

Meeting of the Council - 15th July, 2013

Report of the Cabinet

Food Service Plan 2013/14

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 Directorate of the Urban Environment (DUE) Food Service Plan 2013/2014.

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 and provided by officers within the Food and Occupational Safety (FOS) and Trading Standards sections.
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 Cabinet and 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 report on the Food Service Plan 2013/14 was endorsed by the Cabinet on 20th June 2013. 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.
9. Regarding performance in 2012/2013 items to note are:
 - High levels of inspection of food premises in the borough have been maintained. 1275 food hygiene inspections and 203 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 2012 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 59% and 93%.
 - The Dudley local Scores on the Doors scheme, which publishes the results of food hygiene inspections, was migrated to the new national Food Hygiene Rating Scheme during 2012-13. Dudley consumers can now 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 and can download up to date information onto mobile phones.
 - The proportion of zero rated (Urgent Improvement required) food premises has fallen to just 12 out of 1,984 food hygiene ratings in the borough. This has been due to the focussing of resources onto the poorest performing premises to improve their compliance over a short period of time combined with an increase in the number of prosecutions taken against non co-operating proprietors of zero rated premises. Two thirds of all food premises in the borough are now rated in the top two bands of 5 (Very Good) and 4 (Good).
 - 444 food samples were purchased from food premises in the borough and submitted for microbiological or compositional analysis. This included 25 samples taken from Dudley meat product producers and cold stores to check meat species as part of the national project to check meat products for presence of undeclared horsemeat. All samples taken in Dudley were negative for the presence of horsemeat.
 - A large scale seizure and destruction of over 40 tonnes of cooked chicken was carried out after sampling indicated that two consignments of cooked chicken imported from China into a cold store in the borough and intended for the UK sandwich trade were unfit for consumption due to the presence of salmonella food poisoning bacteria. This action most likely prevented a national food poisoning outbreak from occurring.
 - 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 4 takeaways and a restaurant which failed to achieve minimum levels of food hygiene and safety and 4 food premises were closed using emergency powers due to health risks posed by rodent infestations. A further 8 food premises are currently being progressed for prosecution. All concluded prosecutions are published in the prosecution register on the Council's website.

10. It should be noted that the Food Standards Agency's review of official food control delivery which reported in March 2013 has shown a high level of confidence in the food enforcement service delivered by local authorities and the decision has therefore been made not to pursue an option for future centralised delivery outside of local authorities.

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 for 2013/14 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
2013/2014

Food Law Enforcement Service Plan 2013 – 2014

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 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 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. 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 2,332 food premises within its area as of 1st April 2013. This is made up of

31	Manufacturers/Producers
40	Distributors
620	Retailers
480	Restaurants, Cafes, other Caterers
341	Pubs/Clubs
15	Hotels/Guest Houses
268	Takeaways
124	Schools/Colleges
224	Caring establishments
94	Mobile traders
95	Unrated (awaiting first inspection)

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

Category A (inspected at 6 month intervals)	7
Category B (inspected at 12 month intervals)	126
Category C (inspected at 18 month intervals)	938
Category D (inspected at 2 year intervals)	487
Category E (inspected at 3 year intervals)	665
Unrated premises	109

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	18
medium	690
low	754

4. Review of Activity from Service Plan 2012/2013

- **99% (826)** high and **92% (306)** low risk food hygiene inspections that were due were achieved against targets of 100% and 80% respectively. Additionally 143 lowest risk Category E premises were inspected, predominantly new businesses such as childminders and home bakers, which require an initial inspection for rating purposes.

- **100% (20)** programmed high and **50% (183)** medium risk food standards inspections that were due were achieved against targets of 100% and 50% respectively.
- **356** food samples were procured and examined for microbiological safety. All unsatisfactory samples received appropriate follow up. One large scale seizure and destruction of over 40 tonnes of cooked chicken imported from China was undertaken after sampling showed the presence of salmonella food poisoning bacteria.
- **88** food samples were procured and analysed to ensure correct labelling, description and compliance with compositional standards. This included 25 samples taken from Dudley meat product producers and cold stores to check meat species as part of the national project to check meat products for presence of undeclared horsemeat. All samples taken in Dudley were negative for the presence of horsemeat.
- Five prosecutions of food business proprietors were successfully concluded for poor food hygiene and safety standards and 4 food premises were closed using emergency powers whilst rodent infestations were dealt with. (Fines of £7,000 were issued by the courts with costs of £13,000 being awarded to the Council).
- **107** food standards complaints were received. Many related to out of date food and quality issues.
- A total of **633** food service requests were actioned by FOS during the year. Of this total figure, 55 related to food complaints, 231 related to food premises conditions and food hygiene practices and 347 were general requests for service.
- The number of infectious disease investigations for the year was **718**, of which **486** 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 Dudley public health 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. 35 Awards were made during the year to catering premises.
- The results of food hygiene inspections were published on the Council's website throughout the year. The Dudley local Scores on the Doors scheme was migrated to the new national Food Hygiene Rating Scheme in February 2013. Consumers can now access ratings across the UK in one visit to the website.
- The proportion of food premises that are broadly compliant with food hygiene legislation was almost 89% at the year end. This is the second highest in the West Midlands and amongst the highest for metropolitan authorities in the country.

- Sampling projects in conjunction with CEnTSA (Central England Trading Standards Authorities) were participated in by Trading Standards. These included the presence of gluten and allergens project, a counterfeit spirit drinks project and an imported food survey. All samples were reported as satisfactory. At 3 off licences visited as part of the counterfeit spirits drinks project, non UK duty paid stock was discovered and the stock surrendered for destruction. Additionally a food standards project to ensure compliance with food additive regulations in highly coloured foods was carried out with the focus on olympic and jubilee products.

5. Issues for consideration during the year 2013/2014

- The transfer of public health functions from the NHS to local authorities from April 2013 will be an opportunity for closer links with public health professionals. FOS and Trading Standards already make contributions in the areas of obesity prevention, healthy eating, food labelling, alcohol and tobacco control and smoking cessation and will have important contributions to make to targets in the new Public Health Outcomes Framework. 3 FOS staff have been trained as Healthy Living Champions as part of the Making Every Contact Count Programme and will take part in a pilot scheme aimed at increasing referrals and signposting to public health services during routine enforcement work.
- 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. 578 new food registrations were received in 2012-13, up by 26% from the previous year. This places an extra burden on the inspection programme in terms of additional inspections and providing extra support to new proprietors.
- Trading Standards will be required to assist and advise business in order that they comply with the new Food Information Regulations. The regulation combines 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 not apply until 2014, with nutrition labelling becoming mandatory in 2016.
- Following on from the success of the zero star strategy programme to improve standards in poor performing premises, this needs to be extended to a similar scheme to give additional assistance to proprietors of premises with ratings of one and two.