

**WARDS: ALL**

**AGENDA ITEM NO 10**

**DUDLEY METROPOLITAN BOROUGH COUNCIL**

**SELECT COMMITTEE ON THE ENVIRONMENT – 30<sup>TH</sup> JUNE 2005**

**REPORT OF THE DIRECTOR OF THE URBAN ENVIRONMENT**

**FOOD SERVICE PLAN 2005/2006**

**1.0 PURPOSE**

- 1.1 To seek comments from the Committee regarding the Directorate of the Urban Environment Food Service Plan 2005/2006.

**2.0 BACKGROUND**

- 2.1 The Food Standards Agency was created on the 1<sup>st</sup> April 2000 and is charged with protecting consumers' interests in relation to food standards and safety.

The Agency's functions are to:

- Provide advice and information to the public and to the Government on food safety from farm to fork, nutrition and diet.
  - Protect consumers through effective enforcement and monitoring
  - Support consumer choice through promoting accurate and meaningful labelling
- 2.2 As part of its duty in protecting consumers through effective enforcement and monitoring, the Agency has a key role overseeing local authority food law enforcement activities.
- 2.3 A framework agreement was produced by the Agency in September 2000, which included service planning guidance setting out the framework for a Food Service Plan that each authority should adopt.
- 2.4 The Agency is proactive in setting and monitoring standards and auditing local authorities' enforcement activities in order to ensure this activity is effective and undertaken on a consistent basis.
- 2.5 Service plans are seen to be an important part of the process to ensure national priorities and standards are addressed and delivered locally.

Service Plans also:

- Focus debate on key delivery issues
  - Provide an essential link with financial planning
  - Set objectives for the future, and identify major issues that cross service boundaries; and
  - Provide a means of managing performance and making performance comparisons.
- 2.6 Service plans developed under these arrangements provide the basis on which local authorities will be monitored and audited by the Foods Standards Agency.
- 2.7 The Agency has also stated "Food Service Plans should be submitted to the relevant member forum for approval to ensure local transparency and accountability".
- 2.8 A summary of this year's service plan is appended to this report (Appendix 1). A full copy of the Food Service Plan is located in the Members' Library.
- 2.9 The overall picture for food safety and standards in Dudley over the last three years is encouraging with;
- A continuing fall in food complaints
  - A fall in cases of infectious disease
  - A year on year increase in the percentage of high risk food businesses in the borough achieving excellent, good or satisfactory standards of food hygiene and safety compliance.
  - A year on year increase in the percentage of high risk food businesses in the borough achieving high, good or satisfactory assessments of confidence in the management of the business.
  - Maintenance of a comprehensive programme of food sampling with 832 samples taken for microbiological safety, labelling, description and compliance with compositional standards
  - Maintenance of a 100% inspection rate (1,382) of high and low risk premises for food safety despite an increase in required inspections
  - An improving inspection rate in food standards inspections to nearly 100% (478)
  - An increase in Dudley Food for Health and Healthier Take Away Awards
- 2.10 The Food Service Plan 2005/2006 was reported to the Cabinet at their meeting on the 15<sup>th</sup> June 2005 where it was resolved to approve the contents of the Plan subject to any comments from the Select Committee on the Environment at their meeting on the 30<sup>th</sup> June 2005 and to recommend referral to full Council.

**3.0 PROPOSAL**

3.1 That the Committee comments upon the contents of the Food Service Plan of the Directorate of the Urban Environment 2005/2006 and report to full Council.

**4.0 FINANCE**

4.1 Financial implications from implementing the Food Service Plan are met from within existing budgets

**5.0 LAW**

5.1 The Council's duties with respect to protecting consumer interests in relation to food safety and standards are set out under the Food Safety Act 1990.

5.2 Powers to enable the Agency to monitor and audit local authorities are contained in the Food Standards Act 1999.

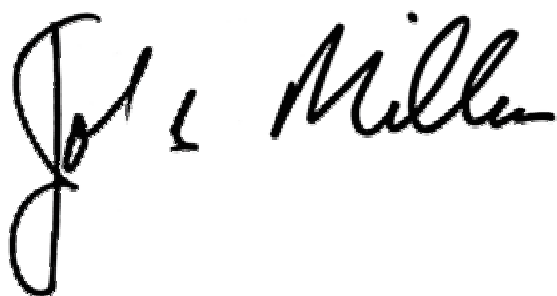
5.3 Section 111 of the Local Government Act 1972 authorises the Council to do anything which is calculated to facilitate or is conducive or incidental to the discharge of any of its statutory functions.

**6.0 EQUAL OPPORTUNITIES**

6.1 This report does not conflict with the Council's policy on equal opportunities.

**7.0 RECOMMENDATION**

7.1 That the proposals set in paragraph 3.1 of this report be approved.



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**Director of the Urban Environment - John B. Millar**

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**Background Papers:-**

1. Food Service Plan 2005-2006



**Directorate of the Urban Environment**

**Development and Environmental Protection Division**

**Food Service Plan  
Summary  
2005/2006**

# **Food Law Enforcement Service Plan**

## **Summary**

### **1 Service Aims and Objectives**

#### **1.1 Aims**

- To make a difference and improve and sustain the health of the local people in the Borough.
- To ensure that food and water available in the borough is safe to consume.
- To work to prevent avoidable illness and reduce the spread of communicable disease within the Borough.

#### **1.2 Objectives**

- To carry out a programme of routine inspection of food premises.
- To implement procedures to ensure compliance with the Food Standards Agency Framework Agreement.
- To ensure food offered or exposed for sale is fit for human consumption and to expedite the removal of hazardous/risk product from the food chain.
- To investigate service requests relating to food and the conditions of food premises and where appropriate prepare reports for prosecution.
- To investigate where appropriate cases of communicable disease, including the investigation of practices and processes identified as sources of infection at commercial premises.
- To produce and undertake a food sampling programme and to undertake reactive sampling as required in connection with outbreaks/service requests.
- To ensure that all food service work is carried out in accordance with relevant codes of practice and quality systems.
- To encourage food businesses to apply for and gain Dudley Food for Health Award and the Healthier Takeaway Award.
- To respond to requests for advice, and where appropriate liaise and advise businesses in accordance with the LACORS home authority principle..

The Public Protection Service directly supports and contributes to the priorities in the Council Plan, the themes and values contained in the Community Plan, the objectives of the Dudley Community Partnership and the Health and Well Being Agenda by ensuring the provision of the following:

- Clean and safe food and water,
- A trading environment that is fair and equitable to the consumers and businesses of the Borough.

## **2. Service Delivery**

The food service is located within the Development and Environmental Protection Division of the Directorate of the Urban Environment. The service is provided by officers within the Food & Occupational Safety (FOS) and Trading Standards sections.

The split between the two services is outlined below. To illustrate matters dealt with by the two services and how the split works in practice there is a sliding scale of seriousness for breaches of food legislation. A complaint concerning the sale of out of date food which has allegedly caused food poisoning will initially be considered by FOS as the food poisoning is the more serious issue. If the food poisoning allegation proves unfounded then the matter will be referred to Trading Standards for investigation.

Trading Standards deal with issues relating to the labelling of food and compositional requirements. This area of work is important in the current concern surrounding obesity. FOS link into this area of work as they pursue important work in the area of education and nutrition.

The aim of the two Services is to provide a comprehensive and complete food service. It is recognized that they need to work together and have effective referral mechanisms in place to ensure that the best service is provided to the public and a food group has been established to drive the service forward.

The **Food & Occupational Safety Section** has 19.5 FTEs (Full Time Equivalents) of which 9.1 FTEs are allocated to food legislation enforcement and are responsible for the enforcement of:

1. Issues relating to food which fails to meet the requirements of Section 8 of the Food Safety Act 1990 and Article 14 of General Food Regulations 2004 in relation to unfit food. Issues relating to food which fails to meet the requirements of Section 14 of the Food Safety Act in respect of substance or quality including extrinsic foreign bodies.
2. Issues relating to the premises, practices and conditions under which food is prepared stored and handled.
3. The investigation of cases of food borne infectious disease, to identify its source and prevent further cases.
4. To licence, register or approve food premises as legislation requires.

The **Trading Standards Section** has 11 FTEs of which 2.8 are allocated to food legislation enforcement and is responsible for the enforcement of :

1. Issues relating to food which fails to meet the requirements of Section 14 of the Food Safety Act 1990. It must be noted that the Food & Occupational Safety section investigates issues relating to the contamination of food by extrinsic foreign bodies.

2. Issues relating to food that is falsely described or presented in contravention of Section 15 of The Food Safety Act 1990.
3. All regulations relating to the manner of marking and labelling of food. Principally this will be the Food Labelling regulations 1996 but will also include labelling requirements of regulations relating to specific foods.
4. All regulations relating to compositional requirements.
5. The Agricultural Act and associated regulation relating to the labelling and sale of feeding stuffs.

### **3. Demands on the Food Service**

Dudley has 2271 food premises within its area as of 1<sup>st</sup> April 2004. This is made up of

<b>2</b>	<b>Producers</b>
<b>1</b>	<b>Slaughterhouse</b>
<b>36</b>	<b>Manufacturers/Producer</b>
<b>26</b>	<b>Distributors</b>
<b>708</b>	<b>Retailers</b>
<b>1448</b>	<b>Restaurants and other caterers</b>
<b>50</b>	<b>Others</b>

For Food Safety inspection purposes (**Food & Occupation Safety Section**) the ratio of premises in each score banding on 1<sup>st</sup> April 2005 as set out in Code of Practice Number 9 is as follows:

<b>Category A</b>	<b>16</b>
<b>Category B</b>	<b>234</b>
<b>Category C</b>	<b>1167</b>
<b>Category D</b>	<b>369</b>
<b>Category E</b>	<b>417</b>
<b>Outside programme</b>	<b>18</b>
<b>Unrated</b>	<b>50</b>

N.B. Category A are the higher risk premises and F the lower.

There is 1 licensed abattoir in the Borough  
 There are 6 fishery product approved premises  
 There are 2 dairy product approved premises  
 There are 17 meat/minced meat or meat product approved premises

For Food Standards Inspection (**Trading Standards**) purposes the Ratio of premises in each score banding are as follows

<b>high</b>	<b>67</b>
<b>medium</b>	<b>800</b>
<b>low</b>	<b>576</b>

#### **4. Review of Activity from Service Plan 2004/2005**

- **100%** high (1069) and low (313) risk food hygiene inspections that were due were achieved
- **520** food samples were procured and examined for microbiological safety. All unsatisfactory samples received appropriate follow up.
- Butchers' licensing was undertaken successfully with **69** premises being re-licensed.
- Five prosecutions and two formal cautions of food business proprietors were successfully concluded. Most were in relation to non-compliance with food hygiene regulations, one concerned unfit food and one concerned a butcher trading without a license. Two Emergency Prohibition Notices were served and subsequently confirmed by the magistrates' courts with the issue of the Emergency Prohibition Orders.
- **50** out of 51 (99%) programmed high risk food standards inspections were carried out.
- **428** out of 432 (99%) programmed medium risk food standards inspections were carried out.
- **311** food samples (target 200) were procured and analysed to ensure correct labelling, description and compliant with compositional standards.
- **326** food standards complaints were received. Many related to out of date food and quality issues.
- A total of **516** food service requests were actioned by FOS during the year. Of this total figure, 186 related to food complaints, 131 related to food premises conditions and food practices complaints and 199 were general requests for service.
- The number of infectious disease investigations for the year was **706**, of which **353** were cases of Campylobacter, these were responded to via a questionnaire. The response time for the remaining cases is 24 hours with some diseases requiring immediate attention. In addition, a small number of viral outbreaks and a water borne outbreak were investigated.
- **75** food hazard warnings were received in 2004, up from 57 in 2003 and 35 in 2002. Many were in relation to the illegal food colouring Sudan I and IV. Over 300 visits were made in response to food alerts.
- The Dudley Food for Health Award, delivered in conjunction with the public health division of the two Dudley Primary Care Trusts, proactively encourages premises to provide a healthy eating choice whilst ensuring compliance with food hygiene regulations. 53 Awards were made during the year to catering premises, including 18 Gold, 18 Silver and 17 Bronze Awards. The Healthier



Takeaway Awards, supported by Big Lottery Funding and delivered in conjunction with Dudley PCT partners, aimed at takeaways in Lye and Brierley Hill postcode areas as part of the Take 5 in Dudley campaign, encourages the consumption of more fresh fruit and vegetables. 16 Awards were made during the year.

- Food Safety Week in June was marked with an event at the Merry Hill Centre. The main attraction was a food safety quiz which was entered by over 100 shoppers with the prize being a barbeque.

#### **5. Issues for consideration during the year 2005/2006**

- The new FSA consolidated Code of Practice has increased the number of food safety and hygiene inspections required of the highest risk premises which will be incorporated into the work programme.
- The expected introduction of new Food Hygiene Regulations in January 2006, which are currently being consulted on, will introduce the requirement for all food businesses to introduce documented food safety systems based on HACCP principles. It is not yet known if there will be any additional assistance provided to train food businesses in the new requirements and it is likely that this task will fall to the local authority. Any time taken to run seminars etc on the new requirements will detract from the food inspection programme and, additionally, the time taken to explain the new requirements will increase the duration of inspections.
- The increasing trend in Food Alerts for Action.
- Butchers license workload and resulting inspections which fall outside the inspection programme. Future of butchers licensing beyond Jan 2006 not known.
- The high levels of complaints relating to out of date food.
- Increasing proactive work of an educational nature. The Better Regulation Task Force of the Cabinet Office does stress that for Best Practice and, therefore, demonstration of Best Value, regulatory services should include proactive work including education, advice and training and intelligence driven work projects, in addition to the current workload of reactive work and proactive inspections. It is these areas of intelligence driven work and educative and advice type work where, currently, little resource is allocated.