

All Wards

Leicester
City Council

**CABINET
COUNCIL**

**13 October 2003
27 November 2003**

**Leicester City Council's
Service Plan for Food Enforcement 2003/2004**

Report of the Service Director, Public Protection

1. Purpose of Report

To present the Service Plan for Food Enforcement 2003/2004 for endorsement by Cabinet (copy appended).

2. Summary

The City Council is required by the Food Standards Agency Framework Agreement to have a member endorsed service plan setting out its local regulatory activity in food manufacture, preparation, distribution and retail. This Plan also forms part of the Council's policy framework.

The Service Plan was presented to the Arts, Leisure & Environment Scrutiny Committee on 13th August 2003 and their views are detailed in this report.

3. Recommendations

- (a) That Cabinet endorses the Service Plan for Food Enforcement 2003/2004; and
- (b) That the Plan is forwarded to full Council for approval.

4. Headline Financial & Legal Implications

The cost of the work programmes and activities set out in the Service Plan for Food Enforcement will be met from within existing budgets. There are no additional financial implications. *(Kate McGee, Head of Finance, ER&D)*

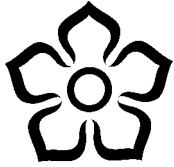
There are no direct legal implications arising out of this report.
(Anthony Cross, Assistant Head of Legal Services)

5. Report Author/Officer to Contact

Malcolm Grange, Head of Food & Community Public Health (Ex 6475)
Roman Leszczyszyn, Head of Consumer Protection (Ex 6590)

DECISION STATUS

Key Decision	No
Reason	N/A
Appeared in Forward Plan	Yes
Executive or Council Decision	Council



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SUPPORTING INFORMATION

1 Introduction

This report presents the Council's third annual plan for food-related enforcement activities.

The City Council is required by the Food Standards Agency Framework Agreement to have a member endorsed service plan setting out its local regulatory activity in food manufacture, preparation, distribution and retail. This is a requirement on the authority and came into effect on 1 April 2001. The Framework Agreement was developed by an Agency chaired group with local authority officers' involvement and was subject to extensive consultation.

The Food Standards Agency (FSA) was set up on 3 April 2000 to protect public health from risks which may arise in connection with the consumption of food, and otherwise to protect the interests of consumers in relation to food. One of the key roles of the FSA is to oversee local authority enforcement and the powers to enable the Agency to monitor and audit local authorities are contained in the Food Standards Act 1999.

The Service Plan is an important element in the FSA's monitoring arrangements to ensure that national priorities and performance standards are addressed and delivered locally. The Service Plan will also:

- Focus national and local debate on key delivery issues;
- Inform local financial planning;
- Set objectives for the future;
- Help identify major issues that cross service boundaries;
- Provide a means of managing performance;
- Assist in undertaking inter-authority comparisons.

The FSA does not prescribe the activities to be undertaken by the local authority. However, the local authority is expected to document in the Service Plan its commitment to apply an 'enforcement mix' (complaint investigation, pro-active monitoring through inspections and sampling, intelligence from the trade and community, training and education) which meets local needs and conditions.

2 The 2003/04 Service Plan for Food Enforcement

Leicester City Council's Service Plan for Food Enforcement follows the general format for service plans set out in the Food Standards Agency Framework Agreement and is in keeping with service plans produced by other local authorities.

Officers in the Food & Community Public Health Service and the Consumer Protection Service undertake the main food regulatory activities associated with the 2,500 food premises within the City. The Service Plan for Food Enforcement is a composite extracted from the relevant 2003/2004 Business Plans within the Public Protection Division. The Service Plan is reviewed annually and any significant variances or areas for improvement are reported to members.

The Service Plan also provides a summary of work undertaken in the previous year (2002/03), and this provides an indication of the range of work undertaken, including:

- 1,318 Food Safety Inspections
- 367 food-related complaints investigated
- Food sampling
- Responding to Food Hazard Warnings
- A range of sectoral reviews of trading standards compliance
- Business advice, education and training activities

However, it is the local authority's performance in achieving its inspection targets that often receives the greatest attention. As can be seen from the table below, the target for inspecting high risk premises in 2002/03 was achieved, though the target for inspecting low risk premises was not:

Inspection Rating Category	A to C (High Risk)	D to F (Low Risk)	Total
No. of inspections required	1,169	231	1,400
PI Target 2002/03 (%)	99%	99%	-
No. of inspections undertaken	1,155	163	1,318
% achieved	98.8%	70.6%	-

There are two main reasons for the low risk target not being achieved: Firstly, staff shortages were experienced in the course of the year (there is an on-going national shortage of Environmental Health Officers), though this has now largely been addressed. Secondly, routine inspections revealed a number of serious mouse infestations in food businesses, requiring 20 Emergency Prohibition Notices (i.e. closures) to be served in the year - an unprecedented number. This is an extremely resource-intensive process.

In setting-out the projected workplan for the year, the Service Plan identifies the number of inspections required in 2003/04, and it is important to note that inspections not undertaken in one period are carried over to the next:

Inspection Rating Category	A to C (High Risk)	D to F (Low Risk)	Total
No. of inspections required	1,337	384	1,721
PI Target 2003/04 (%)	95%	33%	-
No. of inspections proposed	1,270	125	1,395
Shortfall (carried over to 04/05)	67	259	326

Undertaking 1,318 inspections in the course of 2003/04 proved extremely challenging and managers considered that an increased target of 1,721 inspections in 2003/04 could not be achieved without a significant diversion of resources from other environmental health areas. Instead, it was decided to direct some resources into two new initiatives, which specifically aim to address some of the underlying food safety issue at source:

- **Pest Control Block Surveys** within the City Centre and the Belgrave areas, which aim to eliminate some of the serious mouse infestations recently encountered in these areas of the City; and
- **Hygiene Advisor** - development of a new post (funded from training income) that would provide intensive training and advisory support to targeted food businesses.

As a consequence, overall inspection targets for 2003/04 have been reduced, though greater emphasis has been placed on the high risk premises. One disadvantage of reducing inspection targets is that it can result in an increasing number of inspections being carried-over to the following year. However, if overall food safety standards can be improved, the proportion of high risk premises should reduce and, as these require more frequent inspections, the overall number of inspections required each year could also be reduced.

Additionally, a fundamental review of priorities and resourcing across all areas of environmental health is currently being undertaken within the Public Protection Division and this may result in a change in the level of resources directed towards food safety enforcement.

3. Views of the Arts, Leisure and Environment Scrutiny Committee

A report on the Service Plan for Food Enforcement 2003/04 was considered by the Arts, Leisure and Environment Committee on 13 August 2003. In particular, the issues associated with achieving inspection targets and the proposals for 2003/04 were discussed.

Members passed on their congratulations to the Food Safety Team for their achievements and the work they do. Members explained that although they would rather see the full level of inspections take place they appreciated that a balance was needed due to resource limitations and accepted the proposals for inspections in the forthcoming year.

Members explained that they had some concerns about the hygiene practices in some food premises (e.g. the wearing of protective clothing) and suggested that a longer term education strategy needed to be used to address this.

Officers explained the legislation surrounding hygiene practices in kitchens and explained that where members had any concerns these could be reported in confidence via the Department's Helpline. Different methods of informing and educating employees in the industry were being considered, but ultimately the authority could prosecute for failing to comply with legislation.

The Scrutiny Committee resolved that the report be noted and that the views of the committee be passed to Cabinet.

4. Financial Implications

The cost of the work programmes and activities set out in the Service Plan for Food Enforcement will be met from within existing budgets. There are no additional financial implications. *(Kate McGee, Head of Finance, ER&D)*

5. Legal Implications

There are no direct legal implications arising out of this report. Statutory powers underpin the enforcement work discussed in this report. ER&D staff are supported by Legal Services staff in connection with emergency court applications to e.g. close food premises and Legal Services institute prosecutions to assist and strengthen the enforcement role.

(Anthony Cross, Assistant Head of Legal Services)

6. Other implications

OTHER IMPLICATIONS	YES/NO	PARAGRAPH REFERENCES WITHIN SUPPORTING PAPERS
Equal Opportunities	No	
Policy	YES	This Plan is part of the Council's policy framework and is therefore reserved to full Council
Sustainable & Environmental	No	
Crime and Disorder	No	
Human Rights Act	No	
Older People/Persons on Low Incomes	No	

7. Background Papers – Local Government Act 1972

None

8. Consultations

None

9. Report Author/Officer to contact:

Malcolm Grange, Head of Food & Community Public Health (Extn 6475)
Roman Leszczyszyn, Head of Consumer Protection (Extn 6590)