

Meeting of the Council – 8th October, 2012

Report of the Cabinet

Food Service Plan 2012/2013

Purpose

- 1 To advise the Council of the contents of the Food Service Plan 2012/2013.

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 report on the Food Service Plan 2012-13 was considered by the Environment Scrutiny Committee on 14th June 2012 and endorsed by Cabinet on 19th September 2012. A summary of the service plan is appended to this report (Appendix 1). A full copy of the Food Service Plan is located in the Members' Room.

8 Regarding performance in 2011/2012 items to note are:

- 1041 food hygiene inspections and 272 food standards inspections were carried out during the year.
- The proportion of food premises in the borough that are broadly compliant with food hygiene legislation is 89%. Statistics produced by the Food Standards Agency in November 2011 show Dudley to have the highest proportion of broadly compliant food premises in the West Midlands and the 4th highest for Metropolitan boroughs in the country (4/37). The national range for metropolitan boroughs is between 64% and 94%.
- The Scores on the Doors scheme publishing the results of food hygiene inspections on the website was updated monthly. There has been a 10% increase in the number of 4* and 5* premises in the 12 months to March 2012, up from 830 to 917. There has also been a 40% reduction in premises rated in the lowest category, zero stars, down from 44 to 26 in the same period.
- 69 Dudley Food for Health Awards were made to catering establishments in the borough. This included 27 small independent food businesses who achieved the award for the first time. In conjunction with NHS Dudley, additional support is 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.
- 423 food samples were purchased from food premises in the borough and submitted for microbiological or compositional analysis.
- 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 2 public houses, 2 retailers and one takeaway which failed to achieve minimum levels of food hygiene and safety. All prosecutions are published in the prosecution register on the Council's website.

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 equality.
- 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. Many of the premises achieving the award are schools, nurseries and residential homes.

Recommendation

- 15 That the Food Service Plan 2012/2013 be approved and adopted.



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Leader of the Council



Directorate of the Urban Environment
Planning and Environmental Health Division

Food Service Plan
Summary
2012/2013

Food Law Enforcement Service Plan 2012 – 2013

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 Better Regulation Delivery Office (previously known as 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 2345 food premises within its area as of 1st April 2012. This is made up of

47	Manufacturers/Producers
38	Distributors
660	Retailers
502	Restaurants, Cafes, other Caterers
348	Pubs/Clubs
17	Hotels/Guest Houses
263	Takeaways
125	Schools/Colleges
228	Caring establishments
114	Mobile traders
3	Packers

For Food Safety inspection purposes the ratio of premises in each score banding on 1st April 2012 as set out in The Food Standards Agency Code of Practice is as follows:

Category A (inspected at 6 month intervals)	10
Category B (inspected at 12 month intervals)	105
Category C (inspected at 18 month intervals)	979
Category D (inspected at 2 year intervals)	530
Category E (inspected at 3 year intervals)	610
Unrated premises	111

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

There are 2 licensed abattoirs in the Borough.

There are 17 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

high	20
medium	688
low	754

4. Review of Activity from Service Plan 2011/2012

- **99% (827)** high and **52% (214)** low risk food hygiene inspections that were due were achieved against targets of 100% and 50% respectively.
- **100% (23)** programmed high and **85% (161)** medium risk food standards inspections that were due were achieved against targets of 100% and 85% respectively.

- **319** food samples were procured and examined for microbiological safety. All unsatisfactory samples (56) received appropriate follow up.
- **104** food samples 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 over £32,000.
- **163** food standards complaints were received. Many related to out of date food and quality issues.
- A total of **603** food service requests were actioned by FOS during the year. Of this total figure, 82 related to food complaints, 204 related to food premises conditions and food hygiene practices and 317 were general requests for service.
- The number of infectious disease investigations for the year was **627**, of which **445** 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. One small outbreak of campylobacter infection linked to a restaurant in the borough was investigated.
- 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. 69 Awards were made during the year to catering premises, including 1 Platinum, 37 Gold, 23 Silver and 8 Bronze 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 1913 food premises were published on the website at the year end of which 454 premises (24%) were 5 star (excellent), 463 (24%) were 4 star (very good), 630 (33%) were 3 star (good), 216 (11%) were 2 star (acceptable), 124 (7%) were 1 star (poor) and 26 (1%) were no star (very poor).
- Sampling projects in conjunction with CEnTSA (Central England Trading Standards Authorities) were participated in by Trading Standards. These included counterfeit spirit drinks and an imported food survey. Projects undertaken in conjunction with the public analyst and other local authorities as part of the Worcestershire Scientific Services Food Projects included meat species in takeaway and pre-packed meat products, levels and labelling of artificial colours in foods and dilution ratios and substitution of diet for full sugar in post mix drinks.
- A project was also carried out in conjunction with the Dudley Food for Health Steering Group to encourage local butchers to use less salt in sausages.

5. Issues for consideration during the year 2012/2013

- Following progress of the transfer of public health functions from PCTs to local authorities by 2013 will be necessary as the service already has close links through partnership working with public health professionals in the areas of obesity prevention and healthy eating and will have important contributions to make to targets in the new Public Health Outcomes Framework.
- The Food Standards Agency's review of official food control delivery needs to be followed and consultation participated in. Options are due to be worked up from April 2012 with formal consultations commencing in Jan 2013 and a decision due by July 2013. Options likely to be considered include no change to current system, amending current system or a centralised model of delivery.
- Consideration will need to be given in 2012-13 to Dudley joining the National Food Hygiene Rating Scheme. Following the introduction of the national scheme in November 2010, it is now receiving support from the majority of local authorities.
- The number of small food businesses changing hands and requiring re-registration and inspection has steadily increased over the past 3 years due to the current economic climate. 457 new food registrations were received in 2011-12, up by 41% in 3 years. In particular there has been an increase in new registrations from home bakers making celebration and cup cakes and from small mobile food traders. Although home bakers are considered to be low risk, they do require an initial inspection before being considered for an alternative intervention strategy. This places an extra burden on the inspection programme in terms of additional inspections and providing extra support to new proprietors.
- There has been an increase in the number of food hygiene cases being progressed for prosecution. During 2011-12, four food hygiene prosecutions and one food standards prosecution were successfully concluded incurring fines and costs of over £32,000 with a further 7 cases being progressed with a view to prosecution. Three food businesses were also closed during 2011-12 using Emergency Prohibition Notice powers. The zero star strategy programme has seen several small food businesses improve over a short period of time by commitment of the proprietor to work closely with an officer as an alternative to imminent prosecution. This has resulted in a 40% reduction in zero star premises in 12 months (down from 44 to 26) However, this work is labour intensive in terms of officer resources.