

**Environment  
Department**



# **Food Law Enforcement Plan 2002 / 2003**

**Environmental Health  
and Safety Section and**



**Trading Standards  
Services Section**

Awarded for excellence

**BRACKNELL FOREST BOROUGH COUNCIL**  
**ENVIRONMENT DEPARTMENT**  
**FOOD LAW ENFORCEMENT PLAN 2002/2003**

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# **1. Food Service Aims and Objectives**

## **1.1 Aims and Objectives**

The relevant aims of the Environment Department are:

- To contribute to health promotion within the community
- To encourage and promote high standards in retail premises
- Promoting an equitable and mixed trading environment
- Working with the community to promote healthy and sustainable lifestyles
- To promote quality of life throughout all sectors of the community
- To maintain and improve the visual and living environment
- To aid movement of people and goods in the Borough
- Making service more accessible to the public through an integrated Customer Service Centre

Food law enforcement is a function of the Environmental Health and Trading Standards sections.

To be effective, officers are required to allocate a risk rating to all food premises in accordance with the Food Safety Act 1990 and statutory codes of practice to ensure that all relevant premises are inspected according to risk to meet the requirements of the Food Standards Agency's 5-year inspection programme.

To assist in the process of achieving this, a number of operational objectives have been set.

For Trading Standards these are:

- To seek to ensure that all food and drink produced, imported or sold within the Borough is of appropriate quality and composition, and in conformance with its description.
- To plan and carry out a programme of food sampling, to determine by analysis, whether or not food and drink produced, imported or sold within the Borough is of appropriate quality and composition, and in accordance with its description. Priority will be given to locally controlled or produced foods.
- To promote awareness of food safety issues, especially in relation to information contained on food labels

For Environmental Health these are:

- To seek to ensure that all food and drink produced, imported or sold within the Borough is fit for human consumption and free from contamination.
- To undertake a bacteriological sampling programme with special emphasis on foodstuffs or ingredients produced or distributed from within the Borough.
- To enhance public and trade awareness through education and publicity of the need to maintain high standards of food hygiene/control.

Progress against all these objectives is measured monthly and reported in detail to the Executive quarterly. Resources are allocated where appropriate to ensure that targets

are achieved. The Borough Council is committed to the concepts and process of Best Value. The Council has a robust Performance Review system in place. Service delivery is constantly reviewed to ensure that new initiatives and proposals can be put forward to further improve the service for customers and to highlight efficiencies where these can be made.

## 1.2 Links to Corporate objectives and plans

The Bracknell Forest Best Value Performance Plan sets out the strategic and service priorities. The Environment Plan together with the Environmental Health and Trading Standards Plans for 2002/2003 complement the Bracknell Forest Plan to deliver those priorities.

The Corporate medium-term objective that encompasses food safety is:

*'Improving Health and Well Being'*

## 2. **Background**

### 2.1 Profile of the local authority

The Borough of Bracknell Forest is in a prime location, at the very centre of the Thames Valley, some 25 miles from London. This location of the Borough and the development of Bracknell new town have meant that the Borough has traditionally enjoyed high employment growth and low levels of unemployment.

The Borough of Bracknell Forest is a mix of urban and rural environments with a very low unemployment rate. It is home to a large number of national and international companies, particularly within the information technology fields. With regard to the food industry other than Waitrose Ltd, a major supermarket chain, it has no significant food producers or importers. Also located within the Borough is the head office of Initial Catering, which provides catering facilities to a range of local authorities and corporate businesses.

Bracknell town centre provides a mix of large and small traders, along with a vibrant market. There are over 40 household name stores in the town, with several large supermarkets situated on the outskirts of the town. In addition there is a very large supermarket complex at The Meadows, to the south of the Borough.

The Borough Council became a Unitary Authority on 1 April 1998. A restructuring programme has meant that Public and Environmental Services has just merged with that of Planning and Transportation to form the Environment Department. This means the Authority now consists of 5 Directorates and employs in excess of 3,200 staff.

### 2.2 Organisation structure

The Borough Council has recently restructured its working arrangement Government Proposals for Modernisation after consulting with residents in line with the Government Proposals for Modernisation. The Council now works to the Executive model with the new Environment Department having two Executive Members to report to. Within the Environment Department different functions report to specialist committees such as the Licensing and Safety Committee which in relation to food matters deals with food registration and licensing of food premises such as game dealers.

Trading Standards and Environmental Health functions form part of the Sustainability Division of the Environment Department. This Division is made up of four service areas:

Trading Standards and Services, Environmental Health and Safety, and Planning and Building Control and Planning and Transport Policy.

The Trading Standards and Environmental Health sections are part of high profile front-line services of the Borough Council. The food safety functions are fulfilled by a team within both sections. Both Teams have a manager who reports to a Head of Service who in turn reports to the Assistant Director of Sustainability. In total 6 officers are involved in issues relating to food safety as part of their day-to-day duties.

A function of both sections is the promotion and maintenance of a safe, fair and equitable trading environment to benefit local residents, businesses and visitors to the area.

The sections work from a legislative basis and much of the work is mandatory and may result in enforcement action. The sections are, however, committed to achieving their objectives in the most effective and efficient manner possible. This includes developing partnerships, both within the community and the business sector. 'Self-help' is encouraged wherever possible to generate a sense of community involvement and to find the most appropriate solution to the particular issue. There is a commitment to customer care and both services remain focused on the provision of services that reflect the expectations of its service users.

### 2.3 Scope of the food service

Environmental Health and Trading Standards are together responsible for enforcing a wide range of consumer legislation. As a Unitary Authority this Food Law Enforcement Plan establishes the principles for ensuring local compliance with both food standards and food hygiene under the Food Safety Act provisions.

The main service areas for the Food and Health & Safety Team are:

Food Safety	Health and Safety	Health Promotion
Infectious Diseases		

The main service areas for the Trading Standards and Licensing Team are:

Metrology	Consumer Credit	Pest Control
Product Safety	Taxi and Private Hire Licensing	Dog Control
Licensing	Animal Health & Welfare	
Food Standards	Trade Descriptions	

Both teams will carry out inspections on businesses located within Bracknell Forest in accordance with appropriate risk assessment procedures. They will provide advice and assistance to businesses on compliance with existing or new legislative requirements by means of a range of options including visits, advice sheets, talks, presentations, training courses and the Borough Council's website. The officers also seek to ensure consumers are informed members of the community in order to help maintain standards. This is achieved by providing relevant information by means of advice sheets, talks, and presentations to specific groups or highlighting possible areas of concern by utilising an Exhibition Trailer (Out and About in Bracknell Forest) to take the message to various public locations within the Borough.

Establishing effective partnerships with others in government offices, voluntary organisations and business are seen as vital to deliver the service in an effective and comprehensive manner. The officers seek to develop existing arrangements and establish new ones where service provision within existing resources can be improved.

## 2.4 Demands on the food service

The Borough of Bracknell Forest has 899 registered food business premises. The summarised total number of food premises located in the Borough is detailed below:

TYPE OF PREMISES	NUMBER OF PREMISES
Producers	2
Slaughterhouse	0
Manufacturers	3
Packers	0
Importers	2
Distributors	23
Retailers	229
Restaurants	630
Materials and Articles	9
Manufacturers selling by retail	1
<b>TOTAL</b>	<b>899</b>

**Table 1: Types of Food Businesses**

Table 1 shows the classification of the type of food businesses in the Borough. The classification is a national one and the table shows that restaurants represent the highest type of premises in the Borough. The classification is broad and includes take-aways, office restaurants and school kitchens.

In relation to Food Standards (Trading Standards), the food safety risk assessment breaks down as follows:

Risk	2001/2	2002/3
High	0	24
Medium	364	690
Low	227	76
Non inspectable	26	109
Unrated	264	40
<b>Total</b>	<b>1081</b>	<b>899</b>

**Table 2: Food Standards Risk Rating System**

Table 2 shows the Trading Standards food premises rated according to risk. As part of the team's work, the premises are continuously being re-assessed and re-rated. As a result of the team's work during 2001/2 24 high risk premises were identified and are to be included in this year's inspection programme.

To ensure the Trading Standards team uses its resources effectively, it has discretion to classify some of its premises as non-inspectable because of their low risk activity in relation to food. These premises are subject to surveys when necessary and remain in contact with the Council through mailshots.

In relation to food hygiene, the food safety risk assessment breaks down as follows:

Category	Frequency of Inspection	Number of Premises
Category A	6 months	32
Category B	12 months	127
Category C	18 months	279
Category D	2 years	80
Category E	3 years	125
Category F	5 years	241
Unrated		15
<b>TOTAL</b>		<b>899</b>

**Table 3: Inspection Risk Rating System**

Table 3 shows the total number of premises broken down according to risk. Category A premises are the highest risk and are inspected every 6 months and category F premises are the lowest risk and are inspected every 5 years.

Unrated premises includes new premises outside the programme waiting risk assessment and premises not selling food, but selling materials and articles which come into contact with food which are inspected for food standards purposes.

The table below details the number of food complaints and food hygiene complaints received over the last 4 years.

	1998/1999	1999/2000	2000/2001	2001/2002
<b>Food complaints</b>	<b>112</b>	<b>121</b>	<b>115</b>	<b>102</b>
<b>Food hygiene</b>	<b>130</b>	<b>153</b>	<b>120</b>	<b>112</b>

**Table 4: Food Complaints and Food Hygiene Complaints**

Table 4 shows the breakdown of the food complaints and complaints of poor hygiene in the Borough's food premises. In relation to the number of food premises in the Borough, the total is low. The purpose of the Environment Department's food inspection programme each year is to be proactive and inspect premises at the minimum frequency to prevent serious food complaints and failures in food hygiene. The Commercial Team made 428 food safety inspections during 2001/2002 to prevent food complaints and failures in food hygiene arising.

Within the Food and Health & Safety Team, detailed Practice Notes have been written to cover all aspects of service delivery and these include: undertaking food hygiene inspections; surrender/condemnation of foods; food complaints; and investigating food poisoning incidents.

Written procedures have been introduced within the Trading Standards and Licensing Team to cover Food Sampling, Food Inspections, Authorisation of Officers, Premises Updating, Food Complaints and Fertilisers and Feeding Stuff Sampling in line with the requirements within the Framework Agreement.

All information relating to the inspection of premises is contained upon a common database system and is fully accessible by all officers.

Factors that may effect changes upon delivery of this plan include:

- The new Departmental structure, merger and relocation of offices.
- The Department is pursuing a policy of flexible working to include, hot-desking, remote working and flexible hours, which is to be extended to all officers within the new Department.
- New and changing legislation resulting in additional responsibilities.
- Major incidents such as another Foot and Mouth Outbreak.
- Increased consumer awareness, interest and concern in respect of issues relating to matters of food safety such as food allergies, genetic modification, animal feeding stuffs, and weight control.
- Government priorities such as a new Consumer Bill.
- Developments in the areas of e-commerce and e-government.

## 2.5 Enforcement policy

The Departmental Enforcement Policy has been developed to demonstrate that the officer's approach is to use enforcement powers sympathetically and relative to the seriousness of the situation. All staff are required to take a fair but firm view to enforcement and this is reflected in the Enforcement Policy. The Policy has been developed and has been produced in line with the Enforcement Concordat and with reference to other appropriate guidance. The new Enforcement Policy is detailed in Appendix 1 and is made freely available to businesses in the Borough.

Officers are required to give full regard to the Code for Crown Prosecutors and Food Safety Act Code of Practice 2, before making a recommendation to instigate legal action.

## 3. **Service Delivery**

### 3.1 Inspection of Food Premises

Inspection of premises for the purpose of food standards is to be carried out as indicated below:

High risk – inspect at least once a year

Medium risk – inspect every 2 years

Low risk – inspect every 5 years

This indicates, given the existing risk assessment carried out, that to achieve the target of 100% inspection rate, 385 food standards inspection visits will need to be carried out in the year 2002/2003. Some of these inspections will be carried out in conjunction with other Trading Standards functions, where the risk-rating schemes give the same result.

The purpose of such inspections is to ensure that food supplied is of the nature, substance, quality demanded, and complies with any description. Where possible, these visits will be combined with other activities such as the investigation of complaints, purchasing of samples for analysis or testing, or referrals from other authorities.

A number of items of equipment that are suitable for screen-testing purposes have been acquired for use by officers conducting food standards work. These can be utilised on business premises or within department's the laboratory. This equipment is seen as a vital tool in providing value for money in the checking of compositional and descriptive requirements.



Food standards premises have historically been classified under the LACOTS risk assessment procedure. The software supplier is working on converting this data into the food standards risk-rating scheme from the code of practice and inserting historical data into a food standards dedicated area. It is anticipated that this will be achieved in the first quarter.

In order to provide a service that is integrated, responsive and effective, Environmental Health and Trading Standards staff have received training to improve awareness of the food safety aspects of each other's roles. This enables staff, whilst carrying out inspections, to identify potential problems across both areas of enforcement. This contributes to improved intelligence; more focused inspections and provides business with an integrated comprehensive food safety service. It is planned that this year this concept will be further developed to increase the benefits already accrued.

The Borough Council target for achieving the minimum inspection frequency targets for food safety is 100% completion. This target has been achieved for the past 5 years.

The inspection programme for food safety is as follows:

	A	B	C	D	E	F	TOTAL
Targeted 2002/2003	32	127	157	36	56	79	487

**Table 5: Food Safety Inspection Programme 2002/3**

Table 5 shows the number of premises out of a total 899 (Table 2) that according to the risk rating system will require a food hygiene inspection this year. As can be seen from the table, as well as the highest risk premises some of the Borough's lowest risk rated premises that have not been inspected for five years will be included this year.

### 3.2 Inspections of feeding stuffs premises

The Borough does not have a feeding stuffs producer or distributor within its area. The intention was to establish an inspection and sampling programme for the year 2001/2002. Due to the Foot and Mouth outbreak this was delayed, taking into account bio-security measures and resources tied up on Foot and Mouth issues including the licensing schemes.

### 3.3 Farm visit medicine record checks

Trading Standards Officers, as part of their routine programmed visits to livestock farms, will carry out checks on medicine records. It is estimated that 15 routine checks will be carried out in 2002/2003 at the 40 livestock farms within the Borough.

### 3.4 Food and feeding stuffs complaints

Complaints concerning food are allocated to either the Environmental Health or Trading Standards Officers according to the nature of the complaint. Generally, food hygiene and any matters that impact on public health will be dealt with by Environmental Health, whereas other matters that do not immediately have this impact are referred through to Trading Standards. Where urgent action must be taken, food qualified officers from either Team, as available, are called upon. Where appropriate, samples are taken for analysis. Audits are to be carried out, sometimes in conjunction with neighbouring

authorities, where intelligence from complaints or other sources indicate that problems may exist.

In relation to food complaints and food hygiene complaints, the target for an initial response is one day and the performance achieved in 2001/2002 was 85%.

### 3.5 Home Authority Principle

The Officers dealt with over 80 matters under the Home Authority Principle last year. A large proportion of those were for Waitrose, a major supermarket retailer and the majority of which were food-related. One officer from both teams is designated as contact officer for Waitrose and to facilitate this arrangement there are monthly meetings as well as other regular communications.

### 3.6 Advice to business

The Department has a strong commitment to providing advice to business, to assist them to comply with legal requirements, including working with them on the development of good practice to deal with consumer complaints. The services expect to receive in excess of 350 requests from local businesses for assistance in the coming year. In addition there will be further requests under the Home Authority principle and about 250 visits will be made to businesses following consumer complaints.

The Department has developed a range of Trader Advice Leaflets to aid business to meet legal requirements. These are available by request through the Department's Customer Service Centre or from officers at the time of visits. In addition a range of these leaflets is accessible through the Borough Council website at [www.tradingstandards.gov.uk/bracknell-forest](http://www.tradingstandards.gov.uk/bracknell-forest). Businesses are also able to e-mail enquiries and requests for assistance to the Department.

### 3.7 Managing diversity

The Department is aware of the need to recognise the diverse nature of the food industry. In response we have available a range of leaflets and guidance which explains what the law says in clear and simple language. We also have access to leaflets and posters in several foreign languages, which reflect diverse nature of food businesses in the Borough. The Food and Health and Safety Team has developed contacts with trainers in foreign languages which are made available to businesses during visits and on the Council's website.

### 3.8 Food and feeding stuffs inspection and sampling

There is a budget of £14,000 available for the testing of goods and services to check for compliance with safety, compositional and descriptive requirements. £10,000 will be allocated to the testing of food products which at costs per sample of between £95 and £200 would amount to around 75 samples. Priority will be given to the sampling of products either manufactured or produced within Bracknell Forest, or which have undergone some significant change within the Borough in the form of processing, re-packaging or re-labelling.

A sampling plan is produced at the beginning of each year. The Department supports the Thames Valley Food Liaison Group and therefore part of the sampling plan relates to a co-ordinated plan through this group. In determining sample projects, discussions take place with our Public Analysts to identify possible areas for concern.

As there is no major producer of animal feeding stuffs, no specific budget has been set aside for routine sampling of these products.

Informal samples are taken except where follow-up samples cannot be easily repeated or if they are taken as part of complaint, previous failure, or as a result of a screen testing failure. Formal samples are taken in accordance with Code of Practice 7, Food Safety Act.

The remaining £4,000 in the sampling budget will be directed to the testing of consumer goods and services for compliance with safety or descriptive requirements.

The authority has appointed the following Public Analysts for the purposes of testing products under the Food Safety Act and Agriculture Act:

Mr R A and Mrs C R Stevens  
Worcestershire County Council Scientific Services  
County Buildings  
St Mary's Street  
Worcester  
WR1 1TN

Eurofin Scientific  
445 New Cross Road  
London  
SE14 6JA

Mr P Berryman  
Hampshire Scientific Services  
Hyde Park Road  
Southsea

A comprehensive departmental Practice Note details the work to be undertaken on food sampling. A budget of £4,000 is provided each year by the PHLS at Reading. The sampling programme is based on guidance from LACOTS and the Berkshire Food Liaison Group and in response to complaints/food poisoning outbreaks. The food safety sampling programme for 2002/2003 will total around 200 samples.

### 3.9 Control and investigation of outbreaks and food-related infectious disease

The Borough Council subscribes to the joint Infectious Disease Incident Plan for Berkshire which is produced jointly with the local Health Authority.

The method of investigation of all possible food poisoning incidents is detailed in a departmental Practice Note that is reviewed every year and also where new practices are developed. The table below details the number of infectious disease notifications received for the past 4 years.

1998/1999	1999/2000	2000/2001	2001/2002
471	394	374	368

**Table 6: Infectious Disease Notifications**

From the table the notifications of infectious disease to the Environment Department has remained stable for the past four years. This compares favourably with the rest of Berkshire where the notifications reported to the five other Berkshire local authorities range between 200-480. Nationally there were 85,581 notifications to local authorities during 2001.

The target time for response is one day and this has achieved for all cases to date. Resources are allocated to notifications as appropriate with numbers of officers being involved where the outbreak may involve multiple cases. The two most recent multiple case outbreaks were confirmed as being caused by rotavirus enteritis and food hygiene practices were not implicated during the investigation.

### 3.10 Food safety incidents

Food hazard warnings are actioned as required by the Food Safety Act, Code of Practice No 16. Such warnings are stored electronically and all officers involved in food safety are kept up-to-date of developments using e-mails to ensure that all are aware of the situation and that appropriate action is initiated.

### 3.11 Liaison with other organisations

Ensuring consistency of enforcement is seen as vital and the Council has in place arrangements to liaise with other organisations.

- Thames Valley Chief Officers Liaison Group in relation to Food via LACOTS and its panels
- Thames Valley Food Liaison Group
- Berkshire Food Safety Liaison Group
- Berkshire Food Sampling
- Berkshire Communicable Disease Liaison Group
- Professional bodies such as Trading Standards Institute, and Chartered Institute of Environmental Health
- Arrangements have also been made with other enforcement agencies such as FSA, Wine Standards Board, Egg Marketing Inspectorate, etc.

### 3.12 Food hygiene and standards promotion

Arrangements have been made to enable a newsletter to be sent from time to time to all food businesses in the Borough, which advises on new food safety legislation, current trends, new initiatives and also on the availability of food hygiene and health and safety courses. Currently 6 food hygiene courses are scheduled each year with additional courses run on demand. In addition a food hygiene refresher course is to be offered in addition to the standard courses.

The Council supports Food Safety Week. In recent years the Council's contribution has involved visits to a number of schools and also displays on tips for good food hygiene at various locations around the Borough. A competition is usually run in association with the campaign with prizes given by local businesses.

A comprehensive list of food-related leaflets has been developed and these are made available at the Borough Council receptions, the Town/Parish Council offices and at all outside events. Feedback is encouraged from all who receive them.

At Christmas a campaign is usually organised to promote hygienic practices and raise awareness of safety issues in the home. Again, competitions with prizes donated by local businesses usually form part of this initiative.

The Council also organises an annual Environment Fair, which is attended by in excess of 8000 residents. A specific topic area is "Health and Well-Being", and there is ample opportunity to contribute. Of particular interest to residents last year were displays on issues such as organic and genetically modified food, as well as information on the control of BSE.

A Food Hygiene Award scheme has been introduced which is run alongside the programme of premises inspections. A written hazard analysis is required together with no smoking areas if seating is provided. This gives added value to the process and has been very well received by local businesses. Officers are currently working in partnership with Berkshire Health Authority to develop a healthy eating award during 2002/03.

#### **4. Resources**

##### **4.1 Financial allocation**

Officers are required to provide a comprehensive enforcement regime and food law enforcement is delivered within that framework. An officer when visiting a business will therefore seek to advise and inspect upon a range of functions such as Weights and Measures, Consumer Safety and Food Safety or Health and Safety and Food Safety depending on the qualifications and professional competencies. In this context it is therefore difficult to accurately assess those resources that are specifically allocated to food law enforcement. Work is presently being conducted on ways in which our computer-based information on enforcement work is analysed in order to provide improved information on where enforcement is taking place.

##### **4.2 Staffing allocation**

With respect to food standards enforcement, 2 officers meet the necessary qualification criteria, and one other officer is undertaking relevant training and is expected to qualify in 2002. Their duties include all other Trading Standards work including advice to businesses and enforcement/investigation activities.

Within the Food and Health & Safety Team there are 4 suitably qualified officers.

##### **4.3 Staff development plan**

The Council has in place a formal appraisal scheme involving a full staff appraisal every 12 months with a 6-monthly review in between. The area of staff development is vital to that scheme and staff contribute to the identification of a personal development and action plan.

Corporate Training opportunities are circulated to all staff and are freely accessible on the Council Intranet site.

Details of other organisations offering training and development are circulated to all staff and posted on notice boards.

Arrangements have been made with other authorities within the Thames Valley to have regular training updates on new legislative provisions or good practice. Membership of

the Southern Branch of the Trading Standards Institute is encouraged. They also facilitate training courses for staff to maintain competencies.

Officers who are not qualified in accordance with Code of Practice 19 are encouraged to qualify, and 1 member of staff has taken the opportunity for study this year.

Staff have one-to-one sessions with their managers every 2 weeks where personal development is discussed.

## **5. Quality assessment**

Environmental Health attained a Charter Mark in 1995 and again in 1999. Trading Standards gained their Award in 2000. This reflects the Department's approach to customer service quality and delivery.

Environmental Health officers within Berkshire have recently completed a comprehensive benchmarking exercise. This was based on the Hampshire and Isle of Wight Quality Toolkit. Bracknell's Environmental Health's performance reflecting well against the other Berkshire local authorities. The matrix criteria and score for Bracknell are detailed in Appendix 3.

A number of customer consultation surveys is undertaken throughout the year in order to monitor customer satisfaction. The feedback is reported to Committee quarterly and services amended as appropriate.

## **6. Review**

### **6.1 Review against the Service Plan**

Performance standards have been set and the resources needed to achieve those standards have been assessed using available historical data from the Sections and also data made available from other local authorities. Performance standards and resources are kept under review.

With the concept of 'flexible working' now fully incorporated into the working culture, performance management has become a crucial tool in the monitoring of officers' workload, outputs and service quality. A formal system is in place where officers meet with their line managers every two weeks, when topics such as workload, complaints against service, training needs, problematic issues, etc are discussed. Notes are taken at these meetings and learning identified. The formal appraisal scheme involves a full staff appraisal every 12 months with a 6-monthly review in between. The use of technology has been developed to the full to provide officers with the right tools to allow them to undertake their tasks, whilst also providing management with quick and comprehensive data around officer performance and evolving workloads.

### **6.2 Identification of any variation from the Service Plan**

Monitoring procedures are in place to assist in evaluating the effectiveness of the services as a whole. Performance reports are presented quarterly to Committee with comments where performance exceeds or fails to meet targets. This information will then be fed back into the development of other service plans.

### **6.3 Areas of improvement**

- (a) Implement measures to improve record-keeping for the retrieval of information on service requests, complaints and food standards inspections.

- (b) Develop further the awareness training of staff from both sections.
- (c) Identify additional training needs and budget requirements to ensure that enforcement staff remain competent to enforce food safety legislation.
- (d) Publish plan and performance on website to improve transparency and openness.
- (e) Work within the Berkshire Unitaries groups to develop a benchmarking model for food standards.
- (f) As part of the Benchmarking arrangements, third party reviews and audits will take place during the 2002/2003 period.

Following criteria used to determine action taken into account including on the relevance of legal proceedings, although this is not exhaustive:

- Relevance of the type of offence.
- Need for a suitable deterrent.
- Risk of danger or injury to the public.
- Failure to comply with a statutory notice or respond to about legal requirements.
- Disregard of legal requirements for financial reward.
- Significant financial loss, potential or actual, to a third party.
- History of similar offences.
- Persistence breaches of legislation.
- E.g. fraud, gross negligence or guilty knowledge is a factor.
- Breaches of a number of statutes.
- If possible an offender will be told as soon as sufficient evidence is obtained that a prosecution may follow.
- Executions will be brought without unnecessary delay.

### Complaints About Enforcement Action

Where we have failed to apply the principles contained in our Policy in respect of any enforcement action taken by an officer, you should complain initially to the officer concerned. If you are unable to resolve your complaint you should write to the Environmental Health Officer, Director of Environment, at the address below. Your complaint will normally be dealt with by the relevant Head of Department who will endeavour to contact you within 2 working days to discuss the situation in detail. If the situation is serious and likely to take some time to resolve, you will be contacted within 10 working days. An indication of the time within which a detailed response will be made.

### Availability of Officers

The nature of the work is such that officers spend a large part of the working day away from the office.

Officers can be contacted through our Customer Service Centre which is open during the following times:

8.45am - 5.15 pm Monday to Thursday  
(8.45am - 4.45pm on Fridays)

### Address for correspondence:

John Osborne  
Environment Department  
Bracknell Forest Borough Council  
Time Square  
Market Street  
Bracknell

Berkshire  
RG12 1JD  
Tel: 01344 351400  
Fax: 01344 352555  
[www.bracknell-forest.gov.uk](http://www.bracknell-forest.gov.uk)



Environment  
Department  
Enforcement Policy

Advice  
to  
Businesses



# Enforcement Policy

## Introduction

The purpose of this Policy is to help your business comply with legislation in a manner that is equitable and without placing an unreasonable burden on anyone.

The Policy explains the approach adopted by the Environment Department when carrying out the Council's duty to enforce a wide range of legislation. It is written in general terms as it is intended to be applied to the wide range of responsibilities falling to the department. The Council has adopted the Enforcement Concordant.

The 4 guiding principles enshrined in this Policy are as follows:

- Fairness : to ensure a fair and even-handed approach.
- Proportionality: to ensure that action taken relates directly to the actual or potential risk to health, safety, the environment, or economic disadvantage to the consumer or business.
- Transparency: to ensure that the reasons for taking any form of enforcement action is understood by those having to comply and that clear distinctions are made between legal requirements and advice or guidance.
- Objectivity: to ensure that decisions are not influenced by the gender ethnic origin, religious or political beliefs or sexual preferences of the offender, victim or witnesses. Sensitive consideration will be given where persons involved are children, elderly, infirm or suffering from a mental disorder.

## Levels of Enforcement Action

Legislation may be enforced by one or a combination of methods:

- Education: to raise awareness about legal standards and promote good practice. This is typically achieved through the media, information leaflets, the internet, training courses, and face-to-face contact with the enforcement officers.
- Informal warnings: these are used in situations where, whilst the law may have been broken or where a minor offence had been committed, it was not thought appropriate to take any other action. An informal warning can be oral or written.

- Formal enforcement: this includes the use of statutory (legal) notices, the refusal to grant, revoke or suspend a licence or registration, undertaking works in default, use of formal cautions and in the most serious cases, prosecution. This course of action would be taken following procedures as laid down in legislation, codes of practice, Council policies and professional guidance notes.

## Understanding the forms of Formal Action

### 1. Statutory (legal) Notices

Many Acts of Parliament provide for the service of Statutory Notices. This requires a person, business or organisation to comply with specific requirements. Where a formal notice is served, the appeal provisions against the Notice will be provided in writing at the same time. The Notice will explain what is wrong, what is required to put things right and what will happen if the Notice is not complied with.

In general, failure to comply with a Notice makes the recipient liable to prosecution. In some cases the Council is able to, carry out works to comply with the Notice should the Notice not be complied with and public health be put at risk. If the Council does so, it will invariably seek to recover the cost of doing so from the recipient of the notice. In exceptional circumstances both prosecution and service of a notice may be considered appropriate.

### 2. Formal Cautions

Under certain circumstances, a Caution may be an appropriate alternative to prosecution. This option will be considered before prosecution. Being given a caution is still a serious matter. It is recorded on the Central Register of Convictions and may be used to influence any decision whether or not to institute proceedings if the person should offend again. It may be referred to in any subsequent court proceedings. It will not be referred to in respect of any conviction recorded more than 3 years earlier. Cautions are invariably given by exchange of letters.

Cautions serve the following purposes:

- a. to deal quickly and simply with less serious offenders;
- b. to avoid unnecessary appearance in criminal courts;
- c. to reduce the chance of offenders re-offending.

Before issuing a Caution, the following conditions must be satisfied:

- i. there must be evidence of guilt sufficient to give a realistic prospect of conviction;
- ii. the suspected offender must admit the offence, usually by signing a declaration;
- iii. The suspected offender must understand the significance of Caution and give an informed consent to the Caution.

### 3. Prosecution

Discretion is used in deciding whether to initiate a prosecution Where the circumstances justify it, prosecution without warning may take place.

Prosecution will be considered when:

- it is appropriate in the circumstances, as a way to draw attention to the need for compliance with the law, especially where there would be a normal expectation of a prosecution or where, through the conviction of offenders, others may be deterred from offending; or
- there is the potential for considerable harm arising from breach; or
- the gravity of the offence, taken together with the general record and approach of the offender justifies it.
- there is sufficient evidence for a realistic prospect of conviction taking account of any defence that may be available
- it is in the public interest to do so

The decision to prosecute will always take account of criteria set down in the Code for Crown Prosecutors and Attorney General's Guidelines.