
Meeting of the Cabinet – 27th June 2019

Report of the Strategic Director People

Food and Feed Service Plan 2019/20

Purpose

1. To advise Cabinet of the contents of the Food and Feed Service Plan 2019/2020 and to refer the plan to Council for final approval.

Recommendations

2. It is recommended that Cabinet endorses the contents of the Food and Feed Service Plan 2019/2020 and recommends referral to full Council.

Background

3. Local authorities are required by the Food Standards Agency (FSA) to produce and implement annual Food and Feed Service Plans that set out how the authority will deliver food and feed law enforcement functions to ensure national priorities and standards are addressed and delivered locally
4. The food and feed service is located within the Environmental Health and Trading Standards service in the Health & Wellbeing Division of People Directorate.
5. The food service consists of inspections of food businesses to ensure compliance with food hygiene 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. This work is delivered by environmental health officers. There are currently 2,351 registered food businesses in the Dudley borough.
6. The feed service relates to the safety, hygiene, composition and labelling of animal feed intended to be fed to animals entering the food chain and therefore requiring legislative controls to protect human health when meat is consumed. This work is delivered by Trading Standards Officers for 50 premises in the borough that either produce or distribute animal feed, rear food producing livestock or supply surplus food into the animal food chain.

7. By ensuring the safety of food and feed produced and consumed within the borough, the delivery of the food and feed enforcement service contributes to delivering the Council Plan priorities of a cleaner, greener place, stronger and safer communities and growing the economy. 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.
8. 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. A full copy of the Food and Feed Service Plan is contained in Appendix 1 of this report.

Key highlights of performance in 2018-19

9. 99.8% of high risk food premises (Category A-C) due for food hygiene/safety inspection were inspected (546 inspections). Only 1 Category C premises was not inspected due to a software error in allocation.
10. For lower risk premises, 93.9% (478/509) of due Category D premises were inspected and 56.3% (334/593) Category E (lowest risk) premises received an intervention which was either an inspection (79 premises) or an Alternative Enforcement Strategy (AES) (255 premises) where food business operators were contacted by either telephone, post or by a site visit to update details and reassess the risk rating. Overall for low risk Category D and E premises the achievement was 73.6% (812/1102). This has resulted in the backlog of Category E inspections being significantly reduced in the year.
11. 228 re-visits were made to premises with unsatisfactory hygiene ratings to check that the required improvements had been made. The overall proportion of food premises in the borough which are broadly compliant with food hygiene legislation (rated 3, 4 or 5) is now 91.6%. This is broadly comparable to other West Midland local authorities and just below the national average. Dudley consumers can access the results of food hygiene inspections across the UK including Dudley in one visit either via the Council's website or directly to the national website www.foodratings.gov.uk
12. 829 food standards inspections (for compliance with food composition, labelling and presentation requirements) were carried out and a further 83 premises were given additional on-site allergen labelling advice making in total 912 food standards visits conducted during the year.
13. 457 new food business registrations were received as a result of businesses changing hands and new businesses starting to trade with many receiving the first inspection within 28 days of registering.

14. 297 microbiological food samples were taken from food premises in the borough with 39 (13%) being unsatisfactory. The vast majority of the unsatisfactory samples were environmental samples (e.g. swabs of equipment and surfaces in food premises) and all received appropriate follow up. National studies participated in included frozen fruit and vegetables, pastry products and swabbing in catering premises. Regional studies included ice in drinks and takeaways serving cooked chicken.
15. 18 food standards samples were purchased in projects focussing on allergens in food and authenticity of meats/fish in takeaway meals. All samples were satisfactory.
16. 740 cases of food poisoning were reported in the borough, a rise of 20% on the previous year. Reasons for the rise are thought to be the warm weather in summer 2018 and more advanced techniques at Russells Hall laboratory capable of detecting historic infections through DNA techniques. 110 allegations of alleged food poisoning following the consumption of food from commercial food premises were investigated although no food poisoning outbreaks were confirmed.
17. In total 461 complaints were investigated and 374 requests for advice responded to in relation to food hygiene, safety and standards during the year.
18. 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, two food premises were served with Hygiene Emergency Prohibition Notices requiring immediate closure due to pest infestation issues. Ten food safety prosecutions were concluded involving seven takeaways and three restaurants which resulted in total fines of £70,082 with £15,137 costs being awarded.

Priorities in 2019-20

19. It is planned that 100% of the due food hygiene/safety programme of interventions will be completed in 2019-20 as follows:
 - Category A-C- 435 premises to be inspected
 - Category D- 343 premises to be inspected
 - Category E- 171 (50%) premises by inspection, 172 (50%) premises by Alternative Enforcement Strategy (AES)
 - New premises- 240 approx. to be inspectedTotal: 1,189 food premises to be inspected and 172 dealt with by AES.
20. For food standards compliance, all highest risk Category A premises will be inspected (11 premises) plus all new food businesses (approx. 240) and, where capacity exists, as much of the 263 Category B food standards inspections falling due in 2019-20 at the same time as the food hygiene inspection. Category B food standards inspections are due every 2 years;

however 103 premises due for a Category B food standards inspection in 2019-20 are not also due to be visited for food hygiene inspection and will not therefore be visited for food standards inspection. It will be a priority to complete 100% of the food hygiene /safety inspection programme and this will therefore impact of the achievement of the food standards programme. This approach has been discussed and agreed with the Food Standards Agency. All complaints and enquiries about food standards matters will be responded to appropriately. Management of allergens, which is currently a high profile matter due to a small number of deaths reported in the media, is the main focus of food standards visits and is also covered on all food hygiene inspections.

21. The number of premises unrated for food standards compliance reduced from 1,415 to 912 in 2018-19. Capacity to significantly reduce the backlog further in 2019-20 will not be available due to the priority being given to 100% achievement of the food hygiene/safety inspection programme. It is estimated that a further 2 full time equivalent officers would be required over 2 years to reduce the current backlog of food standards inspections to zero.
22. Advising food business operators who import or export food on the impact of changes as a result of Brexit will be a priority in year. A small number of food businesses export food products to the EU, which would require increased health certification and extra checks on food by the food team. Where food consignments coming into the UK via ports are deferred for inspection at the final destination, such as Dudley based cold stores, this will require additional food inspection visits and may impact on achievement of the overall inspection programme. Should import tariffs be introduced for EU food products, this may result in more food products being imported from outside the EU which will increase food inspection checks required to ensure compliance with UK legislation on safety, composition and labelling.

Finance

23. Financial implications from implementing the Food and Feed Service Plan are met from within existing budgets.

Law

24. The Council's duties with respect to protecting consumer interests in relation to food safety/hygiene and standards are set out under the Food Safety Act 1990 and in relation to animal feed enforcement are set out in the Agriculture Act 1970.
25. Powers to enable the Food Standards Agency to monitor and audit local authorities are contained in the Food Standards Act 1999.
26. 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

27. This report does not conflict with the Council's policy on equality.

Human Resources/Transformation

28. There are no implications for Human Resources/Transformation. The food and feed service delivery programme as outlined in the Food Service Plan and summarised in this report can be delivered within existing staff resources.

Commercial Implications

29. There is minimal impact on the potential to commercially trade. There is no scope at the current time to charge food businesses for registration or for their food enforcement inspections although this is a matter being considered nationally under the Food Standards Agency's programme "Regulating our Future" in terms of businesses potentially bearing the cost of the regulatory system at a future stage. Income for the service is limited to court costs which may be recovered upon successful prosecutions and to charging for the cost of carrying out re-inspections to revise food hygiene ratings where food businesses apply for a new rating prior to their next programmed inspection; the current charge is £172.70 with around 20 businesses a year requesting this service. This income can only cover the cost of the additional work required.

30. There is scope for charging for a Primary Authority partnership arrangement whereby the Authority would act as lead authority nationally in advising a food business on compliance with food legislation; however no Dudley based business has requested this arrangement. The majority of the borough's food businesses are small independent businesses or part of a chain where the head office is outside the borough, which reduces the scope for primary authority arrangements.
31. Advice to businesses, outside of statutory inspections, beyond an initial free hour is charged at an hourly rate, currently £79.50/hour. Few food businesses avail of the advice service beyond the first hour and advice needs to be freely offered to new and other food businesses during inspections to assist small local businesses in complying with the law.

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List of Background Papers

Food and Feed Service Plan 2019-20