

Meeting of the Council – 12th October, 2009

Report of the Cabinet

Food Service Plan 2009/10

Purpose of Report

- 1 To seek approval to the Food Service Plan for 2009/10.

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 Delivery of the service contributes to the Council Plan themes of Safety, Environment, Caring and Quality Service Matters. The Sustainable 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 2008/2009 items to note are:

- High levels of programmed inspections of food premises have been maintained.
- The Scores on the Doors scheme publishing the results of food hygiene inspections on the Council's website was launched in April 2008. The scheme has been extremely popular with members of the public with up to 2,000 users per month. In the first 12 months of the scheme, the proportion of the borough's food premises, which are broadly compliant with food hygiene legislation, has risen from 75% to 81%.
- Food sampling targets have been exceeded for both microbiological and compositional sampling.
- 71 Dudley Food for Health Awards were issued during the year, exceeding the Local Area Agreement target. The awards are now published on the Council's website, in conjunction with the Scores on the Doors scheme. The Award, delivered jointly with Dudley Primary Care Trust, recognises food businesses with good standards of food hygiene, which also provide a range of nutritionally healthy options and contribute towards environmentally sustainable practices. This work also contributes to the delivery of the Health Inequalities Strategy and the Obesity Strategy.
- 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.
- An Equality Impact Assessment was carried out for the food safety and communicable disease services and an action plan prepared.

9 The Food Service Plan was presented to the Select Committee on the Environment on 23rd June 2009. It was resolved that the information be noted and that members of the Committee be circulated with the geographical location details of the businesses applying for registration of food premises in 2008-09. This action was carried out on 25th June, 2009.

10 The Plan was considered further at the meeting of the Cabinet held on 9th September, 2009, at which it was resolved to recommend the Council that the Plan 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. The vast majority of premises achieving the award are schools, nurseries and residential homes.

Recommendation

- 17 That the Food Service Plan for 2009/10 be approved.



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Leader of the Council



Directorate of the Urban Environment
Planning and Environmental Health Division

Food Service Plan
Summary
2009/2010

Food Law Enforcement Service Plan 2009 – 2010

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 and the new Primary Authority scheme coordinated by the Local Better Regulation Office (LBRO).

The Environmental Health and Trading Standards Service directly supports and contributes to the priorities in the Council Plan, the themes and values contained in the Sustainable 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 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 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 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 2291 food premises within its area as of 1st April 2009. This is made up of

2	Slaughterhouses
32	Manufacturers/Producers
29	Distributors
594	Retailers
794	Restaurants, Cafes, other Caterers
369	Pubs/Clubs
247	Takeaways
96	Mobile traders
128	Others

For Food Safety inspection purposes (**Food & Occupation Safety Section**) the ratio of premises in each score banding on 1st April 2009 as set out in The Food Standards Agency Code of Practice is as follows:

Category A (inspected at 6 month intervals)	19
Category B (inspected at 12 month intervals)	203
Category C (inspected at 18 month intervals)	1135
Category D (inspected at 2 year intervals)	348
Category E (inspected at 3 year intervals)	449
Unrated premises	137

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

There are 2 licensed abattoirs in the Borough.

There are 19 premises approved for the production of meat, fish or dairy products.

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

high	24
medium	612
low	751

4. Review of Activity from Service Plan 2008/2009

- **100%** high and low risk food hygiene inspections that were due were achieved (1142 inspections) plus 148 inspections outside the programme.
- **94% (32)** programmed high risk food standards inspections and **84% (297)** medium risk food standards inspections were carried out.
- **350** food samples (target 312) were procured and examined for microbiological safety. All unsatisfactory samples received appropriate follow up.

- **244** food samples (target 200) were procured and analysed to ensure correct labelling, description and compliance with compositional standards.
- Three prosecutions/formal cautions of food business proprietors were successfully concluded and three food businesses deemed to pose an imminent health risk were closed using emergency closure powers requiring a court order.
- **137** food standards complaints were received. Many related to out of date food and quality issues.
- A total of **602** food service requests were actioned by FOS during the year. Of this total figure, 131 related to food complaints, 206 related to food premises conditions and food hygiene practices and 265 were general requests for service.
- The number of infectious disease investigations for the year was **428**, of which **265** 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 and Obesity Strategy. 71 Awards were made during the year to catering premises, including 4 Platinum, 41 Gold, 17 Silver and 9 Bronze Awards.
- The Scores on the Doors scheme publishing the results of food hygiene inspections on the Council's website was launched in April 2008. Approximately 1600 food hygiene inspections were published in the first 12 months. The scheme has been extremely popular with members of the public with up to 2,000 users per month.
- Performance on the new National Indicator NI 184: Proportion of premises broadly compliant with food hygiene legislation was 81% at 31st March 2009.
- 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.
- A trial took place within the Directorate of the Urban Environment of a Dudley MBC Food Policy, committing to ensure that healthier options are always available whenever food is served for staff or visitors to Council premises. An evaluation of the trial is currently on-going prior to consideration being given as to whether to extend Council wide.
- An Equality Impact Assessment was carried out for the food safety and communicable disease services and an action plan prepared.

- National Food Safety Week was participated in during June 2008 and a Christmas food safety campaign carried out in December 2008.

5. Issues for consideration during the year 2009/2010

- Reporting of local authority performance on food law enforcement in the past has been largely output measured and Dudley has been amongst the top performing local authorities for the achievement of food safety inspections at 100%. From 2009-10 the performance of local authorities will be judged mainly on outcomes that demonstrate continual improvement in the proportion of food premises broadly compliant with food safety law. Only 30% of the overall rating from the FSA will be based on achievement of inspections due with 70% of the overall rating based on the proportion of premises broadly compliant with food safety law (NI 184). Therefore, in order to remain in the upper quartile of top performing local authorities, as well as continuing to achieve high levels of inspections, Dudley will need to demonstrate that the impact of those inspections is leading to improvement in standards of food premises in the borough.
- A national Scores on the Doors scheme is due to be launched by the Food Standards Agency in 2009-2010, based on a similar six tier scheme as the Dudley scheme. Issues around migrating to the national scheme, including costs, branding, issuing certificates and technical IT support required will need to be considered when details of the national scheme become available.
- 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 taken over by the newly formed Local Better Regulation Office (LBRO) in 2008-09 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, other new ways of working may be required by LBRO using its powers under the Regulatory Enforcement and Sanctions (RES) Act 2008 to guide and instruct local authorities on regulatory issues.
- RES Act 2008 also introduces from April 2009 the statutory role of 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. The Primary Authority Scheme is being led by the Local Better Regulation Office (LBRO) which has powers to direct a local authority to enter into a Primary Authority Scheme on request of a company within its area. This would be a matter of concern should there be a large number of requests for this from Dudley based businesses as resources to date have not permitted the Council's service to act as national policy advisor to locally based business other than in an unofficial capacity. Although there is scope for a Primary Authority to charge fees for this service, the charges will be limited by LBRO guidance. Additionally, where a Primary Authority arrangement exists, there will be requirements for all local authorities to seek guidance from the Primary Authority before taking enforcement action against the business. It will be necessary to closely follow future guidance in this area in order

to determine the impact on the service that the new compulsory scheme would have.

- Increasing surveillance for new or unregistered food businesses will be a continuing challenge. During 2008-09 there was an increase in the number of small food businesses changing hands and in the number of food businesses being run from domestic premises. It is considered likely that the number of food businesses being run from domestic premises may further increase in the current economic climate and additional surveillance for unregistered businesses will need to take place. The surveillance for, and inspection of, new food businesses does result in less staff resources being available to deliver the planned interventions programme.
- 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.