

**DUDLEY METROPOLITAN BOROUGH COUNCIL**

**SELECT COMMITTEE FOR THE ENVIRONMENT- 27<sup>th</sup> JUNE 2006**

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

**FOOD SERVICE PLAN 2006/2007**

**PURPOSE**

- 1 To seek endorsement from Members of the Directorate of the Urban Environment Food Service Plan 2006/2007.

**BACKGROUND**

2. Local authorities are required by the Food Standards Agency to produce and implement an annual Food Service Plan that sets out how the authority will deliver food law enforcement functions to ensure national priorities and standards are addressed and delivered locally.
- 3 The food service is located within the Development and Environmental Protection Division of the Directorate of the Urban Environment and provided by officers within the Food and Occupational Safety (FOS) and Trading Standards sections.
- 4 The service consists of inspections of food businesses to ensure compliance with food safety and food standards legislation, investigation of complaints relating to food and premises, sampling of foods for microbiological and compositional requirements, the investigation of food borne disease as well as educational and promotional activities.
- 5 Delivery of the service contributes to the Council Plan themes of Safety, Environment, Caring and Quality Service Matters. The Community Strategy themes of creating a prosperous borough, promoting well-being and good health and safeguarding the environment are contributed to by ensuring the safety of food produced and consumed within the borough and encouraging healthy eating and reducing health inequalities.

- 6 Service plans developed under the framework agreement produced by the Food Standards Agency provide the basis on which local authorities are monitored and audited by the agency. It is a requirement that food service plans are submitted to Members for approval to ensure local transparency and accountability.
- 7 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.
- 8 Regarding performance in 2005/2006 items to note are
  - There is an improving picture in the levels of food poisoning reported in the borough which have reduced from 706 cases in 2004-05 to 539 cases in 2005-06.
  - High levels of programmed inspections of food premises and food sampling have been maintained.
  - There has been a reduction in the number of food complaints received although the number of requests for advice on food hygiene matters increased from 199 in 2004-05 to 264 in 2005-06, largely due to food businesses seeking advice on new legislation.
  - Following a year on year increase over the previous three years, there was a slight reduction in 2005-06 in the percentage of premises inspected which achieved satisfactory or better risk ratings for food hygiene compliance and for confidence in the management of the business. This has been attributable to the implementation of new hygiene regulations in January 2006 which place more stringent requirements on food business proprietors.
  - A successful bid for grant funding from the Food Standards Agency during 2005-06, has enabled the service to assist small food businesses in the borough comply with the new food hygiene requirements through one to one coaching. Approximately 80 food business proprietors have received assistance through the grant scheme so far and this will be continued into 2006-07.

## **FINANCE**

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

## **LAW**

- 10 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.
- 11 Powers to enable the Agency to monitor and audit local authorities are contained in the Food Standards Act 1999.

- 12 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.

### **EQUALITY IMPACT**

- 13 This report does not conflict with the Council's policy on equal opportunities.
- 14 The Food Service Plan contributes towards reducing health inequalities for all residents in the borough by promoting healthy eating. In particular healthy eating is encouraged for children and young persons and also elderly people through the Dudley Food for Health Award. The vast majority of premises achieving the award are schools, nurseries and residential homes.

### **RECOMMENDATION**

- 15 It is recommended that members endorse the contents of the Food Service Plan of the Directorate of the Urban Environment 2006/2007 and recommend referral to full Council.

A handwritten signature in black ink, appearing to read 'J. B. Millar'. The signature is written in a cursive style with a large, stylized initial 'J'.

**J. B. MILLAR – DIRECTOR OF THE URBAN ENVIRONMENT**

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### **BACKGROUND PAPERS**

- 15 Food Service Plan 2006-2007



**Directorate of the Urban Environment**

**Development and Environmental Protection Division**

**Food Service Plan**  
**Summary**  
**2006/2007**

# **Food Law Enforcement Service Plan 2006 – 2007**

## **Summary**

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

#### **1.1 Aims**

- To improve and sustain the health of the local people in the borough by contributing to the reduction of the health inequalities gap via the Health Inequalities Strategy.
- 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 the Dudley Food for Health 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 Strategy, 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.

The **Food & Occupational Safety Section** has 19.5 FTEs (Full Time Equivalents) of which 10.1 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 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 2203 food premises within its area as of 1<sup>st</sup> April 2006. This is made up of

<b>2</b>	<b>Producers</b>
<b>2</b>	<b>Slaughterhouse</b>
<b>35</b>	<b>Manufacturers/Producers</b>
<b>24</b>	<b>Distributors</b>
<b>711</b>	<b>Retailers</b>
<b>1386</b>	<b>Restaurants and other Caterers</b>
<b>43</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 2006 as set out in Code of Practice Number 9 is as follows:

<b>Category A</b>	<b>17</b>
<b>Category B</b>	<b>248</b>
<b>Category C</b>	<b>1105</b>
<b>Category D</b>	<b>351</b>
<b>Category E</b>	<b>421</b>
<b>Outside programme</b>	<b>18</b>
<b>Unrated</b>	<b>43</b>

N.B. Category A are the higher risk premises and E the lowest risk.

There are 2 licensed abattoirs in the Borough.

There are 24 premises approved for the production of meat, fish or dairy products, 18 of which are considered to be the highest risk premises which require up to 3 inspections a year outside the routine inspection programme.

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

<b>high</b>	<b>69</b>
<b>medium</b>	<b>790</b>
<b>low</b>	<b>576</b>

### **4. Review of Activity from Service Plan 2005/2006**

- **100%** high and low risk food hygiene inspections that were due were achieved (1234 due inspections) plus 120 inspections outside the programme.
- **513** food samples were procured and examined for microbiological safety. All unsatisfactory samples received appropriate follow up.

- **276** food samples (target 200) were procured and analysed to ensure correct labelling, description and compliance with compositional standards.
- Five prosecutions/formal cautions of food business proprietors were successfully concluded.
- **99% (470)** programmed high and medium risk food standards inspections were carried out.
- **86** food standards complaints were received. Many related to out of date food and quality issues.
- A total of **568** food service requests were actioned by FOS during the year. Of this total figure, 153 related to food complaints, 151 related to food premises conditions and food practices complaints and 264 were general requests for service. This was a rise from 516 the previous year which was mainly due to an increase in requests for advice on the new hygiene regulations.
- The number of infectious disease investigations for the year was **539**, of which **243** 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 were investigated. This is a fall from 706 notifications in the previous year.
- **88** food hazard warnings were received in 2005-06, a steady increase yearly. A large number of visits were made to traders in response to food alerts.
- The Dudley Food for Health Award, delivered in conjunction with the public health division of the Primary Care Trusts, proactively encourages premises to provide a healthy eating choice whilst ensuring compliance with food hygiene regulations. This work contributes to meeting targets in the Health Inequalities Strategy. 49 Awards were made during the year to catering premises, including 14 Gold, 18 Silver and 17 Bronze Awards. The Award has recently been extended to include takeaway establishments in a Healthier Takeaway Award and a Platinum School Award for schools having a whole school food policy and delivering "Get Cooking" Classes.
- The new Food Hygiene (England) Regulations 2006 came into force in January 2006 and required considerable preparation. In addition all premises previously approved under vertical directives required re-approval at the next inspection; this work is on-going. Transfer of enforcement responsibility for cold stores from the Meat Hygiene Service to local authorities has resulted in one large cold store now coming under local authority control which required an in-depth audit in January 2006. Abolition of butchers licensing on 31<sup>st</sup> December required contact with all previously licensed butchers in order to advise them of how to comply with HACCP (Hazard Analysis Critical Control Point) requirements of the new regulations.
- A bid to the Food Standards Agency (FSA) for a grant to assist small food businesses to comply with the new regulations was successful and £19,000 awarded. The grant is being used to provide seminars and one to one coaching for 90 small independent food business proprietors in Safer Food Better Business, the FSA produced resource for documenting food safety management systems.



From January to March 2006, 45 businesses had been assisted through the scheme.

- Food Safety Week in June was marked with an event at the Ryemarket, Stourbridge. The main attraction was a food safety quiz which was entered by over 100 shoppers.

#### **5. Issues for consideration during the year 2006/2007**

- As a result of the new regulations and revised Code of Practice, there is expected to be an increase in high risk food hygiene inspections as premises not yet fulfilling the requirement to have a documented food safety management system will be rated as a higher risk. Added to this is the increased inspection time required to explain the new requirements to food business proprietors and the increased number of visits to specifically approved premises resulting from changes during 2004-05 which require all approved premises to be visited up to three times annually irrespective of risk rating. However there is an additional resource for a Technical Officer for 2006/07 has been approved.
- Extending the Safer Food Better Business seminars and one to one coaching to businesses not included on the Food Standards Agency grant aided scheme will have to be considered. Considerable interest has been shown by businesses for this support and assistance and it is intended that the additional technical officer post in FOS, secured through the budget setting process for 2006-07, will be utilized to continue this area of work.
- The Freedom of Information Act provisions which came into force in January 2005 have increased the number of requests to the Food and Occupational Safety service from members of the public; this has included requests for information about food inspections. Responding to requests for information is often time consuming and may divert resources away from other work. During 2006-07, Dudley will be considering the need to develop a "Scores on Doors" type scheme which publishes information relating to food hygiene inspections. The national pilot scheme carried out by the Food Standards Agency and the experience of other local authorities will be examined in considering Dudley's options for a publication scheme in this area.