

Dudley Metropolitan Borough Council

Meeting of the Council – 15th October 2007

Report of the Cabinet

Food Service Plan 2007/2008

Purpose

1. To seek approval of the Directorate of the Urban Environment Food Service Plan 2007/2008.

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' Room.
8. Regarding performance in 2006/2007 items to note are
 - There is an improving picture in the levels of food poisoning reported in the borough which have reduced from 539 cases in 2005-06 to 441 cases in 2006-07.
 - High levels of programmed inspections of food premises and food sampling have been maintained.
 - Levels of satisfactory compliance with food hygiene and safety, structural conditions and confidence in management in the borough's high risk food premises remain high with 85% of high risk food businesses now achieving satisfactory or better ratings.
 - Two successful bids for grant funding from the Food Standards Agency for £38,000 total has enabled the service to assist small food businesses in the Borough to comply with the new food hygiene requirements through one to one coaching. 130 food business proprietors received assistance through the grant scheme in 2006-07 with 187 businesses in total having received this training over 2 years. This included a Cantonese training course in November 2006 with 15 Cantonese speaking proprietors being trained by Cantonese speaking coaches.
9. The draft Plan for 2007/2008 as appended to this report, has been considered by the Select Committee on the Environment and the Cabinet on 26th June and 12th September, 2007, respectively, and both have resolved to recommend that the Council approve the Plan.

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 for 2007/08, as set out in Appendix 1 to this report, be approved.

David Caunt

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Leader of the Council

APPENDIX 1



Directorate of the Urban Environment

Development and Environmental Protection Division

Food Service Plan
Summary
2007/2008

Food Law Enforcement Service Plan 2007 – 2008

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 2132 food premises within its area as of 1st April 2007. This is made up of

2	Producers
2	Slaughterhouse
33	Manufacturers/Producers
28	Distributors
699	Retailers
1327	Restaurants and other Caterers
41	Others

For Food Safety inspection purposes (**Food & Occupation Safety Section**) the ratio of premises in each score banding on 1st April 2007 as set out in The Food Standards Agency Code of Practice is as follows:

Category A	16
Category B	262
Category C	1057
Category D	347
Category E	392
Outside programme	15
Unrated	43

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, 15 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

high	56
medium	744
low	625

4. Review of Activity from Service Plan 2006/2007

- **100%** high and low risk food hygiene inspections that were due were achieved (1281 due inspections) plus 99 inspections outside the programme.
- **506** food samples were procured and examined for microbiological safety. All unsatisfactory samples received appropriate follow up.
- **257** 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% (467)** programmed high and medium risk food standards inspections were carried out.
- **111** food standards complaints were received. Many related to out of date food and quality issues.
- A total of **549** food service requests were actioned by FOS during the year. Of this total figure, 184 related to food complaints, 156 related to food premises conditions and food practices complaints and 209 were general requests for service.
- The number of infectious disease investigations for the year was **441**, of which **209** 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. This is a fall from over 500 notifications in the previous year.
- 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. 52 Awards were made during the year to catering premises, including 26 Gold, 19 Silver and 7 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.
- A further bid to the Food Standards Agency (FSA) for a grant to assist small food businesses to comply with the requirement to produce a documented food safety management system under the new food hygiene regulations was successful and £19,000 awarded to supplement the £19,000 awarded during 2005-06. The funding was used to provide seminars and one to one coaching for a total of 187 small independent food business proprietors in Safer Food Better Business, the FSA produced resource for documenting food safety management systems. This included a Cantonese speaking course and one to one coaching visits delivered to 15 Cantonese speaking proprietors. Upon evaluation of the first tranche project, nearly 70% of businesses which took part had mostly or fully complied with the requirement to produce a documented management system.

5. Issues for consideration during the year 2007/2008

- As a result of the new regulations and revised Code of Practice, there is expected 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. In addition, there is now a need to register childminders providing food and to inspect approximately 24 primary producers for which enforcement responsibility has now passed from the Food Standards Agency to the local authority.

- Funding from the Food Standards Agency of £38,000 to deliver Safer Food Better Business (SFBB) training to food business proprietors in 2 projects will be fully spent early in 2007-08. This project has been very successful and popular with Dudley businesses. Sustaining the demand for this training will be an issue in 2007-08. In order to increase income to the service, SFBB training will be charged for in 2007-08.

- There is an increasing expectation from the Food Standards Agency for education and promotional activities to be delivered and this area of work is now reported to the FSA with the annual statutory return. Due to pressures to achieve statutory inspection targets there have been little additional resources to carry out extensive advice and information campaigns to date. The new Health Promotion Officer in FOS in 2006-07 has contributed to increasing this area of work; however demands for delivery of Partnership projects in health and safety enforcement has resulted in less of the new officer's post being devoted to food safety educational and promotional activities than anticipated in 2006-07.

- The officers in Food and Occupational Safety, who carry out all the food hygiene and safety related work, are also responsible for a range of other non-food activities. Consequently there is a risk that increasing work in other areas may impact upon food work. Particular areas which may impact in 2007-08 include:
 - (i) Increasing noise investigation work concerning commercial premises following the implementation of longer hours of trading due to the Licensing Act 2003
 - (ii) Should Avian flu affect areas in or near to Dudley, environmental health officers from the food teams would be required to assist in carrying out actions in the Avian Flu Contingency Plan.
 - (iii) Officers carrying out food inspections will be expected to assess compliance with the new smoke free legislation from July 2007 which will impact on the time spent at premises.

- The Freedom of Information (FOI) Act provisions which came into force in January 2005 have increased the number of requests from third parties, in particular requests for food inspection details. Responding to the requests for information is often time consuming and diverts resources away from other work. During 2007-08, the options for delivering a "Scores on the Doors" type scheme whereby the results of food hygiene inspections are made available on the Council's website will be considered with a view to implementation during the year.