

## **Meeting of the Council - 13<sup>th</sup> October 2008**

### **Report of the Cabinet**

#### **Food Service Plan 2008/2009**

#### **Purpose Of Report**

- 1 To consider the recommendations of the Cabinet regarding the Food Service Plan for 2008 / 2009.

#### **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. The Plan was considered by the Select Committee on the Environment on 24<sup>th</sup> June 2008.
- 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 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' Room.
- 8 Regarding performance in 2007/2008 items to note are:
- High levels of programmed inspections of food premises have been maintained.
  - Food sampling targets have been exceeded for both microbiological and compositional sampling.
  - The Safer Food Better Business project to deliver free training to small food businesses to help them produce written systems of food safety management was completed. In total 208 Dudley businesses have benefited from this training over 2 years with 65% of these businesses producing satisfactory documented systems complying with new food hygiene legislation. The £35,000 cost of the training was met from two successful grant bids to the Food Standards Agency.
  - 59 Dudley Food for Health Awards were issued during the year, exceeding the Local Area Agreement target.
  - Food labelling lessons were delivered in both secondary and primary schools in the borough and have been recognised as best practice by the Food Standards Agency and included in the national Food Vision website.
  - The project to publish the results of food hygiene inspections, known as "Scores on the Doors" was completed and the publication scheme launched in April 2008. The results of all food hygiene inspections carried out since January 2008 are now published on the Council's website and certificates showing the star ratings are issued to businesses for display at food premises.
- 9 On consideration of the information contained in this report, the Cabinet, at its meeting held on 10<sup>th</sup> September 2008, resolved to recommend to the Council as set out in paragraph 16 below.

### **Finance**

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

### **Law**

- 11 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.
- 12 Powers to enable the Agency to monitor and audit local authorities are contained in the Food Standards Act 1999.
- 13 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**

- 14 This report does not conflict with the Council's policy on equality and diversity.
- 15 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**

- 16 That the Food Service Plan of the Directorate of the Urban Environment for 2008/2009 be approved.

*David Caunt*

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**Leader of the Council**



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

**Food Service Plan**  
**Summary**  
**2008 / 2009**

# **Food Law Enforcement Service Plan 2008 – 2009**

## **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 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 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.

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 21 FTEs (Full Time Equivalents) of which 10 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 21 FTEs of which approximately 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 2165 food premises within its area as of 1<sup>st</sup> April 2008. This is made up of

<b>2</b>	<b>Slaughterhouses</b>
<b>32</b>	<b>Manufacturers/Producers</b>
<b>28</b>	<b>Distributors</b>
<b>604</b>	<b>Retailers</b>
<b>736</b>	<b>Restaurants, Cafes, other Caterers</b>
<b>386</b>	<b>Pubs/Clubs</b>
<b>246</b>	<b>Takeaways</b>
<b>124</b>	<b>Mobile traders</b>
<b>7</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 2008 as set out in The Food Standards Agency Code of Practice is as follows:

<b>Category A (inspected at 6 month intervals)</b>	<b>23</b>
<b>Category B (inspected at 12 month intervals)</b>	<b>314</b>
<b>Category C (inspected at 18 month intervals)</b>	<b>1059</b>
<b>Category D (inspected at 2 year intervals)</b>	<b>343</b>
<b>Category E (inspected at 3 year intervals)</b>	<b>426</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>33</b>
<b>medium</b>	<b>655</b>
<b>low</b>	<b>712</b>

### **4. Review of Activity from Service Plan 2007/2008**

- **100%** high and low risk food hygiene inspections that were due were achieved (1193 inspections) plus 86 inspections outside the programme.
- **100% (57)** programmed high risk food standards inspections and 99% (387) medium risk inspections were carried out.

- **554** food samples (target 500) were procured and examined for microbiological safety. All unsatisfactory samples received appropriate follow up.
- **252** food samples (target 200) were procured and analysed to ensure correct labelling, description and compliance with compositional standards.
- Three prosecutions of food business proprietors were successfully concluded
- **153** food standards complaints were received. Many related to out of date food and quality issues.
- A total of **583** food service requests were actioned by FOS during the year. Of this total figure, 193 related to food complaints, 167 related to food premises conditions and food practices complaints and 223 were general requests for service.
- The number of infectious disease investigations for the year was **503**, of which **272** 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 Primary Care Trust, 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. 59 Awards were made during the year to catering premises, including 3 Platinum, 27 Gold, 18 Silver, 8 Bronze and 3 Takeaway Awards. The Award was extended this year 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 Safer Food Better Business project to deliver free training to small food businesses to help them produce written systems of food safety management was completed. In total 208 Dudley businesses have benefited from this training over 2 years with 65% of these businesses producing satisfactory documented systems complying with new food hygiene legislation. The £35,000 cost of the training was met from 2 successful grant bids to the Food Standards Agency.
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## **5. Issues for consideration during the year 2008/2009**

- The Retail Enforcement Pilot Project , whereby a lead agency takes responsibility for carrying out food safety, health and safety, trading standards and fire safety inspections in specific types of premises, was extended nationally in 2007-08 with a view to extending the scheme nationwide at some future point. This implements the recommendations of the Hampton Review and is aimed at reducing the total number of regulatory visits to businesses. Should this be introduced nationwide, this will require new ways of working within Food and Occupational Safety and Trading Standards and require closer liaison with other enforcement agencies. Similarly, new ways of working will be required by the current draft Regulatory Enforcement and Sanctions Bill in relation to the role of the new Local Better Regulation Office (LBRO), the use of alternative regulatory sanctions and the role of Primary Authorities. It is expected that the LBRO will be able to nominate a local authority to act as a Primary Authority but it is unclear at the current time how, or if, this would be funded. Current resources to date have not permitted the Food and Occupational Safety service to act as national policy advisor to locally based business other than in an unofficial capacity.
- The Scores on the Doors scheme is expected to assist in driving up standards of food hygiene in food businesses as proprietors strive to improve their public rating by ensuring premises comply before inspection, rather than waiting for an inspector to call and risk a lower rating. A particular challenge will be to target enforcement resources at underperforming businesses achieving the lowest hygiene ratings. It is expected that approximately 22% of food businesses in Dudley would fall into this category.
- The funding to train food business proprietors to produce documented food safety management systems has now ended and therefore officers will need to spend additional time during food safety and hygiene inspections explaining the requirements to proprietors which will increase the time spent on site.
- Meeting the requirements of the new National Indicator based on the FSA outcome measure of broad compliance for food premises with food hygiene legislation (NI 184) will need to be considered during 2008-09. It was not clear at the time of writing this plan what the target indicator will be.
- Compliance with the newly issued Food Standards Agency Code of Practice (CoP), due in April 2008, will have to be achieved. In particular, understanding how the new suite of interventions alternative to inspections could be utilised to increase efficiency and target resources more appropriately.
- Officers in both FOS and Trading Standards are responsible for a wide range of duties and there is a risk that increasing work in other priority areas may impact upon food enforcement work. This risk has to be managed within existing resources to ensure that food enforcement work remains a high priority.