

CABINET

26 June 2026

REPORT OF THE PORTFOLIO HOLDER FOR ENVIRONMENT & ICT

A.4 ADOPTION OF A FOOD & SAFETY SERVICE PLAN & ENFORCEMENT POLICY

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To present to Cabinet a review of the current Food & Safety Service Plan and the Food & Safety Enforcement Policy that has been undertaken by the Food & Safety Manager to amend both documents, to include all legislative changes introduced and to ensure both documents actively reflect the work undertaken by the Food & Safety service in 2026 and beyond.

The recommendations seek Cabinet's approval of both documents, and for them to be published accordingly.

EXECUTIVE SUMMARY

The Food & Safety Service Plan – 2026-2027 (Appendix A)

The Food and Safety Service Plan is an expression of Tendring District Council's continuing commitment to the provision of Food Hygiene and Safety, Health and Safety, Animal Welfare and other related services.

The Council is designated as a Food Authority under the Food Safety Act 1990.

The Food Service Plan has been produced, as it is a requirement of the Food Standards Agency (FSA) in its Framework Agreement on Official Feed and Food Controls by Local Authorities. The FSA is the governing body that oversees all areas that relate to food safety and standards. The council is working with the FSA to ensure Food Businesses within the district are safe and registered in accordance with the Food Law Code of Practice (FLCOP).

This plan highlights what the Food Safety service at Tendring District Council will do moving forward in relation to the statutory functions undertaken by the service, and how we will deliver Food Safety enforcement in accordance with current guidelines up to and including 2028, and will be reviewed annually in accordance with FSA requirements to include updates of the work completed during the previous year. The document sets out the following priorities:

- Food safety objectives detailing the Council's responsibilities as set out in legislation, associated statutory code of practice and national Guidelines.
- The current work programme within the Service.
- The Council's policy on food safety, sampling, provision of information to business, investigation of complaints and allegations of Food Poisoning, response to Food Safety Alerts and infectious disease control.

- Ensure that food and drink intended for sale for human consumption, which is supplied, manufactured, produced, stored, distributed, handled or consumed within Tendring complies with the law, is free from contamination and is without risk to the health of consumers (for people who work, live or visit Tendring District).
- Be committed to ensuring that satisfactory standards of food hygiene are practised and maintained throughout the district.
- Undertake an effective and planned programme of quality risk-based food safety inspections of food premises (by qualified and suitably trained officers), to ensure compliance with food law and to minimise risks to health and safety.
- Take appropriate enforcement action proportional to the risks involved and in accordance with the Council's Food Safety Enforcement Policy with due regard being given to the Primary Authority Scheme and guidance from relevant external bodies.
- To monitor foodstuffs manufactured, imported, stored or on display for sale in the Tendring district, through a planned yearly sampling programme which includes imported foods. To carry out reactive sampling for microbiological examination. More detail is held within the food sampling policy and procedure
- To carry out official sampling of products of animal origin (POAO) as defined in 853/2004, 2073/2005 and other associated food law.
- Promote good food hygiene and safety by informative updated communication to businesses and consumers in the Tendring District.

The Food & Safety Enforcement Policy – 2026-2028 (Appendix B)

The Enforcement Policy covers the work undertaken by the Food and Safety service (Also included are the statutory functions relating to Animal Welfare and Tattooing et al). It covers the delivery of enforcement having regards to the Better Regulation Delivery Office – Regulators Code 2014, and the Enforcement concordat.

The Food and Safety service play a vital role in protecting and supporting the public, the environment, and groups such as residents, workers and businesses in the district of Tendring. It is important that these enforcement functions are carried out in an equitable, practical, and consistent manner, and that both those subject to and beneficiaries of regulation and those on whose behalf enforcement is carried out can understand the approach the Council take.

The Council has a duty to enforce a range of statutory instruments adopting a variety of formal and informal sanctions. This can include anything from advising food businesses about what they need to do to comply with the law, to prosecuting a householder for animal welfare issues. This places the Council and its officers in a position of responsibility to ensure that its approach fits with national and local policy, codes of practice, and guidance. This is particularly important with regard to the economic challenges facing local government and business.

The policy sets out the approach of the Council's Food and Safety service towards enforcement when dealing with non-compliance. It provides guidance on the full suite of powers available to achieve compliance with the legislation we enforce, and how discretionary powers may be used to regulate and raise standards in various sectors. The document is intended to communicate Tendring District Council's policy in respect of its approach to those affected by its activities and officers of the Local Authority.

It also sets out the principles applied to encourage smarter, risk-based enforcement. The Council is committed to ensuring that its officers act in accordance with this policy. It is not in itself a statement of law and does not affect the discretion of the Council to take legal proceedings where this is considered to be in the public interest.

This policy was written having regard to the principles outlined in the Better Regulation Delivery Office – statutory Regulators Code, the enforcement concordat and current legislation.

The current plan and policy were most recently reviewed in October 2023, and both were due for review accordingly. The current review has been more comprehensive due to the new FLCOP, legislative changes for certain activities undertaken by the team, and the formation of the new unitary as part of LGR. The council has had in place previous food safety service plans and has been compliant with FSA requirements, however, these documents have not previously been presented to Cabinet for approval. Following a review of the approval process it has been decided to present the plan and the enforcement policy to Cabinet.

Indication of the Work Completed by the Service Annually

Situated within the District are 1275 food Premises, all of which are included within our proactive inspection programme. The team is serviced by a Uniform computer database system which maintains a business database of the district. These businesses are inspected at different intervals following a risk rating that provides a score. The score will determine the frequency of inspections and will have regard for the type of operation undertaken by the business.

Over the past year the service has inspected and registered 273 new Food Businesses. Year on year the number of new businesses has increased, and this places further pressures on the team which has limited resources. A breakdown of business type and the number of establishments we have within the district can be seen in the Background section of this report.

RECOMMENDATION(S)

It is recommended that Cabinet:

- (a) Approves the Food & Safety Service Plan 2026 – 2027 in the form appended to this report (**Appendix A**) in so far as it relates to executive functions;
- (b) approves the Food & Safety Enforcement Policy 2026-2028 in the form appended to this report (**Appendix B**) in so far as it relates to executive functions;

- (c) subject to (a) and (b) refers Appendices A & B to the Licensing and Registration Committee for consideration of the non-executive functions, which fall to their responsibility; and
- (d) subject to the decision of the Licensing and Registration Committee, delegates authority to the Corporate Director for Operations and Delivery to approve amendments or updates as may be required to the Food & Safety Service Plan and Food & Safety Enforcement Policy 2026-2027, and on an annual basis thereafter.

REASON(S) FOR THE RECOMMENDATION(S)

The council must implement a Food & Safety Service Plan and a Food & Safety Enforcement Policy to protect public health, ensure legal compliance with food hygiene regulations, and maintain food standards. Both documents ensure consistent inspections, risk-based targeting of businesses, and appropriate actions against breaches of food law, ultimately reducing foodborne illnesses and safeguarding consumers.

The Food Service Plan is a strategic document that outlines how the council will deliver its food hygiene and standards work. It is a legal requirement required by the Food Standards Agency (FSA) Framework Agreement to produce annual service plans to increase transparency and ensure national standards are met. The plan helps to align limited resources with high-risk areas, such as inspecting premises with poor hygiene histories or managing foodborne disease outbreaks. Implementing and publishing Service Plans for the public allows residents and businesses to see the Council's priorities and performance standards whilst detailing the frequency of inspections based on a business's risk profile, ensuring that higher-risk establishments receive more frequent checks.

The Enforcement Policy defines the principles and methods TDC will implement to ensure businesses follow food law.

Consistency and Fairness: It ensures a "level playing field" so that all businesses are treated equally and those who strive to comply with legislative parameters are not disadvantaged by those flouting the law.

Proportionality: The policy will promote a "graduated approach to enforcement," typically starting with informal advice and education for minor issues before escalating to formal actions like Hygiene Improvement Notices or prosecution for serious risks to public health.

Compliance with National Codes: All Local Authorities must follow the Regulators' Code and the Food Law Code of Practice, which require enforcement to be transparent and accountable.

Public Protection: The primary goal for Council's is to protect public health and look to reduce and prevent food poisoning and other health risks. Formal enforcement, such as Emergency Prohibition Notices will allow officers to immediately close dangerous premises.

ALTERNATIVE OPTIONS CONSIDERED

There is a mandatory requirement for both the Food & Safety Service Plan and the Food & Safety Enforcement Policy to be implemented as part of the work undertaken by the service

and to publish them accordingly. As a consequence, no alternative options have been considered in detail.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

This decision will contribute towards the Corporate Plan 2024 – 28 (Our Vision) themes of:

- **Championing our local environment** – Ensuring all Food Businesses within the district are safe and maintain the appropriate food standards associated to their operation.
- **Working with partners to improve quality of life** – Ensuring we work collaboratively with the Food Standards Agency to protect public health & wellbeing, and reduce the burden on local and national health providers
- **Pride in our area and services to residents** – Ensuring all food prepared and sold to the public is safe and fit for consumption, whilst helping businesses thrive for the benefit of those residing within the district and those who visit our towns

Both documents detail the work of the Environmental Health service and how we intend to protect public health and wellbeing, whilst ensuring all businesses are compliant with food law and both local and national standards.

OUTCOME OF CONSULTATION AND ENGAGEMENT (including with the relevant Overview and Scrutiny Committee and other stakeholders where the item concerns proposals relating to the Budget and Policy Framework)

The Food & Safety Service Plan is not directly approved by the Food Standards Agency (FSA) itself, but it was developed in accordance with the FSA's Framework Agreement on Local Authority Food Law Enforcement. The FSA sets the standards, and all Council's approve their own plans and publish them for the benefit of local businesses and the public.

All local authorities have flexibility to approve plans at a member level (Cabinet/Council) or via a senior officer, whilst ensuring they meet national priorities. The Portfolio Holder for Environment & ICT has been consulted on the proposed introduction of both documents, but it is for Cabinet to agree their adoption.

While the FSA does not sign off on each individual plan, it audits the overall planning and enforcement processes of local authorities accordingly.

The FSA have been provided with a copy of the Food & Safety Service Plan and are happy with the contents. Below is an extract from the most recent correspondence highlighting the good work carried out by the team:

FSA response to the last years work completed by the team.

"It is impressive to see the progress achieved over the last two years and I want to take this opportunity to congratulate you on the progress made– despite significant staffing pressures,

you have not only cleared the backlog of interventions but also completed almost 500 missed interventions between 2014 to 2023 within your inspection programme”.

Following the assurances provided today that the remaining outstanding interventions will be completed by the end of March, I will now close the engagement with your local authority.

LEGAL REQUIREMENTS (including legislation & constitutional powers)

Is the recommendation a Key Decision (see the criteria stated here)	YES	If Yes, indicate which by which criteria it is a Key Decision	☒ Significant effect on two or more wards ☐ Involves £100,000 expenditure/income ☐ Is otherwise significant for the service budget
		And when was the proposed decision published in the Notice of forthcoming decisions for the Council (must be 28 days at the latest prior to the meeting date)	

The following legislation is relevant to the functions delivered by the Food & Safety service:

Relevant legislation includes:

Animal Welfare Act 2006

The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

Health and Safety at Work etc Act 1974 and all associated legislation

Health Protection (Local Authority Powers) Regulations 2010

Imported Food Regulations 1997

Meat (Enhanced Enforcement Powers) (England) Regulations 2000

Organic Products Regulations 2009

Performing Animals (Regulation) Act 1925

Pet Animals Act 1951 including the post of authorised officer

Plastic Kitchenware (Conditions on Imports from China) (England) Regulations 2011

Port Health Authority (Tendring and Suffolk Coastal) Order 1981

Prevention of Damage by Pests Act 1949, Part I

Public Health Act 1936

Public Health Act 1961

Public Health (Control of Disease) Act 1984

The Public Health (infectious Disease) Regulations 1988

Public Health (Ships) Regulations 1979

Smoke Free (Premises and Enforcement) Regulations 2006

The Food Safety Act 1990

The Food and Environment Protection Act 1985

The Food Safety Act – Section 9; Inspection / seizure of food

The Food Safety and Hygiene (England) regulations 2013 (as amended)

The Food Safety and Hygiene (England) Regulations 2013- Regulation 6; Hygiene Improvement Notices

The Food Safety and Hygiene (England) Regulations 2013- Regulation 8; Hygiene Prohibition

Notice

The Food Safety and Hygiene (England) Regulations 2013- Regulation 9; Remedial Action Notices EC853 premises

The Food Safety and Hygiene (England) Regulations 2013- Regulation 10; Detention Notice EC853 premises

The Food Safety and Hygiene (England) Regulations 2013- Regulation 14; Procurement of Samples

The Food Safety and Hygiene (England) Regulations 2013- Regulation 16; Powers of Entry

The Food Safety and Hygiene (England) Regulations 2013- Regulation 29; Certificate of non-compliance

Food Safety (Ships and Aircraft) (England and Scotland) Order 2003

The General Food Regulations 2004

The Food Safety (Sampling and Qualifications) Regulations 2013

The Quick-frozen Foodstuffs (England) Regulations 2007

The Official Feed and Food Controls (England) Regulations 2009

The Contaminants in Food (England) Regulations 2013

The Food Information Regulations 2013

The Materials and Articles In Contact with Food Regulations 2012

The Animal By Products (Enforcement) (England) Regulations 2013

The Trade in Animals & Related Products Regulations 2011

The Retained EU Law (Revocation and Reform) Act 2023

The European Union (Withdrawal Agreement) Act 2020

The European Union (Withdrawal) Act 2018

Assimilated Regulation (EC) No 852/2004

Assimilated Regulation (EC) No 853/2004

Assimilated Regulation (EC) No 854/2004

Assimilated Regulation (EC) No 178/2002

Assimilated Regulation (EC) No 882/2004

Assimilated Regulation (EC) No 2073/2005

Assimilated Regulation (EC) 2017/625

Assimilated Regulation (EC) 2019/1793

The Official Control Regulations (EU) 2017/625

Animal Health Regulations (EU) 2016/429

Plant Health Regulations (EU) 2016/2031

TSE (England) Regulations 2002

Zoo Licensing Act 1981

All interventions undertaken by the Food & Safety service will be in accordance with the Food & Safety Plan and the Food & Safety Enforcement Policy. The type of intervention will be dependant on the issues the service is encountered with, but will include one or more of the following as necessary:

- Informal verbal or written advice / warning
- Fixed Penalty Notices (FPNs)
- Formal enforcement notices & orders
- Works in default
- Emergency remedial action
- Detention, seizure and/or destruction of foods, goods or equipment
- Refusal, revocation, suspension or review of a licence or approval
- Simple/formal caution
- Prosecution (Summary or Indictment)

- Referral to Crown Prosecution Service for charges of manslaughter

Yes	The Monitoring Officer confirms they have been made aware of the above and any additional comments from them are below:
-----	--

The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 specify functions that are not to be the responsibility of an authority's executive or are to be the responsibility of such an executive only to a limited extent or only in specified circumstances.

Regulation 2(1) of these Regulations provides that the functions listed in Schedule 1 ("Schedule 1 functions") are not to be the responsibility of an authority's executive.

Regulation 2(3) provides that the function of determining whether, and in what manner, to enforce contraventions of approvals, consents, licences, permissions or registrations granted in the exercise of Schedule 1 functions, is not to be the responsibility of an authority's executive. It also provides that the function of determining whether, and in what manner, to enforce other contraventions, in relation to matters for which an approval, consent, licence, permission or registration should have been sought, is not to be the responsibility of an authority's executive where the approval, consent, licence, permission or registration could have been granted in the exercise of Schedule 1 functions.

Schedule 1 functions include some, but not all the legislation referred to in the legal requirements section above, therefore following Cabinet's approval of the documents, reference should be made to the Licensing and Registration Committee to consider enforcement of the powers, which rest with them. Following which, a joint delegation from Cabinet and the Committee to the Corporate Director for Operations and Delivery will allow any amendments to be incorporated for final approval on behalf of both decision making bodies, for executive and non-executive functions.

FINANCE AND OTHER RESOURCE IMPLICATIONS

Finance: There are no financial implications to adopting the Food & Safety Service Plan or the Food & Safety Enforcement Policy as the work already forms part of our statutory duty to inspect and register all Food Businesses within the district, and to take any formal enforcement action that is deemed necessary.

Within existing budget? A budget already exists for the work undertaken by the Food & Safety service as part of our statutory function to regulate Food Businesses in the district.

Other resources (e.g. external parties):

Officers from the service attend the Essex Food & Safety Working Group to ensure consistency in our approach to Food Safety, and to work collaboratively with colleagues from other authorities to discuss professional standards and regulatory powers available to us. This affords the opportunity to discuss complex cases and to identify potential solutions with other Environmental Health professionals.

TDC Capacity:

Officers from the Food & Safety service will continue with their work associated with all aspects of Food & Safety control within the district as part of our ongoing statutory duty in accordance with the proposed Service Plan and Enforcement Policy. No further physical or monetary resources are required. All work is overseen by the Food & Safety Manager and the Environmental Health Manager.

Latest response from the FSA regarding our Staffing Levels.

Exert from the email (11.12.2025):

In closing our engagement, the FSA expects Tendring District Council to:

- Provide a suitable and sufficient number of competent authorised officers to sustain delivery of official controls in accordance with the FLCoP.*
- Deliver official controls in line with the requirements of the FLCoP.*
- Undertake ongoing internal monitoring to verify effective delivery of official controls in accordance with the FLCoP and your documented procedures.*

"I must emphasise that it is critical for the local authority to provide a sufficient number of competent, authorised officers. This was a major issue identified during our engagement, and without this resource it is impossible for the authority to fulfil its statutory duties under food law".

As a service we are actively developing our own staff to ensure resilience over the next five years. This route has been identified as the most appropriate way of achieving resilience across the service due to a national shortage of qualified EHOs. The vacant positions currently occupied by external contractors' have been advertised on five separate occasions, but each time the adverts have failed to attract suitable candidates.

☐	The Section 151 Officer confirms they have been made aware of the above and any additional comments from them are below:
--------------------------	---

Although there are no significant comments over and above those set out elsewhere in this report, it is worth highlighting the Audit Committee report that is referenced later, within which it was explained that the Food Safety Team had updated the Service Plan for 2025 that addressed the issues that had both been highlighted by Officers and raised by the FSA. Those plans had been shared with the FSA and they were satisfied with the progress that was being made towards improving the inspection numbers.

USE OF RESOURCES AND VALUE FOR MONEY

The following are submitted in respect of the indicated use of resources and value for money indicators:

A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;	There are no financial implications from this decision requesting to adopt the Service Plan or Enforcement Policy. Any financial implications resulting from the action planning to deliver the priorities and commitments within this strategy will be undertaken in accordance with the constitution and existing Service resource.
--	---

B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and	These are important long term decisions for the Council and as such will be undertaken in accordance with the constitution, making use of delegated powers where appropriate, and by informing section 151 officers accordingly of any review or amendments.
C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services.	The Environmental Health Service has significant budget areas for the Council and also ones where we have good levels of information both in respect of operational delivery and cost. This data will be used as part of any decision making processes and reviews going forwards.
MILESTONES AND DELIVERY	
Consultation with the Portfolio Holder for Environment & ICT has been sought accordingly, and they support the adoption of both documents.	
ASSOCIATED RISKS AND MITIGATION	
• Financial – There are no financial issues or risks to the Council • Service Delivery (inc. any existing projects at risk)? – No further resource is needed placing other projects or Service delivery at risk, although vacant EHO posts are hoped to be filled in time to avoid the use of Food Safety contractors • Safety – No safety concerns or risk involved adopting either document as both place safety at the forefront of all work undertaken by the service • Reputation – Having two robust documents further enhances our reputation and highlights how the service will work to protect public health and wellbeing	
EQUALITY IMPLICATIONS	
There are no implications that indicate that the proposals in the Food & Safety Plan or Food & Safety Enforcement Policy will have a disproportionately adverse impact on any people with a particular characteristic.	
SOCIAL VALUE CONSIDERATIONS	
Social value considerations will be built into any future review of both documents as necessary and have regard for the impending Local Government Reorganisation	
IMPLICATIONS RELATED TO DEVOLUTION AND/OR LOCAL GOVERNMENT REORGANISATION	
All Local Authorities must have both a Service Plan and Enforcement Policy for all work undertaken as part of regulating and maintaining Food Standards within their own area. Due to the impending LGR, Tendring will join up with surrounding neighbouring Council's to form a unitary North East Essex Council, any future review will be completed with colleagues from those that will form the new unitary authority. These reviews will ensure consistency across the new authority and include future legislative change and any priorities the FSA may	

set.

Officers from the Council have met with counterparts from both Colchester City Council (CCC) and Braintree Council respectively. These discussions have included the staffing resource, operational practices, sharing of paperwork, and how the formation of the new unitary may affect us moving forward. These discussions have also taken place at County level as part of the Essex Wide Food & Safety Working Group where all Essex LAs are in attendance.

Since the recent decision there are further plans to work collaboratively to help the transition of each service who will be forming the new unitary.

IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2050

There are no implications associated with the Council's aim to be net zero by 2050.

OTHER RELEVANT CONSIDERATIONS OR IMPLICATIONS

Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.

Crime and Disorder	None
Health Inequalities	None, both documents will look to address Health Inequalities further
Subsidy Control (the requirements of the Subsidy Control Act 2022 and the related Statutory Guidance)	None
Area or Ward affected	All wards across the district

PART 3 – SUPPORTING INFORMATION

BACKGROUND

The current Food & Safety Service Plan and Enforcement Policy drafted in October 2023, require a review to provide an accurate reflection of the work undertaken by the service in 2026, and how we intend to protect public health moving forward up to and including Local Government Reorganisation (LGR).

It is a mandatory requirement for all Local Authorities to have a Food & Safety Service Plan that sets out how the service will regulate Food Standards in their district / borough and meet the food safety requirements and standards set by the FSA. The plan accurately reflects how the service will work to achieve compliance and ensure public health remains of utmost importance and at the forefront of what we do. The service plan details how we will deliver our services by:

- Identifying the key activities that the service area delivers
- Identifies key tasks for the service area and the resources allocated to carry out those Tasks
- Identifies the main risks and challenges to the delivery of the service

- Provides a high-level action plan for the service to follow

Tendring District Council adopted its Corporate Plan on the 15th of December 2023. The new corporate plan is for the years 2024-2028. Work is underway to identify specific projects and to prioritise our work accordingly.

The council's vision has been agreed by TDC's Cabinet. Encompassed with a Community Leadership approach, and a listening to residents and businesses commitment, it sets out five themes:

- Championing our local environment
- Pride in our area and services to residents
- Working with partners to improve quality of life
- Raising aspirations and creating opportunities
- Promoting our heritage offer, attracting visitors and encouraging them to stay longer
- Financial sustainability and openness

The Food & Safety Service contributes to the corporate themes in the following ways

- Safe food is a prerequisite of a good quality of life. The team focuses on protecting the public by ensuring good, safe, and hygienic food is on the market for sale
- By working in partnership with other agencies and services aimed at improving the quality of life, health, safety, and wellbeing of the people of Tendring
- A risk-based approach to enforcement. Reducing crime through the investigation of service requests and proactive inspections

The Food & Safety Service endeavours wherever possible to use informal means to achieve compliance with the law. Where there is an imminent risk to health, flagrant breaches of the law, or persistent failure to maintain standards, the Service does not hesitate to use its full statutory powers in accordance with its Enforcement Policy. This can be Formal letters, Hygiene Improvement Notice(s), and through to prosecution.

There is an expectation from national bodies such as the Better Regulation Delivery Office (Department for Business, Innovation and Skills), the Food Standards Agency (FSA) and the Health and Safety Executive amongst others, that Local Authorities will clearly set out their policy with respect to enforcement to ensure that there is clarity for all parties who may be affected.

Fair and effective enforcement is essential to protect the health and safety and economic interests of the public, businesses and the environment. Decisions about enforcement action and, in particular the decision to prosecute, have serious implications for all involved. TDC will apply this policy to ensure that: -

- Decisions about enforcement action are open, fair, proportionate and consistent

- Officers apply current Government guidance and relevant codes of practice
- Everyone understands the principles, which are applied when enforcement action is considered.

Scope of the enforcement policy

The Regulators Code and Enforcement Concordat apply to: -

- Food Safety
- Health and Safety
- Animal Welfare
- Tattooing, Skin Piercing, Electrolysis

The UK Regulators' Code, in effect since April 2014, provides a principles-based framework for how non-economic regulators should engage with businesses and other regulated entities. It mandates that regulatory activities are transparent, accountable, proportionate, and consistent, aiming to reduce unnecessary burdens while ensuring high compliance standards.

The Enforcement Concordat is a non-statutory code in the UK setting out principles for local authorities and regulators to ensure fair, proportionate, and consistent enforcement. It requires enforcement officers to be transparent, helpful, and, where possible, prevent breaches rather than merely punishing them, while still allowing for firm action against those who break the law.

An Overview of the Work Carried out by The Service in 2025-2026.

- Between 2025-2026 a total of 66 samples have been submitted for analysis. 50% of tests were for Oyster sampling of the beds in Walton- On-Naze. Others include ship water samples. All samples are classified by the UKHPA laboratory to be of a satisfactory, borderline or unsatisfactory standard. Food classified as borderline or unsatisfactory are rarely considered to be unsafe to consume. Follow up work and further sampling is undertaken where results are not of a satisfactory standard.
- During 2025-2026 the has service received 72 formal notifications of infectious disease, mostly food borne. Notifications can include Salmonella, Cryptosporidium, Giardia, E coli O157 and Legionella.
- Under the Food Hygiene Rating System (FHRS) food businesses are given a rating for their hygiene, ranging from 0 (urgent improvement necessary) to 5 (very good). The table below provides a breakdown of rated premises. Correct as of March 2026.

Rating	Number 2023- 2024	Number 2024- 2025	Number 2025- 2026	Number 2026- 2027	% Of All Businesses in TDC			
					23-24	24-25	25-26	26-27

5 (very good)	1120	1051	1020		90.3	82.4	80.1	
4 (good)	283	351	417		22.8	27.5	32.7	
3 (generally satisfactory)	158	206	232		12.7	16.1	18.2	
2 (improvement necessary)	70	87	95		5.6	6.8	7.4	
1 (major improvement necessary)	70	89	89		5.6	7.0	7.0	
0 (urgent improvement necessary)	17	22	21		1.37	1.7	1.65	

- The team also receives and deals with complaints regarding poor hygiene standards associated with food businesses, poor food handling practices and unsatisfactory refuse storage at food premises. A total of 88 such complaints were received in 2024-2025. In 2025-2026 the number was 103. It should be noted that now the team have competent officers in place, a number of these complaints are forming part of the inspection program.
- There were no businesses prosecuted in the period 2025-2026 However, 22 Hygiene Improvement Notices have been served on 8 separate businesses.
- The types and number of premises, as of the April 2025, are shown below along with the comparison with the previous year which illustrates an increasing number of new food businesses, the majority of which are restaurants and caterers. They will now be updated every April. It should be noted that the number of businesses fluctuates throughout the year. In addition, the bottom row highlights the number of new businesses that have required registering over the last three years.

BUSINESS TYPE in District	Number In 2023-2024	Number In 2024-2025	Number In 2025-2026	Number In 2026-2027
Primary Producers	2	4	6	6
Manufacturers/packers	19	25	25	29
Restaurant/Café/Canteen/Caterer/Take away	564	477	516	499
Hotel/Guest House/Leisure Facility	40	60	61	59
Caring/Nursing Premises/Hospital School/College	172	175	175	180
Home Caterer / Mobile-Outside Caterer/Retail Bakery/Sandwich Shop / Pub/Club / Butchers /Fishmongers /Fishing Vessels	248	351	285	291
Supermarket/Premises selling food supplement/Retail Premises with food/ Newsagent/Off licence/Convenience Store/Cash & Carry	167	191	193	197
Cash & Carry/warehouse *did have some of the above business types	27	8	10	11
Importers / Exporters	1	1	3	3
Total	1240	1292+	1275+	1275
New Food Registrations 2023-24 New Food Registrations 2024-25 New Food Registrations 2025-26	181	271	273	

The topic of compliance with the council's statutory functions in respect of food safety inspections were brought to the attention of the council's Audit Committee on 26 June 2025 in a report of the Corporate Director of Finance & IT. The content of the report set out some of the challenges associated with service delivery at that time and the interaction there had been with the FSA along with the need to ensure the Environmental Health Service has sufficient competent officers to undertake the Council statutory functions with regard to Food Safety across the district. The committee noted the content of the report.

The Council's statutory functions in respect of food safety are overseen by the Food Standards Agency (FSA) who are the regulatory body for local authority delivery. <https://www.food.gov.uk/about-us/the-food-regulatory-system>

The FSA seeks assurance that the authority has effective and efficient arrangements in place to ensure official controls and other official activities are performed on all food businesses as required by assimilated Regulation (EU) 2017/625 and the Food Law Code of Practice (FLCoP)

The FLCoP sets out the Food Intervention Programme inspections to be undertaken by local authorities, and local authorities provide statistical data covering a number of

parameters including the number of food hygiene inspections undertaken and the findings from those inspections. Some of that information is used to provide consumers useful information such as the food hygiene scores a business has achieved

<https://ratings.food.gov.uk/>

During December 2024, the Council received a performance report from the FSA. The FSA routinely monitors local authority performance through data submitted in twice yearly returns. The Council had submitted their October 2023, April 2024, and October 2024 returns as required.

The returns in 2023 and 2024 highlighted that the Council had fallen short of its targeted interventions with a large number of those interventions being overdue. It was also highlighted in the return that a new manager of the food safety team joined the authority in September 2023 and three food-competent officers had left the LA at around the same time. A new EHO joined the authority on the 3rd of October 2024, and that the Council was advertising for two more. In the meantime, the authority was to employ a contractor to carry out the planned intervention programs.

The October 2024 return highlighted that the authority conducted 47.18% of the intervention programme for A/E rated premises broken down by risk categories as follows:

- 100% completion for A-rated (highest risk) interventions,
- 50% for B-rated interventions,
- 50% for C-rated interventions,
- 47% for D-rated interventions, and
- 43.66% for E-rated (lowest risk) interventions - 95 interventions of the 260 unrated premises.

The Council had identified a need for 4.4 Full-Time Equivalents (FTEs) to deliver the food service effectively; however, the allocation at that time stood at 3.4 FTEs, with only 2.9 occupied.

It is this shortfall in staffing capacity that had contributed to the backlog of inspections.

The FSA requested a meeting to discuss the Council's position and the plans that had been developed to address the shortcomings identified. During the meeting, the background to the engagement was discussed as was the FSA's functions of monitoring the performance of Council's delivery of the food hygiene intervention programme.

The main topics discussed during the meeting were the backlog of interventions, service planning and policy/procedure which it was understood were in need of review and updating, updating the database and correcting miscategorized premises that were

mistakenly marked as closed or not inspected and resources.

In summary, it was agreed the Council needs to document its service planning to tackle the backlog of interventions and its arrangements to demonstrate that senior delegated officers are fully aware of the risks and of the full demands on the food service and the resources required to deliver it, including any shortfalls in resources.

The Council continues to be in open dialogue with the FSA and has significantly reduced the number of outstanding inspections. Due to the way in which good businesses are risk rated to determine their inspection frequency and the fact the new businesses are registering all the time with other businesses ceasing to trade, the number of inspections due does fluctuate.

The Service Plan has been fully updated for 2025 and now addresses the issues that have both been highlighted by officers and raised by the FSA. An action plan and the service plan have been shared with the FSA who are satisfied along with having reviewed the data returns submitted in both October 2024 and April 2025. The unregistered and un-inspected food businesses have been reduced from 319 to 0, the missed inspections from between 2014-2023 have reduced from 600 to 146. The aim is for the October 2025 data return to show the number of outstanding inspections reduced from 146 to 0.

Due to a national shortage of qualified Environmental Health Officers (EHO), four separate adverts have failed to identify suitable candidates to recruit. To ensure we meet our statutory duties, the Council have employed two full time officers from an agency. These are vacancies that need to be filled permanently due to significant costs associated with employing agency staff.

There is a focussed drive on succession planning and growing our own staff and this is starting to come to fruition. One Technical Officer has now completed their Higher Certificate in Food Control which will allow them to inspect all food premises, including the high-risk Category A ones. This will help but still leaves the service short of the required number of qualified officers and reliant on agency staff.

FSA response to the last years work completed by the team.

“It is impressive to see the progress achieved over the last two years and I want to take this opportunity to congratulate you on the progress made— despite significant staffing pressures, you have not only cleared the backlog of interventions but also completed almost 500 missed interventions between 2014 to 2023 within your inspection programme”.

Following the assurances provided today that the remaining outstanding interventions will be completed by the end of March, I will now close the engagement with your local authority. Although the FSA have now closed the engagement with the Environmental Health Service, the service will continue to report twice yearly and provide the FSA with statistical data of the services delivered. The service will continue to develop its own staff, whilst actively looking to recruit suitable candidates to ensure the Food & Safety program meets the statutory functions undertaken.

Review of Food & Safety Service Plan & Food & Safety Enforcement Policy

Future reviews of the Food & Safety Service Plan will be completed annually in accordance with FSA requirements, whereas the Food & Safety Enforcement Policy will be reviewed every two years to ensure the document is current and includes any future legislative change as necessary.

PREVIOUS RELEVANT DECISIONS

None – The existing Food & Safety Service Plan and the Food & Safety Enforcement Policy have undergone a thorough review, and both new documents have been developed to reflect legislative change, and to ensure both accurately reflect the work carried out by the service.

Although both documents are not entirely new, having been updated annually, the substantial review undertaken this year has built on the previous versions and needs to be formally agreed and adopted by Cabinet.

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

None

APPENDICES

Appendix A: Food & Safety Service Plan 2026/27

Appendix B: Food & Safety Enforcement Policy

REPORT CONTACT OFFICER(S)

Name	Grant Fenton-Jones
Job Title	Environmental Health Manager
Email/Telephone	gfenton-jones@tendringdc.gov.uk 01255 686783