may have been an instance of significant risk, it no longer exists and there is no evidence of it available to be gathered.
- There is no legislation that we can bring to bear in the circumstances; either because it is outside the remit, or the situation doesn't contravene legislation.
- The matter has already been investigated and a conclusion reached and communicated, and no significant new evidence has arisen.

There are a number of categories of complaints that the service receives, and Policy on a decision to assist those that require an intervention is outlined in Appendix III.

Food complaints

Complaints about food safety, contamination by chemicals; food labelling or wholesomeness of foods will be investigated in accordance with a documented, 5-stage procedure, developed around guidance. In accordance with Code of Practice incidences of suspected malicious contamination are referred to the Kidnap, Extortion & Product Contamination Unit at Interpol, in liaison with the local police force.

Complaints which indicate ‘a significant risk to public health’ or which are ‘a persistent source of concern to the public’ will be investigated fully. These will include complaints about foods contaminated by shards of glass or other sharp fragments, foods past their use-by dates, and foods exhibiting evidence of temperature abuse or suspected of causing illness.

Where the nature of the complaint does not warrant a full investigation, the complainant will generally be advised to return the item to the manufacturer/retailer as appropriate, enabling an internal investigation by the business or company. In such cases, the matter will be recorded on file for consideration at the next routine visit, or, where the food is manufactured off the Island, the complaint will be reported to the relevant Primary Authority and if they do not have this agreement then the Home Authority and/or Originating Authority.

See Appendix IV for the Policy on the investigation of Food Complaints.

Advice to Businesses

The Service will respond to all reasonable requests for advice and assistance from food businesses. Wherever possible, advice will be made available over the telephone, by providing advisory leaflets/booklets, or by appointment at the Council’s offices. Where more detailed advice or support is required, businesses will be directed to relevant trade associations, consultants, or other experts, as appropriate.

Providing advisory visits to businesses is not a statutory requirement. However, following legislative changes advisory visits are recognised as an important provider of information to new businesses and assist in helping to build relationships with proprietors. However, this service must be carefully weighed against the statutory obligations and expectations of the public to carry out food hygiene work to an expected quality and frequency.

Other requests will be dealt with by way of fact sheets: either posted or downloaded from our website; by telephone or personal visits to the office.

Type of Complaint	2022/23	2018/19	2017/18	2016/17	2015/16
Food Hygiene Premises Complaint	101	104	116	123	100
Alleged Food Poisoning*	71	76	54	56	47
Food Complaint	26	34	31	29	14
Food Hygiene Advice	84	83	86	161	123
Food Standards Complaint/Advice	22	15	14	23	52
Health and Safety Advice	7	3	9	19	35
Health and Safety Premises Complaint	84	92	90	75	97
LOLER Failure	7	4	6	-	-
Smoke Free	0	3	5	-	-
Private Water Service Requests	7	4	-	-	-
Miscellaneous	9	7	12	-	-
Totals	418	425	423	486	454

The trend in the number of service requests referred to the Council and Business Regulation team has remained relatively consistent; therefore, it is expected that a similar number will be received in 2023/24. However, we have had to consider the level of investigation that the request will received to enable the focus to be on the intervention programme and this is documented in Appendix III.

Primary Authority Agreement

The Isle of Wight Council actively supports the Primary Authority Principle and will have regard to this when undertaking interventions. The Council has not entered into a Primary Authority Agreement with any company. It is open to explore any suggestions or approaches from companies that wish to enter into discussions around forming a relationship.

HACCP Requirement

Compliance the requirement of food business to have put in place, implemented and maintain documented procedures based on the HACCP (Hazard Analysis and Critical Control Point) principles. HACCP is a structured approach to analysing the potential hazards in an operation; identifying the points in the operation where the hazards may occur; and deciding which points are critical to ensure consumer safety. These critical control points (CCPs) are then monitored and remedial action, specified in advance, is taken if conditions at any point are not within safe limits.

Enforcement should continue to be graduated and educative; due to the importance of HACCP in controlling risks it is anticipated that businesses improve their standards over time. If a business does not improve or there is evidence to confirm that the system is not implemented, or a food premises presents a clear and imminent danger to public health, formal enforcement activity will be considered to secure improvement, in accordance with Regulatory Service's Enforcement Policy.

National Food Hygiene Rating Scheme

This is reported previously in the plan however these are recorded as service requests.

Service Delivery – Sampling

Environmental Health partakes in a variety of food sampling activities, which include:

- Food samples for microbiological surveillance e.g. to satisfy local/national sampling commitments or to ensure HACCP-systems are operating correctly
- Food samples taken as part of National/Regional/Local sampling studies, as set by the Food Standards Agency, and the Hampshire and Isle of Wight Food Sampling Liaison Group
- Reactive sampling where outbreak situations are noted, locally and nationally.
- Food samples for enforcement purposes e.g. where evidence of poor hygiene and/or temperature or 'shelf life' abuse is identified
- Seabed oyster and clam samples
- Water and shellfish flesh samples for bio-toxin monitoring
- Water samples from private water supplies (reported in a different section of this plan)
- Food Standards sampling programme for foods which are produced on the Island or may be subject to adulteration in addition to regional and national surveys instigated by SETSA, LACORS, FSA, and the Hampshire, Isle of Wight, and Surrey Sampling Group

All sampling is conducted in accordance with Code of Practice issued under the *Food Safety and Hygiene (England) Regulations 2013*, and appropriate sampling protocols, including those issued by Public Health England, and UKAS-accredited laboratories used by this Department. These protocols include; how to pack the coolbox, how to take the sample, how to store the sample, and anything else relevant.

The main laboratories used by this Department are;

- Food, Water and Environmental Microbiological services, Public Health England,
- Hampshire Scientific Services, Hyde Park Road, Southsea, Hampshire
- South East Water Scientific Service, 23-30 Sturt Road, Frimley, Camberley

Advice is sought from the UKAS-accredited laboratories where this is appropriate, regarding the suitability of the sample, its storage conditions, interpretation of sample results, and any other relevant information considered to be appropriate for the intended samples.

Food Hygiene – Sampling 2022/23

The Food Examiner at PHE carries out microbiological examinations. The credit allocation equates to the sum of £7,000 which was made available by this laboratory to cover food examination costs during 2022/23 and we carried out the following food hygiene/safety related samples:

Survey Description	Number of Samples Planned	Action as result
Oyster Samples	Regulation (EC) 854/2004 lays down specific rules for the organisation of official controls on products of animal origin intended for human consumption. Currently sampling is only required to classify the Ryde Middle for Oysters as this bed was reopened for this session. The other shellfish beds are currently closed by Southern IFCA	Currently sampled by a contract with Southampton Port Health.
National Sampling Surveys	PHE Food Liaison Group Coordinated Microbiological Sampling Programme	
Resources and conflicting priorities did not permit participation in these surveys.		
Regional Surveys		
STUDY 74: Hygiene in Takeaway Sandwich and Salad bars	The number of samples planned was ten to participate to this survey. A total of nine samples were taken at three different premises.	One unsatisfactory and follow up action, and re-sampling where appropriate.
STUDY 75: Ready to eat plant based (Vegan) Meat, Fish and Dairy substitutes study.	The number of samples planned was five to participate to this survey. A total of three samples were taken at one premise.	Satisfactory
STUDY 76: Ready to Eat (RTE) Hot or Cold Smoked Fish Study.	The number of samples planned was five to participate to this survey. A total of two samples were taken from one premise.	Satisfactory
Local Sampling Surveys		
Ice Sampling Local initiative	The number of samples planned was ten to participate to this survey. A total of 15 samples were taken at three different premises.	Five unsatisfactory and follow up action, and re-sampling where appropriate.
Approved Premises		
It is expected that at each inspection a sample will be taken	49 samples were taken across three premises	Five unsatisfactory and follow up action, and re-sampling where appropriate
Additional Samples – Reactive		
Taken in response to a complaint or by an officer to verify practices within a higher risk food premises.	A total of 44 samples were taken from eight premises.	Four unsatisfactory and follow up action, and re-sampling where appropriate

Food Standards – Sampling 2022/23

Food Standards we agreed to take place in the FSA national coordinated risk based food sampling programme coordinated by TSSE (Trading Standards South East). The areas that we are involved are those where funding was available and where there was a local priority. The projects are:

Survey Description	Number of Samples Planned	Results		Action as result
		Actual Number Taken	Number Unsatisfactory	
Claims – wide scope to the project and could have included any claims made. Specifies, nature of food, allergen free etc	None	0	-	
Additional Samples – Reactive				
Taken in response to a complaint or by an officer to verify practices within a food premises.	N/A	0	-	

Proposed Sampling Plan 2023/24

Sampling priorities need to be risk-based to ensure that there is a consistent approach taken to sampling.

Approved Premises

The procedure for inspecting approved food premises includes the sampling of products and taking environmental swabs. However, although the Regulations place sampling responsibilities on proprietors, it is also envisaged that samples will be taken by officers when carrying out food hygiene inspections at approved premises, which will result in at least 20 samples being taken.

Enforcement sampling

Complaint items are not routinely sent for analysis/examination, unless legal action is contemplated. However, a budget has been created for the investigation of complaints that need to be analysed by the Public Analyst.

Local/National Sampling Surveys – Food Hygiene

The credit allocation equates to the sum of £7,000 which has been made available by the laboratory to cover food examination costs during 2023/24.

Each year national surveillance sampling is carried out. These surveys are set nationally and by the sampling regional liaison group which target specific foods each year and the Council participates fully in these surveys. Planned for next year:

NATIONAL SAMPLING	Month	Number of Samples
<p>Have applied with TSSE region to participate in some imported food sampling. This is dependent on gaining the grant funding from the FSA to provide some recharge to perform imported food and feed surveillance sampling inland. The products types will be those that have been Nationally considered as risk.</p> <p>None further planned – there may be a need if there are emerging concerns or trends identified Nationally and if this is the case then the service will commit the resource to participate in these surveys.</p>		
<p>REGIONAL SAMPLING</p> <p>We will be participating in this survey and using the Technical Assistant post to assist the officers that are training to gain competency in this area.</p>		
<p>STUDY 77: Ready to Eat (RTE) Salad and salad components from Retail and Catering.</p> <p>There remains a concern around salad and salad components and their microbiological quality and safety.</p>	<p>Over year</p>	<p>Five months across the year at least three premises on each month sampling and approximately three premises on each sampling.</p>
<p>STUDY 78: Hygiene in Catering Premises</p>	<p>Over year</p>	<p>Two days – each covering three premises (five samples from each).</p>
<p>Study 79: cooked meats</p>	<p>Over year</p>	<p>To be confirmed</p>
<p>LOCAL SAMPLING – officer initiated</p>		
<p>Sampling remains a significant tool for the service. An assessment of whether to take samples should be an integral part of every inspection and although we will not be prioritising the involvement in the regional sampling. Officers will be encouraged to sample to assist in the valuation and verification of food handling and processing practices. This is wider than just the approved premises as specified above.</p> <p>It is predicted that at least 60 samples will be taken.</p>		

Food Standards – Proposed Sampling Plan 2023/24

There is no longer a National funded coordinated risk based food sampling programme, by the FSA. However there is a regional programme, this is being coordinated by TSSE (Trading Standards South East) and Hampshire and Kent Scientific Services.

We have and will continue to only agreed to take part in the projects that are funded and that we consider are a local priority. As unlike for microbiological samples there is not a centrally allocated budget to this sampling and therefore if this is to be undertaken it will need to be found from the existing budgets and in the current financial position it is not viable option.

All the projects are listed in the table below with the number of samples that we will commit to taking:

NATIONAL SAMPLING		Number of Samples
None planned – there may be a need if there are emerging concerns or trends identified Nationally and if this is the case then the service will commit the resource to participate in these surveys.		
REGIONAL SAMPLING (HSS and Kent)	Cost per sample	Number to be taken
F23A Milky Way - ensure legislative limits relating to lead in milk have been applied allowing investigation of any levels found above the maximum permitted level from a food safety perspective.	£93.34	None
F23B Is my Ale Real? - to determine the alcohol content of beer/cider samples produced by small scale independent breweries.	£93.34	None
F23C CAN it be better - to determine levels of mycotoxins, specifically aflatoxin, zearalenone and deoxynivalenol, in breakfast cereals, the focus should be on maize-based cereals and maize based snack products.	£140.01	None
F23E Fowl Play - checking for extraneous water in whole frozen chicken and frozen poultry cuts and to report findings against the current legislation to establish compliance.	£93.34	None
F23F Satur-dye Night Takeaway – part 4 The aim of this survey is to determine the presence of artificial colours in ethnic takeaway meals. If detected the colours will be quantified.	£186.68	None
F23G Baking Bad - check deoxynivalenol levels in wheat flour and to report levels against the current legislative limits.	£186.68	None
F23H Glut-in? - to survey food samples for gluten content and to assess for compliance with legislation concerning the use of “Gluten Free” labelling	£140.01	None
F23I Surf and Turf - to analyse fresh or frozen fish, shellfish, or meat for amphenicols, nitrofurans and tetracyclines and to assess the results against current legislation.	£373.36	None
F23J Funky Fish - to determine the levels of histamine in canned or frozen oily fish and check that they do not exceed the legislative limit	£140.01	None

Imported food

The Food Standards Agency requires Local Authorities to include the inspection of imported food during routine food hygiene interventions. There are currently no border inspection posts, enhanced remote transit sheds or importing agents on the Island but officers will routinely look for any food imports during routine visits to check tractability and fitness for consumption.

Inland local authorities now have powers in relation to the seizure of illegally imported food. We do not know the impact of leaving the EU and Brexit will have on this area and therefore it is possible that this will require additional training and resources.

During our routine inspections, we will continue to investigate for such food and take the necessary action (e.g. seize or detain such suspicious foods, formally sample and destroy where necessary or deport the foods). As a result, informal samples of imported food will be taken during routine inspections for microbiological examination, as appropriate.

Shellfish Sampling

The Council is required to undertake sampling and algal biotoxin monitoring in accordance with Regulation (EC) 854/2004 which lays down specific rules for the organisation of official controls on products of animal origin intended for human consumption.

Stretched along the Island's Solent coast, from Totland in the west to Ryde in the east, including the river Medina lie five sampling sites, covering recognised oyster beds.

Currently, Southern IFCA (Inshore Fisheries and Conservation Authorities) have issued a temporary closure of the wider Solent oyster fishery for the last five seasons including Southampton Water. The season is from 31 October until the 1 March. In 2018/19 the Ryde Middle bed was reopened and therefore this requires the ongoing sampling to maintain its classification.

The result of the other beds being closed is that this that the FSA, who determines the classifications and sampling programmes for the beds, have advised that these will be given a status of declassified. If the beds are reopened and classification to is required, the Centre for Environment, Fisheries and Aquaculture Science (CEFAS), will specify the number of samples required to re-open the bed, these are expected to be between 10 and 12.

Due to the nature of gaining the samples, this has been contracted for collection from an external provider, currently with Southampton Port Health.

Any application and sampling plan will need to be reviewed in conjunction with FSA and CEFAS as information is gained from Southern IFCA on their decisions for the future of the beds.

The previous sampling sites for classification before the beds closure were:

Site Ref (RMP)	Site name	Site location (NGR):	Production Area	Sample type	Minimum sample size (number of oysters)
B024N	Yarmouth West	SZ 3480 9020	Solent	Oysters	20
B24BF	Thorness Bay	SZ 4520 9410	Solent	Oysters	20
B24BI	Wootton Creek Mouth	SZ 5552 9392	Solent	Oysters	20
B063H	Cowes Breakwater	SZ 4965 9666	Medina	Oysters	20

Samples of seabed oysters are examined by PHE but do not come out of the allocation therefore this will be an additional cost. Algal toxin monitoring examination is carried out by CEFAS, at no cost to the Council. The results of samples submitted by the Council are used by the FSA to classify shellfish production areas which are published on their site.

The classification and production area information must be recorded by gatherers on Shellfish Registration Documents (SRDs).

Survey Description	Number of Samples Planned
Oyster Samples Regulation (EC) 854/2004 lays down specific rules for the organisation of official controls on products of animal origin intended for human consumption	Ryde Middle Minimum nine samples a year. Currently we have a contract with Southampton City

* note this is in line with the shellfish season and not service year

Water sampling

In practice, few public drinking water supplies are tested, as results from the Statutory Undertaker are relied upon, and consumer complaints are referred to the Drinking Water Inspectorate for action. Although there is a sampling programme for Private Water Supplies in accordance with the Regulations 2016, however this is covered by another section of the team plan.

Investigation and Control of Outbreaks and Food Related Infectious Disease

In consultation with UK Health Security Agency (UKHSA) formerly Public Health England (PHE), the Isle of Wight Council will ensure that both confirmed, and suspected, cases of food (inc. water) related infectious diseases are investigated.

A Joint Plan for Gastrointestinal Disease between the Environmental Health services, PHE Hampshire and the Isle of Wight was made and agreed under the **Local Agreement**. This established a framework for working arrangements between UKHSA and the Environmental Health services of the fourteen Local Authorities (EH) within Hampshire and the Isle of Wight (HIOW).

The **aim** of the plan is to maintain and improve the level of protection against infection by gastro-intestinal disease and its onward transmission to others within and beyond the Hampshire & Isle of Wight area.

The **objectives** of the Plan are:

- to operate a common and consistent set of protocols, procedures and guidance when responding to gastro-intestinal diseases across Hampshire and Isle of Wight;
- to maintain and improve the level of collaboration and understanding between the departments;
- to improve communications between services through the sharing of data, expertise and best practice.

Sporadic cases and family outbreaks will be investigated in conjunction with UKHSA as agreed in the joint GI plan, though the nature of the investigation will vary depending on the circumstances.

The Council will offer advice on suitable control measures, and will take enforcement action, where appropriate, to eliminate and/or control opportunities prevent further spread.

Causative agent	Action – max response time	Lead Agency	2022/23	2018/19	2017/18	2016/17
Salmonella	Urgent intervention same day response	EH	9	16	14	12
E.coli	Urgent intervention same day response	EH	4	0	5	1
Campylobacter	Intervention rare unless food premise implicated	EH	73	170	129	173
Giardia lamblia	Response within 3 working days – further intervention rare unless linked cases.	EH	3	3	5	6
Cryptosporidium	Intervention only if trend or link to swimming pools, water supplies of farm	UKHSA	1	3	0	0
Shigella	Response within 48 hours – further intervention rare unless linked cases	EH	2	3	1	6
Legionella	Urgent intervention same day response	EH	1	0	0	4
Hepatitis	Response within 48 hours – further intervention rare unless linked cases	EH	3	5	5	8
Listeria	Response within 48 hours – further intervention rare unless linked cases	EH	0	0	1	0
Total			96	200	161	160

Please note that these are in addition to the alleged food poisonings that are recorded as premises complaints.

The above are sporadic individual cases, however the pressure on the team will be if there is an outbreak, this will require a full investigation in accordance with the outbreak plans. The impact of this will need to be assessed at the time however this due to its nature would require priority and therefore other areas of the team plan may need to be reduced to accommodate.

Food Safety Incidents

When information is received that suggests food manufactured or sold on the Island may give rise to a Food Alert, action will be taken in accordance with relevant Codes of Practice.

Information will be sought to determine whether the incident is likely to be an outbreak of food borne illness or a food hazard. If the latter, determinations will be made in consultation with relevant bodies whether the incident is a localised incident, a serious localised incident, or a wider problem. The latter two examples will be notified to central government. The prevention of further incidents will always be the Council's top priority.

When receiving Food Alerts from central government regard will be had to the classification of the alert (Action or Information). Action requested/suggested in the alert will be implemented. Appropriate care will be taken to manage media communications in consultation with the Council's Communications department.

It is difficult to predict the likely number of notifications and their seriousness, as there is no trend.

Many of the national notifications do not require local action either because the associated retail outlet is not represented on the Island or there are no depots/warehouses supplying Island businesses.

Promotional and Educational Activities

In 2022/23 there was a Council project to review of their pages of the website, we have moved to the new site. However, it has identified that it would be ideal to update the food hygiene, food standards, and health and safety.

This was partly undertaken were resources permitted and has simplified and updated the information available to businesses and the public. As part of this ongoing review, electronic forms have been produced to make it easier for service users to engage with services we provide, for example, businesses can now request a re-inspection and make the necessary payment online, and members of the public with symptoms of food poisoning can complete an online form providing their food history and symptoms. This streamlining the process and produces savings for the department; it also enables individuals to provide this information day or night.

We will continue to work with the web design team to further improve the webpages and ensure we are working as efficiently as possible.

The service has sought, and will continue to seek, media coverage of enforcement action taken to produce a deterrent effect and provide assurance to the local community.

Enforcement Activities

This information is taken directly from the Food Standards Agency return that the authority is required to submit. This outlines the number of establishments subject to enforcement for food hygiene:

Detail of enforcement action taken	2022/23	2021/22	2020/21	2019/20	2018/19	2017/18
No .of establishments						
subject to prosecution/conviction	0	0	0	2	4	2
subject to written warnings	402	198	12	376	464	585
subject to improvement notices	4 premises (11 notices)	2 premises (2 notices)	0	4	15 premises (34 notices)	35
subject to a revisit following an inspection	65	45	0	47	83	86
subject to formal simple caution	0	0	0	0	1	2
subject to prohibition order	0	0	0	0	0	0
subject to emergency prohibition notice	0	0	0	0	0	0
subject to remedial action notice	0	0	0	0	0	0
subject to suspension/revocation of approval or licence	0	0	0	0	0	0
subject to seizure, detention & surrender of food	0	0	0	0	0	0
subject to voluntary closure	3	2	2	0	3	5

This information is taken directly from the Food Standards Agency return that the authority is required to submit. This outlines the number of establishments subject to enforcement for food standards:

Detail of enforcement action taken	2022/23	2018/19	2017/18
No .of establishments			
subject to prosecution during the financial year	0	0	0
subject to written warnings during the financial year	42	23	62
subject to improvement notices during the financial year	0	0	0

Appendix III

2. Premises Complaints' Investigations Policy

There are a number of categories of complaints that the service receives, and a decision to assist those that require an intervention is outlined below:

<p>Factors making intervention more likely to be justified:</p> <ul style="list-style-type: none"> • Health risk condition or imminent risk, or risk of serious injury/health effect. Imminent risk as defined in the Food Law COP (examples include contamination of food with sewage, serious infestation of pests, breakdown of refrigeration system, outbreak of communication disease, lack of allergen control or contraventions that in combination represent an imminent risk of injury to health). Serious personal injury/health effect as defined by the HSE EMM (credible that a fatal injury could occur or credible that an injury could occur that results in a permanent or irreversible disabling condition or requires immediate treatment in hospital). • Allegations of food poisoning will only be investigated where a food poisoning questionnaire has been completed and there is credible evidence that there is more than one case which may linked. • The premises have been awarded a hygiene rating of 0/1/2 on the national food hygiene rating scheme at its last inspection.
<p>There may be exceptional circumstances were the above criteria is met however the Local Authority may decide not to investigate where there are inadequate resources to follow up/investigation – a decision not to investigate because of inadequate resources or other emerging priorities must be made by Head of Service or above.</p>

Appendix IV

4. Food Complaints Investigation Policy

- 4.1 The Isle of Wight Council recognises the need for the investigation and effective resolution of complaints regarding food purchased and produced on the Island. It is our policy that these are dealt with promptly, in a consistent manner and in accordance with relevant legislation and codes of practice. This policy sets out the manner in which the Isle of Wight Council will undertake this function.
- 4.2 The Council's role is to protect public health and the investigation of complaints will reflect this principle, these will be investigated in accordance with our internal procedure which has regard to the relevant guidance. However the level of investigation and input into any complaint will depend upon the nature of the complaint and an initial prioritisation will take place in accordance with the procedure to ensure that those which pose significant risk to public health are given maximum resource.
- 4.3 When investigating any complaint the Council will apportion its resources to reflect the risk that is presented to public health and take into consideration the likelihood of reaching a satisfactory outcome.
- 4.4 The following types of complaints **will** normally be investigated:
- a) Those manufactured on the Isle of Wight.
 - b) Those where the complaint has been made as soon as possible after discovery and the complainant is able to provide clear details in a witness statement of the complaint and surrender the offending food, packaging and any relevant foreign matter into the possession of the Isle of Wight Council for the investigation.
 - c) Those complaints relating to unfitness when food has been kept under adequate temperature control and the complainant is able to confirm this in a witness statement.
 - d) Complaints which have revealed that there will be, or is likely to be, a serious public health consequence if not investigated.
 - e) Complaints where a food is suspected of poisoning where the complainant is willing to submit a stool specimen and where any related food is in such a state to form a meaningful sample.
 - f) Complaints referred by another Local Authority or agency and fit the above criteria.
- 4.5 The following types of complaints **will not** normally be investigated, although in some cases the complaint will be accepted and investigated as a food premises service request:
- a) Manufactured off the Isle of Wight (in these cases even if the criteria in the section above is met the level of investigation will be that the Primary Authority will be informed of the complaint)
 - b) Anonymous complaints where the complainant is unwilling to provide/surrender any evidence such as food remnants, packaging, related foreign matter or a witness statement.
 - c) Complaints where the food, packaging/labelling or related foreign matter is not available.
 - d) Complaints relating to unfitness where there has been an unreasonable time lapse between discovery and reporting where the food has been kept in inadequate storage conditions which would compromise any further investigation and or subsequent action.
 - e) Complaints of food causing poisoning where the complainant is unwilling to submit a stool specimen or where there is no related food or it is in such a state to not form a meaningful sample.
 - f) Complaints of a trivial nature where public health is unlikely to be compromised and where contamination can normally be associated with the nature of the product.
 - g) Complaints which are not the enforcement responsibility of the Council, this includes those that are viewed as malicious in nature (however the details will be taken and referred as appropriate and/or the complainant advised of the appropriate agency responsible).

Complaints which are not the enforcement responsibility of the Council, this includes those that are viewed as malicious in nature (however the details will be taken and referred as appropriate and/or the complainant advised of the appropriate agency responsible)

- 4.6 The Council's officers will have further discretion as to which complaints will or will not be dealt with,

after discussion with the Team Manager or Regulatory and Community Safety Services Manager.

- 4.7 In situations where the Council decides that the complaint is not to be investigated, the complainant will be advised to raise their concerns directly with the manufacture/retailer and if any items have been surrendered to the Council as a part of the complaint these will be returned to the complainant.

Investigation

- 4.8 When a complaint is received, we will obtain as much information as possible focusing on the circumstances of purchase, the discovery of the complaint and the storage of any samples in the intervening period. It will be necessary for the item to be surrendered by the complainant into the possession of the Isle of Wight Council for the investigation if that is deemed necessary. The process of investigation is therefore a three staged approach:

Stage one – this is undertaken when the complaint is first received, it will be necessary for an officer to examine it to confirm the nature of the complaint. At times complaints that seem to be totally unacceptable to the complainant are found to not be harmful and are explainable based on the nature of the product or packaging, and in this case no further action will be taken.

Stage two – this occurs once the food has been examined and is found to warrant further investigation this will be undertaken by an officer in accordance with the procedure. If the product is not manufactured on the Isle of Wight we will contact the Local Authority that enforces food law at the manufacture's premises for an independent opinion.

Stage three – A decision is made if we require the opinion of experts. If so, the item may be sent to the public analyst or an expert with specialist knowledge.

- 4.9 Food law offences are 'strict liability' offences in that it is not necessary for the Enforcing Authority to prove that there was an intention to break the law. However, this is offset by allowing the food company a 'due diligence' defence. This means that as a part of the investigation we have to establish what steps have been taken to ensure the safety of the food and whether all reasonable precautions have been taken and whether all due diligence has been exercised to prevent the offence occurring. This is important when considering the appropriate course of action.
- 4.10 All food complaints are investigated in accordance with the Isle of Wight Council's Food Complaints Procedure and action taken in accordance with the enforcement policy.
- 4.11 We will comply with the service standards for response time and completion time of service requests. However, food complaints are often complex in nature and require liaison with others therefore the investigation can on occasion take time, four to six weeks is typical. If it takes longer, we shall contact the complainant to explain why.

