

## **Meeting of the Council – 10<sup>th</sup> October, 2011**

### **Report of the Cabinet**

#### **Food Service Plan 2011/2012**

#### **Purpose of Report**

1. To seek approval to the Directorate of the Urban Environment (DUE) Food Service Plan 2011/2012.

#### **Background**

2. Local authorities are required by the Food Standards Agency (FSA) 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 Planning and Environmental Health 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. By ensuring the safety of food produced and consumed within the Borough and encouraging healthy eating and reducing health inequalities, the delivery of the food enforcement service contributes to the Jobs and Prosperity theme and the Health and Well-being theme of the Council Plan and the Dudley Community Strategy. The service helps maintain public confidence in the standards of our local food industry and provides practical support to businesses in difficult economic times, which helps to ensure fair competition and allow well run food businesses to flourish and contribute to the local economy.

6. Service plans are developed under the framework agreement produced by the Food Standards Agency and 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 copy of the Food Service Plan, together with a report, was considered by the Environment Scrutiny Committee on 16<sup>th</sup> June 2011.
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' Room and may also be viewed on the Council's website – follow the links to Meetings and Decisions.
9. Regarding performance in 2010/2011 items to note are:
  - High levels of due programmed inspections of food premises for food safety and food standards was achieved (1036 food safety inspections and 272 food standards inspections - these figures do not include inspections completed which were outside the programme, for example inspected earlier than the due date as the result of a complaint or where there has been a change in the food business proprietor).
  - The Scores on the Doors scheme publishing the results of food hygiene inspections on the website was updated monthly. The proportion of food premises in the Borough that are broadly compliant with food hygiene legislation is almost 90%. Statistics produced by the Food Standards Agency in March 2011 show Dudley to have the highest proportion of broadly compliant food premises in the West Midlands and the 7<sup>th</sup> highest for Metropolitan boroughs in the country (7/37). The national range for metropolitan boroughs is between 62% and 93%.
  - A record number of 149 Dudley Food for Health Awards were made to catering establishments in the Borough. This included 43 small independent food businesses who achieved the award for the first time. In conjunction with NHS Dudley, additional support was offered to the proprietors of small independent businesses to help them improve their menus to offer healthier nutritional food choices. This work also contributes to the delivery of the Health Inequalities and Obesity Strategies.
  - Food sampling targets were met with 310 food samples being purchased from food premises and tested for microbiological safety and 175 compositional food samples being analysed.
  - Trading Standards contributed to a "Too Good To Be True" Central England survey looking into the validity of lifestyle claims for meat, eggs and dairy produce. Across 14 authorities, 97 food products were examined giving 142 claims. 70% of claims made were verified leaving 30% as not justified or insufficient evidence to support the claim. All claims made within the Dudley Borough could be justified accordingly.

- The Council has a clearly laid down enforcement policy, which focuses on providing advice and guidance for businesses to secure compliance. However, where businesses consistently fail to comply with the law or present a severe threat to public health it is important that action is taken to protect consumers. During the year, 5 prosecutions were completed involving 4 takeaways and one grocers shop which failed to achieve minimum levels of food hygiene and safety. All prosecutions are published in the prosecution register on the Council's website.
10. On consideration of the information contained in this report, the Cabinet, at its meeting held on 14<sup>th</sup> September, 2011, resolved to recommend the Council that the Food Service Plan for 2011/12 be approved.

### **Finance**

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

### **Law**

12. 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.
13. Powers to enable the Agency to monitor and audit local authorities are contained in the Food Standards Act 1999.
14. 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**

15. This report accords with the Council's policy on equality and diversity.
16. 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. Many of the premises achieving the award are schools, nurseries and residential homes.

### **Recommendation**

17. That the contents of the Food Service Plan of the Directorate of the Urban Environment for 2011/2012, be approved.



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**Leader of the Council**

**Directorate of the Urban Environment**  
**Planning and Environmental Health Division**

**Food Service Plan**  
**Summary**  
**2011/2012**

# **Food Law Enforcement Service Plan 2011 – 2012**

## **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 contribute to the work of the Obesity Strategy including encouraging food businesses to apply for and gain the Dudley Food for Health Award and working with schools on issues such as labelling and nutrition.
- To respond to requests for advice, and where appropriate liaise and advise businesses in accordance with the home authority principle and the Primary Authority scheme coordinated by the Local Better Regulation Office (LBRO).

The Environmental Health and Trading Standards Service directly supports and contributes to the themes and priorities in the Council Plan and the Dudley Community Strategy and the objectives 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 Planning and Environmental Health Division of the Directorate of the Urban Environment. The service is provided by officers within the Food & Occupational Safety (FOS) and Trading Standards sections.

To illustrate matters dealt with by the two services and how this 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 with regard to current concerns 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, avoid duplication and be effective and efficient and have effective referral mechanisms in place to ensure that the best service is provided to the public.

The **Food & Occupational Safety Section officers** 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 unsafe 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 officers** are involved in food legislation enforcement and 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 2288 food premises within its area as of 1<sup>st</sup> April 2011. This is made up of

<b>43</b>	<b>Manufacturers/Producers</b>
<b>35</b>	<b>Distributors</b>
<b>645</b>	<b>Retailers</b>
<b>481</b>	<b>Restaurants, Cafes, other Caterers</b>
<b>352</b>	<b>Pubs/Clubs</b>
<b>14</b>	<b>Hotels/Guest Houses</b>
<b>272</b>	<b>Takeaways</b>
<b>129</b>	<b>Schools/Colleges</b>
<b>227</b>	<b>Caring establishments</b>
<b>87</b>	<b>Mobile traders</b>
<b>3</b>	<b>Packers</b>

For Food Safety inspection purposes the ratio of premises in each score banding on 1<sup>st</sup> April 2011 as set out in The Food Standards Agency Code of Practice is as follows:

<b>Category A (inspected at 6 month intervals)</b>	<b>9</b>
<b>Category B (inspected at 12 month intervals)</b>	<b>138</b>
<b>Category C (inspected at 18 month intervals)</b>	<b>1061</b>
<b>Category D (inspected at 2 year intervals)</b>	<b>462</b>
<b>Category E (inspected at 3 year intervals)</b>	<b>562</b>
<b>Unrated premises</b>	<b>56</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 18 premises approved for the production of meat, fish or dairy products.

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

<b>high</b>	<b>23</b>
<b>medium</b>	<b>546</b>
<b>low</b>	<b>747</b>

### **4. Work programme for 2011-12**

The key delivery priorities for 2011-12 are:

- Carrying out 100% of due high risk food safety inspections (836) and high risk food standards inspections (23); 50% of low risk food safety inspections (105) and 50% of medium risk food standards inspections (161).

- Ensuring all due low risk food safety interventions are carried out either as an inspection or by an alternative enforcement strategy using information and intelligence gathering questionnaires.
- Maintaining a high level of food premises which are broadly compliant with food safety legislation (88%)
- To issue 100 Dudley Food for Health Awards and continue to support small, independent businesses to achieve the award.
- Investigating approximately 150 food complaints (FOS), 150 food standards complaints (TS), 200 complaints about hygiene at food premises and 250 requests for service in relation to food hygiene advice.
- Procuring 312 food samples for analysis for microbiological safety and 125 compositional food samples.
- Investigating approximately 550 cases of notified or suspected food poisoning.
- Carrying out specific projects, arising from local and national priorities, including:
  - The presence and levels of artificial colours and new label warnings
  - Post-mix drinks dilution ratios and substitution of diet for full sugar
  - Allergens in food from caterers
  - Meat species in takeaway and pre-packed products
  - Imported food sampling survey
  - Truckers Tucker project
  - Counterfeit spirit drink project
  - Reducing salt in sausages made by local butchers.

## **5. Issues for consideration during the year 2011/2012**

- It will be essential to closely follow progress in the transfer of public health functions from PCTs to local authorities from 2012 as FOS and Trading Standards already have close links through partnership working with public health professionals in the areas of obesity prevention and healthy eating.
- The FSA review of official food control delivery needs to be followed and any consultation participated in, with options including a transfer of functions from local authorities to a national agency being considered.
- Continuing with the delivery of the Environmental Health and Trading Standards Regulatory Services Peer Review Improvement Plan is a priority in 2011-12 and beyond. In particular, moving towards more outcome focused performance measures, through the use of the Local Authority Regulatory Services (LARS) Impact and Outcomes Toolkit, and to improving engagement with and knowledge of customers through improved consultation methods.
- As the Primary Authority Scheme (whereby any business or regulated entity which operates across more than one local authority boundary is eligible to apply for a nominated local authority to act as the primary advisor on regulatory matters) expands nationally, the impact will need to be assessed. Resources to date have not permitted FOS and Trading Standards services to act as national policy



## **6. Review of Activity from Service Plan 2010/2011**

- **100% (777)** high and **99% (278)** low risk food hygiene interventions that were due were achieved plus 258 inspections outside the programme.
- **100% (23)** programmed high and **85% (249)** medium risk food standards inspections that were due were carried out.
- **310** food samples (target 312) were procured and examined for microbiological safety. All unsatisfactory samples received appropriate follow up.
- **175** food samples (target 175) were procured and analysed to ensure correct labelling, description and compliance with compositional standards.
- Five prosecutions of food business proprietors were successfully concluded for poor food hygiene and safety standards. Fines and costs issued by the courts totalled £32,420.
- **160** food standards complaints were received. Many related to out of date food and quality issues.
- A total of **615** food service requests were actioned by FOS during the year. Of this total figure, 93 related to food complaints, 211 related to food premises conditions and food hygiene practices and 311 were general requests for service.
- The number of infectious disease investigations for the year was **602**, of which **433** were cases of campylobacter, these were responded to by postal questionnaire or advice. The response time for the remaining cases is 24 hours with some diseases requiring immediate attention.
- The Dudley Food for Health Award, delivered in conjunction with the public health division of the NHS Dudley (Dudley PCT), 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 and Obesity Strategy. 149 Awards were made during the year to catering premises, including 4 Platinum, 84 Gold, 39 Silver, 15 Bronze and 7 Takeaway Awards.
- The Scores on the Doors scheme publishing the results of food hygiene inspections on the website was updated monthly. The proportion of food premises that are broadly compliant with food hygiene legislation was almost 90% at the year end. Inspections for 1936 food premises were published on the website at the year end of which 371 premises (19%) were 5 star (excellent), 459 (24%) were 4 star (very good), 660 (34%) were 3 star (good), 245 (13%) were 2 star (acceptable), 157 (8%) were 1 star (poor) and 44 (2%) were no star (very poor).

- Trading Standards took part in a “Too Good To Be True survey” looking into the validity of lifestyle claims for meat, eggs and dairy produce, paying particular attention to food produced within the Central England area. All claims made within the Dudley Borough could be justified accordingly.
- Sampling projects in conjunction with CEnTSA (Central England Trading Standards Authorities) were participated in by Trading Standards. These included sampling of imported foods including soy sauce, cooked chicken products from outside the EU and a project on the meat content of halal products.
- The Dudley Healthy Food Retail project based in the Hawbush area was completed in conjunction with NHS Dudley. The aim was to improve access to fruit and vegetables and overcome barriers that parents of primary school children face in increasing their consumption of fruit and vegetables.
- Progress was made towards implementing a Food Policy within the Directorate of the Urban Environment ensuring that healthier nutritional choices are always available whenever food is offered to customers or staff at DUE premises, including leisure centres. All vending machines at DUE premises, including leisure centres, now offer healthier options.