



WARDS AFFECTED: ALL

**ENVIRONMENT, TRANSPORT & CULTURE
SCRUTINY COMMITTEE
CABINET
COUNCIL**

**7 June 2006
26 June 2006
29 June 2006**

Service Plan for Food Law Enforcement 2006/2007

Report of the Corporate Director of Regeneration and Culture

1. Purpose of Report

To seek Cabinet endorsement of the Service Plan for Food Law Enforcement 2006/2007.

2. Summary

The Food Standards Agency's (FSA) Framework Agreement requires food authorities to have a member endorsed service plan, which sets out its local regulatory activity for the year. A copy of the plan is appended to this report. The plan also forms part of the Council's policy framework and will therefore also be presented to Council for endorsement.

3. Recommendations

Cabinet is asked to recommend to Council the Service Plan for Food Law Enforcement for 2006/2007, which includes participation in the FSA's 'Scores on Doors' pilot initiative and the adoption of an operational policy of promoting public awareness of food safety standards and compliance within individual food business premises.

4. Financial & Legal Implications

4.1 Financial Implications

The cost of the work programmes and activities set out in the Service Plan for Food Enforcement will be met from within the existing budget. There are not additional financial implications.

Martin Judson Head of Finance R&C. Date 11 May 2006

4.2 Legal Implications

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

Anthony Cross Assistant Head of Litigation, 3 May 2006

5. Report Author/Officer to Contact

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DECISION STATUS

Key Decision	No
Reason	Part of Policy and Budget framework
Appeared in Forward Plan	Yes
Executive or Council Decision	Council



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Service Plan for Food Law Enforcement 2006/2007

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Report

1. Background

- 1.1 This report presents the Council's annual plan for food-related enforcement activities in 2006/07.
- 1.2 The City Council is required by the Food Standards Agency's (FSA) Framework Agreement to have a Member endorsed service plan setting out its local regulatory activity in food manufacture, distribution and retail premises. This requirement came into effect on 1 April 2001. The Framework Agreement was developed by an FSA chaired group with local authority officers' involvement and was subject to extensive consultation.
- 1.3 The FSA was set up on 3rd April 2000 to protect the public's health from risks that arise in connection with the consumption of food and to protect the interests of consumers in relation to food. One of the key roles of the FSA is to oversee local authority enforcement. The powers to enable it to monitor and audit local authorities are contained in the Food Standards Act 1999.
- 1.4 Service Plans for Food Law Enforcement are an important element in the FSA's monitoring activity to ensure that national priorities and performance standards are addressed and delivered locally. They 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
- 1.5 The FSA does not prescribe the activities to be undertaken by local authorities. However, in its Service Plan for Food Law Enforcement, each local authority is expected to document its commitment to apply an 'enforcement mix' comprising:
 - Complaint investigation
 - Pro-active monitoring through inspections and sampling

- Intelligence from the trade and community
- Training and education to meet local needs and condition

2. Leicester City's Service Plan for Food Law Enforcement 2006/07

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

2.2 Officers in the Environmental Health Service and the Consumer Protection Service undertake the main food regulatory activities associated with the 2,600 food business premises in the City. The Service Plan for Food Law Enforcement is a composite plan extracted from the relevant 2006/2007 service plans in the Community Protection and Wellbeing Division.

2.3 The Service Plan also provides a summary of work undertaken in the previous year (2005/2006) including:

2.4 2005/2006 Achievements:

Complaint investigation

- 721 food hygiene service requests investigated
- 274 food standards service requests investigated
- 81 food hygiene complaints about food investigated

Pro-active monitoring through inspections and sampling

- 1,253 food hygiene inspections conducted
- 322 revisits after food hygiene inspections to check compliance
- 54 food standards inspections conducted
- 3 revisits after food standards inspections to check compliance
- 227 food hygiene inspections at new businesses not previously inspected
- 57 hygiene improvement notices served on food business operators
- 29 food business premises closed temporarily using food hygiene emergency powers
- 1 food hygiene prosecution concluded and 5 formal cautions issued
- 1 food standards prosecution concluded
- 120 food samples taken for microbiological examination
- 299 food samples taken for chemical analysis

Intelligence from the trade and community

- 88 food alerts responded to
- Illegally imported food including dried fish, corned meat and coconut water seized from food businesses in Leicester

Training and education to meet local needs and condition

- 1,061 food handlers attended accredited food hygiene courses

2.5 Significant resources were committed to undertaking inspections of high risk food premises and a target of 95% of premises in this category was included in the 2005/2006 programme. However, during the year resources had to be diverted to deal with "imminent risk of injury to health" conditions found in 29 food business. This was largely due to serious rodent infestations found at these premises, which were therefore immediately closed temporarily using emergency powers. Whilst this procedure is highly effective in dealing with

these situations, it is a very resource-intensive process. Consequently, this work has had an impact on meeting the inspection targets in the food safety inspection programme for 2005/06.

2.6 Food Hygiene Inspections Completed in 2005/2006

As can be seen from the table below, 93% of the “high risk” food hygiene inspections due during 2005/2006 were completed. Also a number of “low risk” inspections were undertaken as part of other investigations, e.g. in response to a complaint about the food business. Hence, 13% of the “low risk” food hygiene inspections were also completed. Inspections due but not conducted during 2005/2006 are added to the 2006/2007 inspection programme.

Inspection rating categories	High risk (A to C)	Low risk (D to F)	Total (A to F)
Number of inspections due in April 2005	1,270	271	1,541
Target number to be inspected	1,207(95%)	0	1,207
Number of inspections achieved	1,120 ¹ (93%)	35 ² (13%)	1,155
Shortfall (to be carried forward into 2006/2007)	187	221	408

¹ includes 182 records closed during 2005/2006 (business ceased trading)

² includes 8 records closed during 2005/2006 (business ceased trading)

2.7 Other Key Activities

In 2005/2006 the food hygiene training continued to expand. A record 1,061 food handlers received accredited training through our centre. Also 30% (272) of those receiving training at foundation level did so in a language other than English.

2.8 In order to promote the availability of healthier food choices in Leicester an extensive sampling project of Asian food restaurants was undertaken. On the basis of the results the caterers were encouraged to use alternative ingredients and less salt and fat in their dishes. In parallel, the Royal Society for the Promotion of Health (RSPH) Health and Nutrition (level 1) course for businesses was launched during the year.

3.0 The Food Hygiene Enforcement Programme for 2006/2007

3.1 “Scores on the Doors” Food Hygiene Initiative

It is extremely disappointing that despite all of the publicity given to the importance of ensuring that food premises are free from rodent infestation (and the consequential bad publicity associated with the emergency closure of premises), these problems continue to be found in the course of routine inspections. A total of 31 emergency prohibition notices had to be served during 2005/2006, broadly similar to the numbers served in the last few years.

3.2 Officers have therefore been coming to the conclusion that a different approach is needed to improve food hygiene standards in the city, particularly in relation to the small minority of businesses who appear to show little regard to some of the fundamental principles of food safety and legal compliance. One possible solution would be for the mandatory licensing of food businesses, though Government has resisted previous calls for a regulatory regime of this nature.

3.3 It has also become apparent that negative publicity associated with emergency closures invariably results in immediate action on the part of the business concerned to improve standards. At the same time, the many food businesses in the city that maintain high standards of food hygiene in their premises receive very little in the way of positive publicity. Consequently, when the Food Standards Agency invited the City Council, along with five other Midlands Cities and London Boroughs to take part in a two-year “Scores on Doors” pilot initiative, officers were keen to participate.

3.4 This initiative is seen as an opportunity to improve food safety standards and give the consumer real choice. For the first time consumers will be able to see what the food hygiene standards of premises were at inspection and choose accordingly. This information is placed in the public domain and will reward premises at which standards were found to be high and those found to be poor will have a further reason to improve standards.

3.5 The basis of this pilot initiative is to undertake inspections in discrete categories of food businesses and publicise the findings. The initial selection of food premises will include a range of different takeaways and other food retailers. These are considered to be the type of premises where the greatest public interest will rest. Following a food hygiene inspection, a summary of the inspection findings and a “score” using degrees of smiley faces will be displayed on the council’s website. This information will be added to the council’s publication scheme under freedom of information legislation. Food business operators will also be exhorted to display the same information prominently at premises inspected. There is no requirement on food business operators to do this, though if the pilot initiative is successful and rolled-out nationally this could be made a statutory requirement.

3.6 An important element of the pilot will be publicity and officers will be approaching the local media in advance with a view to seeking their support for the initiative and identifying the most appropriate way to maximise public interest. In the past there has been a degree of reluctance in highlighting poor standards other than when Court proceedings result. It is therefore considered appropriate at this time to propose that the Council endorses a general operational policy of promoting public awareness of food safety

standards and compliance within individual premises, both good and bad. Essentially, officers will seek to place all information about food safety standards in the public domain and will proactively disseminate this information where considered to be in the public interest. The only exception would be information that is commercially sensitive (i.e. trade secrets) and information that could prejudice future legal proceedings.

- 3.7 Participation in this pilot initiative will mean changes in the pattern of food hygiene inspection activity and deployment of resources. This will include bringing forward some inspections from future years to ensure a comprehensive look at each sector. The FSA are normally very prescriptive about inspection frequencies and targets, but have agreed to relax these requirements for the duration of the initiative. It is anticipated that the “Scores on Doors” pilot initiative will start in September 2006, as part of an FSA launch.
- 3.8 Officers hope that this initiative will help improve food safety standards within the city and in particular hope it will encourage business compliance with food safety law. However, one particular area of concern is that once a business receives a poor rating, there may be a demand for a revisit and re-assessment far sooner than the Council’s inspection regime would allow. On the one hand it could be argued that it is only right that the business should have to live with this rating until such time as sector-wide re-assessment takes place (similar to the situation that would result from the publication of a good food guide). On the other hand, this might unfairly penalise a business that improves standards dramatically (particularly where the business comes under new management) or might remove the incentive to improve standards immediately following a poor assessment. However, additional “on-demand” inspections could not be accommodated within existing resources, without compromising other important areas of work. It is therefore proposed that any such re-inspection (i.e. where it falls outside the normal work programme) would be subject to a charge sufficient to cover the costs involved.
- 3.9 Officers recommend participation in the “Scores on Doors” pilot initiative in conjunction with the inspection of high risk food premises and other activities detailed below. However, the situation will be monitored carefully and if necessary our participation in the pilot be modified, should the need arise for more resources to be directed towards other high risk work.
- 3.10 Food Hygiene Inspection Programme
Inspections of certain high-risk businesses outside the scope of the “Scores on Doors” initiative will continue. These would include approved premises like meat and dairy product manufacturers, other businesses with poor histories of compliance, and some new businesses.
- 3.11 It is therefore proposed that approximately 1,250 food hygiene inspections will be conducted during the year, of these around 1,000 inspections will be from the food hygiene inspection programme shown below. Any shortfall will be carried into future years’ programmes. The food hygiene inspection programme for 2006/2007 in accordance with the FSA inspection rating scheme is as follows:

Inspection Rating Categories	High risk (A to C)	Low risk (D to F)	Total (A to F)
Inspection programme 2006/07	1075 ¹	240	1315
Inspections carried over from 2005/2006	187	221	408
Total inspections 2006/2007	1262	461	1723

¹ includes 91 Category A premises to be inspected twice

3.12 Safer Food Better Business Initiative

In January 2006 new food hygiene legislation was introduced in England and across Europe. Many requirements are the same as those in the regulations they replace. The law however is entirely new. One new requirement is for all food businesses to have permanent food safety procedures based on the principles of hazard analysis critical control points (HACCP).

- 3.13 The Food Standards Agency (FSA) has devised a pack entitled “Safer Food Better Business” to help small caterers meet this new requirement. A bid will be made to the FSA at the next round, for pump priming funds to help introduce this pack into selected catering businesses in Leicester. However, the remaining and majority of food businesses will have to be introduced to this new requirement during food hygiene inspections conducted by our Environmental Health staff. This will mean each food hygiene inspection will take longer and fewer inspections are likely to be completed compared to last year. The food hygiene inspection target for 2006/2007 and the number of inspections as part of the “Scores on the Doors” pilot have been adjusted accordingly.

3.14 Food Hygiene Training

The provision of food hygiene training is an important element in helping businesses achieve compliance. In December 2005, financial support for this training provided by the Learning Skills Council via the Council’s Adult Education Service ceased. However, a recovery strategy to continue this work has been developed and a bid made to the Leicestershire Economic Partnership for funding over the next two years.

3.15 Food Standards Enforcement Programme

The Consumer Protection Service’s priorities for proactive surveillance activity in the food sectors for 2006/2007 will be locally based food manufacturers with a regional/national presence and importers of food products.

- 3.16 The Service will also review, risk assess and undertake appropriate enforcement activity in the following business sectors with food linkages: pubs, restaurants and takeaways, chemists, Asian sweet manufacturers, bakers and butchers.

4 FINANCIAL, LEGAL AND OTHER IMPLICATIONS

Financial Implications

- 4.1 The cost of the work programmes and activities set out in the Service Plan for Food Enforcement will be met from within the existing budget. There are not additional financial implications.

Martin Judson Head of Finance R&C. Date 11 May 2006

Legal Implications

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

Anthony Cross Assistant Head of Litigation, 3 May 2006

5 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 on Low Incomes	No	

6 Risk Assessment Matrix

Risk	Likelihood	Severity Impact	Control Actions
Major food-borne disease outbreak	Low	High	Implementation of a risk-based enforcement programme as detailed in this report
Inadequate resources given to implement plan	Low	Medium	Performance management and flexible resourcing within Environmental Health
Inability to meet planned inspection targets due to need to respond to urgent incidents and complaints.	High	Low	Prioritisation of resources to focus on key areas of risk and detriment

7 Report Author/Officer to Contact

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