

## **Meeting of the Council – 14<sup>th</sup> July, 2014**

### **Report of the Cabinet**

#### **Food Service Plan 2014/2015**

##### **Purpose of Report**

- 1 The Food Standards Agency requires that Local Authorities submit their food service plans for approval by Members.
- 2 To advise the Council of the contents of the Directorate of the Urban Environment (DUE) Food Service Plan 2014/2015 and to seek final approval of the document.

##### **Background**

3. 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.
4. The food service is located within the Planning and Environmental Health Division of the Directorate of the Urban Environment. From June 2014, the food service will be provided within the re-modelled Environmental Health & Trading Standards service by officers within the Food and Consumer Safety section, bringing together all officers who work to ensure food safety into one section.
5. 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.
6. 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 delivering the Council Plan priorities of health and well-being. 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.

7. 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.
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 on the Internet.
9. Regarding performance in 2013/2014, items to note are:
  - High levels of inspection of food premises in the borough have been maintained. 1221 food hygiene inspections and 173 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 87%, rising to 90% not including new premises not yet inspected. Statistics produced by the Food Standards Agency in November 2013 show Dudley to have the second highest proportion of broadly compliant food premises in the West Midlands and amongst the highest ranking for Metropolitan boroughs in the country. The national range for metropolitan boroughs is between 73% and 92%.
  - Over 40% of Dudley's food businesses now score the top hygiene rating of 5 and two thirds of all food premises in the borough are in the top two ratings bands 4 and 5. Dudley consumers can access the results of food hygiene inspections across the UK including Dudley in one visit via the Council's website to the national website [www.foodratings.gov.uk](http://www.foodratings.gov.uk) and can download up to date information onto mobile phones.
  - During 2013-14 additional focus was given to assisting premises rated 1 and 2 to improve their ratings at next inspection by provision of additional tailored on site coaching for food business proprietors. This compliments the zero rated strategy which has provided additional support in previous years to the lowest achieving premises.
  - 389 food samples were purchased from food premises in the borough and submitted for microbiological or compositional analysis. This included 20 samples tested for lamb and chicken substitution, 3 of which were found to contain other species DNA which on follow up investigation were found to be low level non deliberate contamination within acceptable tolerances.
  - 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 3 takeaways, one cafe and a public house which failed to achieve minimum levels of food hygiene and safety. Fines totalled £56,000 with over £9,000 in costs being awarded to the local authority. All concluded prosecutions are published in the prosecution register on the Council's website.

10. The Food Service Plan was submitted to the Cabinet on 3<sup>rd</sup> July, 2014 and any amendments to the recommendation will be reported at the Council meeting.

### **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 does not conflict with the Council's policy on equality.
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 Food Service Plan 2014/2015 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**  
**2014/2015**

# **Food Law Enforcement Service Plan 2014 – 2015**

## **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 raise awareness of the food hygiene and safety performance of food businesses with consumers through the Food Hygiene Rating Scheme.
- 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.
- 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 importance of health and wellbeing within the Council Plan objectives 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. In June 2014, the Environmental Health & Trading Standards Service is being re-modelled from three to two service areas and the food service will be delivered within the new Food and Consumer Safety service. The specialist food team of Environmental Health Officers (EHOs) will deliver both the food service including food standards (labelling, composition and food presentation) and trading standards officers will continue with food standards delivery into 2014-15. This will ensure a holistic approach to food enforcement across the borough and strengthen capacity for food standards work.

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

Dudley has 2,403 food premises within its area as of 1<sup>st</sup> April 2014. This is made up of

<b>28</b>	<b>Manufacturers/Producers</b>
<b>37</b>	<b>Distributors</b>
<b>642</b>	<b>Retailers</b>
<b>540</b>	<b>Restaurants, Cafes, other Caterers</b>
<b>335</b>	<b>Pubs/Clubs</b>
<b>16</b>	<b>Hotels/Guest Houses</b>
<b>272</b>	<b>Takeaways</b>
<b>122</b>	<b>Schools/Colleges</b>
<b>250</b>	<b>Caring establishments</b>
<b>97</b>	<b>Mobile traders</b>
<b>64</b>	<b>Unrated (awaiting first inspection)</b>

For Food Safety inspection purposes the ratio of premises in each score banding on 1<sup>st</sup> April 2013 as set out in The Food Standards Agency Statutory Code of Practice is as follows:

<b>Category A (inspected at 6 month intervals)</b>	<b>7</b>
<b>Category B (inspected at 12 month intervals)</b>	<b>126</b>
<b>Category C (inspected at 18 month intervals)</b>	<b>612</b>
<b>Category D (inspected at 2 year intervals)</b>	<b>898</b>
<b>Category E (inspected at 3 year intervals)</b>	<b>665</b>
<b>Unrated premises</b>	<b>95</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 14 premises approved for the production of meat, fish or dairy products.

#### **4. Review of Activity from Service Plan 2012/2013**

- **99.5% (792)** high and **63% (429)** low risk food hygiene inspections achieved. Under achievement on low risk inspections was due to the allocation of 2 full time officers to a fatality investigation for 7 months of the year.
- **100% (18)** programmed high and **50% (155)** medium risk food standards inspections that were due were achieved against targets of 100% and 50% respectively.
- **430** new food premises registrations were dealt with during the year, including new businesses and existing businesses changing proprietors. The number of businesses on the register is now at the highest level ever recorded at just over 2,400. This continues a rising trend in new small food businesses such as home caterers, home bakers and mobile traders.
- **312** food samples were procured and examined for microbiological safety. All unsatisfactory samples received appropriate follow up.
- **77** food samples were procured and analysed to ensure correct labelling, description and compliance with compositional standards. This included 20 samples tested for lamb and chicken substitution, 3 of which were found to contain other species DNA which required follow up investigation and found to be non deliberate contamination.
- A small number of samples of spices were tested for irradiation levels as part of a regional project and all were satisfactory.
- Five prosecutions of food business proprietors were successfully concluded for poor food hygiene and safety standards. Fines issued by the courts totalled £56,000, including one fine of £27,500, with costs totalling over £9,000 awarded to the local authority.
- **192** food standards complaints were received. Many related to out of date food and quality issues.
- A total of **740** food service requests were actioned by the Food and Occupational Safety service (dealing with food safety and hygiene) during the year. Of this total figure, 82 related to food complaints, 207 related to food premises conditions and food hygiene practices and 451 were general requests for service and advice from both consumers and businesses.
- The number of infectious disease investigations for the year was **662**, of which **445** were cases of campylobacter; these were responded to by postal 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 Office of Public Health, proactively encourages premises to provide healthy eating choices whilst ensuring compliance with food hygiene regulations. This work contributes to meeting targets in the Health Inequalities Strategy and Obesity Strategy. **48** Awards were made during the year to catering premises, many of these to small high street businesses achieving the award for the first time
- The results of food hygiene inspections were published on the national food hygiene rating website every 3 to 4 weeks throughout the year, with a link to the Dudley ratings from the Council's website. 2040 ratings were published by March 2014, not including sensitive, exempt & excluded premises for which ratings are not published. Sensitive premises includes child minders; some very low risk premises are exempt and premises not providing food direct to the final consumer, such as manufacturers are not currently included in the national scheme.
- The proportion of food premises that are broadly compliant with food hygiene legislation was almost 87% at the year end, rising to 90% if new food premises awaiting inspection are not included (as new premises are rated as non compliant until inspected). This is the second highest in the West Midlands and amongst the highest for metropolitan authorities in the country.

##### **5. Issues for consideration during the year 2014/2015**

- A re-modelling of the Environmental Health and Trading Standards service from 3 to 2 service areas under two new Public Protection manager posts is due to take place from June 2014. This will result in a specialist food service team in the new Food and Consumer Safety Division. The food service team, consisting of Environmental Health Officers (EHO's) and Food Safety Officers, will take on responsibility for food standards enforcement as well as food hygiene and safety. This will require a project plan to be implemented to ensure the smooth transition of the food standards service from Trading Standards Officers to EHOs. There will be additional training and development needs for staff on the new food service team.
- Changes to the Food Standards Agency Code of Practice in April 2014 have been taken on board. There has been a reduction in the number of high risk inspections as a result of premises previously in the bottom range of Category C risk ratings being reduced to Category D premises. This has seen 373 previous Category C premises reduced to category D and has reduced the inspection programme in 2014-15 by 145 premises. However there has been a compensatory increase in Category D premises as a result which will see an increase in the low risk inspection programme in this and subsequent years. The decrease in high risk inspections also has to be balanced against the expected continuing increase in small food business numbers overall and the new requirement of the revised Code of Practice to re-visit all premises which are not broadly compliant.



- The transfer of public health functions from the NHS to local authorities from April 2013 has resulted in closer links with public health professionals. The food service already makes contributions in the areas of obesity prevention and healthy eating and has important contributions to make to targets in the Public Health Outcomes Framework. Ensuring that the work of the food service has a profile in the Joint Strategic Needs Assessment process is important. 3 staff have been trained as Healthy Living Champions as part of the Making Every Contact Count Programme aimed at increasing referrals and signposting to public health services during routine enforcement work and this is to be rolled out to further staff during 2014-15.
- There has been an increase in some areas of reactive work including the number of food hygiene requests for service, largely due to an increased turnover in small food businesses and their need for advice and support, and an increase in reported food poisoning cases, particularly campylobacter cases, following the national trend in a rise in cases year on year. The number of small food businesses changing hands and requiring re-registration and inspection has steadily increased year on year due to the current economic climate. There has also been an increase in new home caterers, mobile food traders and home baking businesses. 430 new food registrations were received in 2013-14, raising the number of registered food businesses in the borough to just over 2,400 for the first time. This places an extra burden on the inspection programme in terms of additional inspections and providing extra support to new proprietors.
- The food service will be required to assist and advise businesses in order that they comply with the new Food Information Regulations. The regulations combine rules on general food and nutrition labelling into a single EU regulation. Transitional arrangements set out in the proposed new regulations mean that the bulk of the requirements will apply from late 2014, with nutrition labelling becoming mandatory in 2016.