



# London Borough of Bromley

## Food Safety Service Plan 2023-2024



Contact details: Nigel Riley (Food Team Manager)  
Department: Environment and Public Protection  
Place  
Address: Civic Centre,  
Stockwell Close  
Bromley  
BR1 3UH  
Email: [food@bromley.gov.uk](mailto:food@bromley.gov.uk)

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## 1. Introduction

- 1.1 This Food Safety Service Plan 2023-2024 covers the key areas of Food Safety and the relevant management arrangements and objectives against which the Council will monitor service delivery and has been compiled in accordance the Food Standards Agency's (FSA) 'Framework Agreement on Official Feed and Food Controls by Local Authorities' [Local authorities | Food Standards Agency](#) .
- 1.2 The FSA audits Local Authority food and feed enforcement activities and publishes reports of their findings. Local Authorities are audited against the feed and food law standard in the Framework Agreement, which is a document that sets out the minimum standards of performance required from Local Authorities, across the full range of their feed and food law enforcement activities. The FSA have recently published a [5 year strategy and vision](#) which includes designing a more targeted and proportionate approach to local authority regulation of food businesses.
- 1.3 This service plan is subject to review by the Public Protection & Enforcement PDS Committee and makes clear the measures Bromley Council will put in place to ensure that there are adequate arrangements for food safety enforcement moving forwards and states the objectives for the 2023-2024 period. It includes a performance review against the previous year's plan (2022-2023).

## 2. Service aims & objectives

- 2.1 Bromley's Food Safety Service is delivered in accordance with the [Food Law Code of Practice](#)(FLCoP), the latest version of which was released in June 2023.
- 2.2 The key objectives of the service are to:
  - Ensure by education and enforcement that food intended for human consumption which is produced and/or sold in Bromley is safe to eat and complies with food safety requirements.
  - Deliver a programme of Food Hygiene and Food Standards inspections and interventions in relation to primary producers and food businesses, on a risk-based frequency.
  - Provide support to help businesses comply with their legal obligations.
  - Investigate and take appropriate action concerning complaints about food and food premises to protect public health.
  - Provide a fair and equitable service that provides value for money.
  - Carry out targeted and reactive environmental, microbiological and food standards food sampling.
  - Prevent the spread of specified infectious and food borne diseases.
  - Advise and educate consumers and service users on food safety matters.

### 3. Links to Corporate Objectives

3.1 The service, and the manner in which it is delivered, contributes to the vision and ambitions set out in the [Making Bromley Even Better \(corporate strategy\)](#) to make Bromley a fantastic place to live and work, where everyone can lead a healthy, safe and independents lives. The five ambitions are:

- 1 For children and young people to grow up, thrive and have the best life chances in families who flourish and are happy to call Bromley home.
- 2 For adults and older people to enjoy fulfilled and successful lives in Bromley, ageing well, retaining independence and making choices.
- 3 For people to make their homes in Bromley and for business, enterprise and the third sector to prosper.
- 4 For residents to live responsibly and prosper in a safe, clean and green environment great for today and a sustainable future.
- 5 To manage our resources well, providing value for money, and efficient and effective services for Bromley's residents.

3.2 The work of the Team also contributes to the [Public Protection & Enforcement Portfolio Plan 2023/4](#)

3.3 The Public Protection Division has produced an [Enforcement Policy 2019](#) in accordance with the [Regulators' Code](#) 2014. Regulatory compliance and enforcement are common operational activities carried out by the Food Safety Team, as part of the broader regulatory process, and it involves actions that encourage and compel compliance with a regulatory framework that covers various pieces of legislation.

### 4. Profile of Bromley

4.1 Bromley is the largest borough in London in terms of geographical area; it occupies 59 square miles (152.8 km<sup>2</sup>) of which the majority is Metropolitan Green Belt land; 30% of the land is categorised as farmland.

4.2 It has the 6<sup>th</sup> largest population in London with over 330,000 people, increasing from 309,400 in 2011 according to the [2021 Census](#); data from the 2011 census reports 81% of the population are white or white other, 94.2% of Bromley's population speak English, the average age of our residents is 40, 72% of the residents are owner occupiers and over 78% of the economically active population are in employment, with only 4% being unemployed. The borough owns and manages two traveler sites and is home to a large community of travelling show people.

4.3 There are four town centres; Bromley, Orpington, Beckenham and Penge; there are over

17,000 businesses in the borough, according to the London Councils [Borough Business Profiles 2019](#), the majority of businesses are small with less than nine employees in each, and most are within the sectors of finance, retail and construction. However, public administration, education and health are the borough's largest employers, and the Princess Royal University, Orpington, Beckenham Beacon, and Bethlem Royal NHS Hospitals are located within the borough, as is Biggin Hill airport.

## 5. Staff Resource

5.1 The Food Safety Team sits within the Public Protection Division of the Environmental and Public Protection Department; Animal feed enforcement and alcohol authenticity enforcement are carried out by the Trading Standards Team. Provision for specialist services is arranged through Kent Scientific Services who are appointed as the Public Analyst for Food, and the UK Health Security Agency (UKHSA) Food Water Environment Microbiology Laboratory acts as the Council's Food Examiner.

### 5.2 Table 1: Food Team resource at 1<sup>st</sup> April 2023

Food Safety Team – Staff Resource*	Number of FTE posts
Food Team Manager	1.0 FTE
Environmental Health Officers	6.0 FTE
Food Safety Officer	0.54 FTE
<b>Total Food Team Officers</b>	<b>7.54 FTE</b>
Administrative Support	0.46 FTE
<b>Total Food Team Staff Resource Allocated</b>	<b>8 FTE</b>

\*See Appendix A for staff structure.

5.3 **Staff Recruitment and Retention:** The team has 1.57 FTE vacant EHO posts as of 1st of April 2023 following a part time officer retiring, and a second resigning. A pilot contract, to complete 638 inspections, is currently being implemented. Also, a further 200 inspections will be completed by an agency officer who has worked for the authority previously.

5.4 There continues to be an ongoing shortage of qualified staff across the UK which has been recognised within the profession. The Chartered Institute of Environmental Health [Workforce survey England - CIEH](#) reported that 87% of local authorities were using agency staff because of delays in recruitment. In a recent letter from the FSA to the council's Chief Executive in May 2023, the FSA states, "Although local authority food teams are now largely back to pre-pandemic staffing levels, those teams have around 11% fewer environmental health and 50% fewer trading standards professionals than they did a decade ago, and we have heard evidence of some significant recruitment and retention challenges in food teams". Local authorities have also cut training posts for undergraduates studying Environmental Health over the past 12 years due to the government's austerity measures, this is one of the main factors driving the shortage of qualified staff. Additionally, the existing workforce is ageing. There are currently no posts for newly qualified graduate or student Environmental Health Officers to be employed in the Division's establishment, so an FTE post would need to be utilised, thus removing the

scope to engage a fully qualified officer with the required level of experience to complete inspections and support the training of newly qualified officers and students.

## 6. Scope of Food Service

6.1 Food safety activities normally undertaken include:

- Programmed inspections and interventions at food businesses at a frequency set out in the FSA's FLCoP risk rating scheme.
- Revisits to premises following programmed inspections to secure compliance with legal requirements.
- Assessing food hygiene and food standards issues (e.g. food allergens and food fraud) during premises inspections.
- Carrying out assessments and updating data for the National Food Hygiene Rating Scheme.
- Food microbiological and compositional sampling which is either intelligence-led or forms part of national sampling programmes.
- Investigating complaints about the standard of hygiene in food businesses in Bromley.
- Investigating complaints about food that has been produced and/or sold in Bromley.
- Investigating food poisoning and food borne infectious disease cases.
- Responding to national Food Safety Alerts and Incidents issued by the FSA.
- Promoting food safety by education, training and business support and working with other organisations to assist food business operators.

6.2 In addition, the following additional services are provided alongside the above:

- Health and safety "hazard spotting" whereby the local authority is the enforcing authority where significant health and safety matters are noted in food premises. This is in line with the Health and Safety Executives (HSE) National Local Authority Enforcement Code.
- Advice about infection control procedures is given during visits to child day care settings.
- Responding to Freedom of Information requests.
- Information sharing in accordance with General Data Protection Regulations.

## 7. FSA Recovery Plan (RP)

7.1 The FSA Recovery Plan ended on the 31<sup>st</sup> of March 2023; the expectation of the FSA is that local authorities carry out all inspections in accordance with the FLCoP from the 1<sup>st</sup> of April 2023. Local authorities will be expected to work to realign services with the FLCoP and to 'catch up' on the backlog of compliant high-risk food businesses and lower risk food businesses created by the pandemic. The FSA has indicated that it will work with local authority food teams to ensure a return to delivery of pre-pandemic levels of service, indicating that it will take a risk-based and pragmatic approach to performance management as local authority services work to realign with the Food Law Code of Practice.

## 8. Service Demand

- 8.1 The food team have worked hard to reduce the backlog of inspections for newly registered food businesses during 2022-23. On the 1<sup>st</sup> of April 2023 there were 2711 registered food businesses in Bromley, Column 1 in Table 2 compares the number of registered businesses with the previous two years 2021 and 2022.
- 8.2 In 2022-23, 604 new food businesses registered with the council and were added to the inspection programme compared to 974 in the previous year (Column 2 in Table 2). Several factors continue to influence the number of newly registered businesses including change of ownership, new food businesses opening in the High Street and new home-based food businesses. The team continues to deal with the fallout from the Covid pandemic, there is still a considerable backlog of new businesses awaiting inspection and existing businesses which are overdue for an inspection.
- 8.3 Column 3 in Table 2 represents newly registered food businesses awaiting a first inspection. On the 1<sup>st</sup> of April 2023 there were 529 unrated new food businesses awaiting inspection consisting of 334 childminders, 75 low risk home caterers and 120 other businesses, compared to 820 on the 1<sup>st</sup> of April 2022. As indicated in the 2022-23 service plan childminders were triaged in this period to assess risk and added to the inspection programme. As a result, there are now 334 childminders awaiting inspection, down from 433.

**Table 2: Comparison of Number of Registered Food Businesses 1<sup>st</sup> April 2023 / 2022 / 2021**

	Number of food businesses registered	Number of new food businesses registered annually	Number of new food businesses, awaiting inspection
<b>As of 1<sup>st</sup> April 2021</b>	<b>2,487</b>	<b>502</b> (2020-21)	<b>190</b>
<b>As of 1<sup>st</sup> April 2022</b>	<b>3,029</b>	541 Businesses 433 childminders <b>974</b> (2021-22)	387 Businesses 433 Childminders <b>820</b>
<b>As of 1<sup>st</sup> April 2023</b>	<b>2,711</b>	362 Businesses 242 childminders <b>604</b> (2022-23)	120 Businesses 75 LRHC* 334 Childminders <b>529</b>

\*LRHC = Low risk home caterers

- 8.4 The types of food business premises are varied and include non-EU country food importers, EU importers, manufacturers and processors, warehouses and distributors, supermarkets and other smaller food retailers and online businesses, hospitals, care-homes, schools, nurseries, restaurants, takeaways, home-based businesses, childminders, and primary producers.
- 8.5 Table 3 shows the Food Hygiene Rating Scheme (FHRS) profile of registered food

businesses in Bromley comparing ratings of businesses at the end of 2021-22 and 2022-23.

**Table 3: FHRs Profile for Bromley 1<sup>st</sup> April 2022 compared with 1<sup>st</sup> April 2023**

Food Hygiene Rating	Descriptor	2021-22 Number of businesses	2022-23 Number of businesses
AW	Awaiting inspection (Unrated)	820	529
0	Urgent improvement necessary	1	2
1	Major improvement necessary	28	38
2	Improvement necessary	24	26
3	Generally Satisfactory	231	218
4	Good	308	306
5	Very Good	1,496	1,592
<b>Total number of rated premises</b>		<b>2,908</b>	<b>2,711</b>

8.6 To reduce the burden on business and to increase efficiency, food standards and hygiene inspections will be combined where feasible, however, separate food standards inspections will be carried out in high-risk premises. Premises given a food hygiene rating of 0 - 2 will receive additional revisits and written guidance to ensure compliance and improved standards. Formal action will be considered where informal action has not been successful; this is in line with our [Enforcement Policy 2019](#).

8.7 The promotion of food safety issues is an important means to secure food safety compliance in food businesses. Our website and press releases will be used to highlight key issues. The team will participate in the FSA Food Hygiene Rating Scheme and will encourage businesses to display the rating received.

## 9. Performance outcomes 2022-2023

9.1 The Food team have reduced the backlog of due and overdue inspections and unrated new food businesses awaiting inspection during 2022-23. The team continues to perform well with the number of inspections achieved returning to pre-pandemic levels.

9.2 Table 4 compares the number of inspections and service requests for the last 4 years. Last year, April 2022 to March 2023, a total of 1139 inspections were carried out within food businesses. This was 81% of the target (1,400 inspections) set in the previous year's Food Plan. The shortfall in inspection numbers was due to a number of factors for example in some cases officers needed to spend more time on additional enforcement work to deal with food businesses failing to meet food hygiene requirements. Some staff absence has also contributed to the shortfall due to illness and staff taking additional leave which was carried over due to the pandemic.

**Table 4. Comparison of number of inspections and service requests for the past 4 years**



	<b>Programmed Inspections completed</b>	<b>No of service requests</b>
<b>April 2019 – March 2020</b>	1,067	450
<b>April 2020 – March 2021</b>	231	411
<b>April 2021 – March 2022</b>	782	410
<b>April 2022 – March 2023</b>	1,139	337

## 10. Inspections due and overdue 2022-23 /2023-24

10.1 In addition to the inspections which were due in this reporting year, there continues to be a backlog of overdue inspections.

**Table 5: Due and Overdue Inspections 1<sup>st</sup> April 2022 compared with 1<sup>st</sup> April 2023**

<b>Risk Category</b>	<i>Inspections Due 2022-23 Food Hygiene</i>	<b>Inspections Due 2023-24 Food Hygiene</b>
Category A	7	2
Category B	84	87
Category C	101	343
Category D	104	259
Category E	245	14
Unrated businesses	288	120
Unrated LRHC*	99	75
Unrated childminders**	433	334
<b>Total</b>	<b>1,361</b>	<b>1,234</b>
<b>Risk Category</b>	<i>Inspections Overdue 2022-23 Food Hygiene</i>	<b>Inspections Overdue 2023-24 Food Hygiene</b>
Category A	0	0
Category B	8	5
Category C	185	16
Category D	621	288
Category E	275	354
<b>Total</b>	<b>1,089</b>	<b>663</b>
<b>Grand Total</b>	<b>2,450</b>	<b>1,897</b>

\*LRHC = Low risk home caterers

10.2 The total number of due and overdue food hygiene inspections was 1,897 at the 1<sup>st</sup> April 2023. The expectation of the FSA from the 1<sup>st</sup> of April 2023 is for local authorities to work to realign services with the Food Law Code of Practice and to 'catch up' on backlogs of compliant high-risk and lower risk food businesses created by the pandemic.

## 11. Service Delivery 2023-24

11.1 The authority maintains an up-to-date list of food businesses operating throughout the

borough due to the statutory requirement for all food businesses to be registered with the authority.

- 11.2 Table 5 below sets out the risk profile of all 2,711 registered food premises in the borough as of 1<sup>st</sup> of April 2023. Of these, there are 1,897 which require an inspection this year.

**Table 6: Food Hygiene Risk Profile by Risk Category with Inspection Intervals**

<b>FH Risk Category</b>	<b>Minimum Inspection Frequency</b>	<i>2022-23 Number of businesses</i>	<b>2023-24 Number of businesses</b>
A	6 Monthly	7	<b>2</b>
B	12 Monthly	87	<b>92</b>
C	18 Monthly	448	<b>487</b>
D	2 Yearly	964	<b>1009</b>
E	3 Yearly or Alternative Enforcement Strategy	679	<b>592</b>
Outside of the inspection programme	None	24	<b>37</b>
Unrated businesses	Awaiting Inspection	288	<b>120</b>
Unrated LRHC*	Awaiting Inspection	99	<b>75</b>
Unrated childminders	Awaiting inspection	433	<b>334</b>
<b>Total</b>		<b>2487</b>	<b>2711</b>

\*LRHC = Low risk home caterers

- 11.3 Table 7 below provides the total number of outstanding inspections for this year, together with the resources available to achieve these inspections.

**Table 7: Food Hygiene (FH) Inspections Due and Resources 2023-24**

<b>Inspection Year</b>	<b>FH Risk Category</b>	<b>FH Inspections Due</b>	<b>Resources 1<sup>st</sup> April 2023</b>
<b>Due FH Inspections 1<sup>st</sup> April 2023</b>	Category A	2	Staff – 4.97 FTE Officers (904 inspections) to March 2024  single agency (200 inspections) to March 2024
	Category B	87	
	Category C	343	
	Category D	259	
	Category E	14	
<b>Total</b>		<b>705</b>	
<b>Overdue FH Inspections 1<sup>st</sup> April 2023</b>	Category A	0	pilot contract (638 inspections (see 11.7)) Beyond March 2024  Alternative Enforcement Strategy (354 inspections) Beyond March 2024
	Category B	5	
	Category C	16	
	Category D	288	
	Category E	354	
<b>Total</b>		<b>663</b>	
<b>Unrated Awaiting Inspection</b>	Unrated businesses	120	
	Unrated LRHC*	75	

<b>1<sup>st</sup> April 2023</b>	Unrated childminders	334	
	<b>Total</b>	<b>529</b>	
	<b>GRAND TOTAL</b>	<b>1,897</b>	

\*LRHC = Low risk home caterers

- 11.4 The focus this year is to inspect all businesses that fall due for inspection to comply with the FLCoP. Prioritising poorly performing, high-risk and non-compliant food businesses and newly registered high-risk businesses awaiting the first inspection. In addition, we are required by the FSA to address the backlog of overdue D rated food businesses which include compliant high risk food businesses, low risk E rated food businesses and unrated food businesses still awaiting inspection.
- 11.5 With our current staffing level for the team at 4.97 FTE Officers, the team aim to complete 904 inspections by the 31<sup>st</sup> March 2024. This will include 705 due food hygiene inspections, as well as 5 overdue category B, 16 overdue category C inspections and 178 unrated high risk food businesses awaiting inspection. The Team will continue to prioritise those food businesses with high-risk activities, or where intelligence indicates a food safety concern.
- 11.6 Ordinarily, newly registered food businesses awaiting inspection are to receive a food safety inspection within 28 days of registration to comply with the FLCoP. Although the backlog of new food businesses awaiting inspection is much reduced the number of newly registered businesses has continued to rise month on month since the 1<sup>st</sup> of April 2023. It is predicted that there will continue to be a backlog of newly registered food businesses awaiting inspection during 2023-24. The Team will continue to prioritise those food businesses with high-risk activities, or where intelligence indicates a food safety concern, until the backlog of newly registered food businesses can be cleared.
- 11.7 Revenue budget from 1.57 FTE vacant officer posts, is intended to be used this budget to employ the services of contractors. A single agency officer contractor will be employed to inspect 200 overdue compliant high risk D rated food businesses. A pilot contract for programmed food inspections is also being explored via a competitive tender process to inspect the 438 unrated low risk home caterers and childminders and up to 200 broadly compliant D risk premises. These contracted inspections may not be completed by the 31<sup>st</sup> of March 2004 as it depends upon how quickly a suitable contractor can be engaged and their capacity to do this number of inspections by the 31<sup>st</sup> of March 2004, as there continues to be a shortage of suitably qualified officers available for contract work. The contract may continue into the following year 2024-25 to enable the completion of these inspections.
- 11.8 Up to 354 overdue low risk E rated food businesses will be targeted using the Alternative Enforcement Strategy (AES) outlined in the FLCoP. This work will continue into the following year 2024-25.
- 11.9 With our current resources of 4.97 FTE officers we expect to complete 904 inspections by

the 31<sup>st</sup> of March 2024. A further 200 D rated inspection will be targeted by a single contractor, bringing the total to 1,104. In addition to this, the programmed food inspection contract, if successfully procured, will return up to 638 inspections within 12 months of commissioning.

## **12 Enforcement**

- 12.1 Food safety enforcement will continue to be undertaken in a graduated manner, and in accordance with the [Enforcement Policy 2019](#) and FSA guidance. Informal action, advice, education and persuasion are the usual methods of achieving compliance, but other enforcement measures (including serving statutory notices and prosecutions) will be taken if the circumstances dictate.

## **13 Food complaints**

- 13.1 Additional inspections may be required following a food or food hygiene complaint. The speed of response and level of investigation will depend on the severity of the complaint. This will be decided in accordance with our internal procedures. Urgent complaints will be responded to within 24 hours and non-urgent ones within 5 working days.

## **14 Advice to business**

- 14.1 The provision of advice and guidance to secure compliance with food law is an integral part of the work carried out by the service. Advice to existing food businesses will continue to be offered during inspections and revisits. There is also an extensive food safety resource available for businesses on the food safety pages on the council's website.
- 14.2 Businesses seeking advice which is not directly related to a current food safety inspection or investigation, will be directed to our website where food safety advice is available on a self-serve basis. Where this is insufficient to meet the business's needs, they may have to seek advice from an external source such as a food safety consultant.
- 14.3 Currently there are no Primary Authority partnerships in Bromley, however, the Home Authority principles will be followed when dealing with requests about or from premises based in our borough, even where no formal agreement exists.

## **15 Food Sampling**

- 15.1 Food sampling will continue to be intelligence led, focusing on existing and emerging issues, especially for food manufactured in the borough or imported from third countries. Where possible, food sampling will be combined with food inspections or revisits. The Team will also continue to participate in regional sampling programmes for both analysis and examination.

## **16 Infectious Disease Control**

- 16.1 The Public Health (Control of Disease) Act 1984 as amended, and the Public Health

(Infectious Disease) Regulations 1988, require certain communicable diseases to be notified to the Proper Officer within a Local Authority, the Council acts as the Proper Officer. Food Team Officers investigate food borne diseases and food poisoning to establish the source of infection and prevent further spread. Outbreaks will be investigated along with the South London Health Protection Team (SLHPT) / UK Health Security Agency (UKHSA), who provide infection control advice along with statistical analysis.

- 16.2 Infectious disease investigations are made in accordance with the SLHPT Infectious Disease Protocol. Priority will be given to those cases involving persons cases of high and medium risk diseases and those who work in the food industry or have contact with vulnerable groups. The Council will continue to work in partnership with SLHPT/UKHSA to prevent and control cases and investigate wider outbreaks of food related disease that fall outside the scope of the single case plan.
- 16.3 In 2022-23, 329 infectious disease notifications relating to food poisoning were received by the Council, which was a 6% increase on the previous year (309).

## **17 Food Safety Incidents & Alerts**

- 17.1 There is a documented Food Alert and Incident procedure covering the issue of warnings arising from a food related issue in the borough and the response to warnings issued by the FSA. Responses to Food Incidents and Alerts are determined by the Food Safety Team Manager in consultation as necessary, with the Food Standards Agency, UKHSA and Trading Standards etc. Resource implication is unknown as it depends on the number and nature of the alert. In 2022-23 there were 3 alerts which required action 2 relating to imported food and 1 relating to contamination of frozen seafood.

## **18 Working in partnership**

- 18.1 The Service remains committed to formal inter-agency liaison relationships as set out in the FLCoP. Additional communication will continue to take place at officer level during the process of investigating offences, sharing information and exchange of intelligence.
- 18.2 The Team is a member of the Southeast London Food Liaison Group, Environmental Health Working Group, the Public Health Group and the London Food Fraud Group and has designated members to attend. It will also continue to liaise with other enforcement organizations such as the Food Standards Agency and Department for Environment, Food and Rural Affairs, other Environmental Health Departments and professional organisations such as The Association of London Environmental Health Managers (ALEHM).

## **19 Financial resources**

- 19.1 The Net Controllable budget for 2023-2024 of £162k is made up of the following: Staffing budgets of £477k, Overhead budgets of £26k and the Recharge to Public Health CR £341k.

## **20 Staff development**

- 20.1 A minimum of 20 hours CPD training each year on food safety related topics is required by the FLCoP and this will be met via a mixture of formal in-person and online training, group and individual peer to peer mentoring and shadowing and coaching from senior colleagues and managers.

## **21 Quality assessment**

- 20.1 The Food Law Code of Practice (FLCoP) requires the Food team to have internal monitoring systems. The team has reviewed the documented internal monitoring procedures and subscribes to online resources to ensure that it covers the full range of food law enforcement activities.

## **22 Review**

- 22.1 The Food Safety Plan is reviewed annually, and performance reported to the FSA. Food safety actions (inspections and complaints) are reported to departmental management board monthly.

# Appendix A

## Team Structure Food Safety

