

Leicester
City Council

Democratic and Civic
Support
City Hall
115 Charles Street
Leicester
LE1 1FZ

27 September 2016

Sir or Madam

I hereby summon you to a meeting of the LEICESTER CITY COUNCIL to be held at the Town Hall, on THURSDAY, 6 OCTOBER 2016 at FIVE O'CLOCK in the afternoon, for the business hereunder mentioned.

Monitoring Officer

AGENDA

1. **LORD MAYOR'S ANNOUNCEMENTS**
2. **DECLARATIONS OF INTEREST**
3. **MINUTES OF PREVIOUS MEETING**

The minutes of the meetings held on 14 July 2016 are available to view at:

<http://www.cabinet.leicester.gov.uk:8071/ieListDocuments.aspx?CId=81&MId=7629&Ver=4>

<http://www.cabinet.leicester.gov.uk:8071/ieListDocuments.aspx?CId=81&MId=7513&Ver=4>

Copies are also available from Democratic Support on (0116) 454 6350 or
Committees@leicester.gov.uk.

4. STATEMENTS BY THE CITY MAYOR/EXECUTIVE

5. PETITIONS

- Presented by Members of the Public
- Presented by Councillors

6. QUESTIONS

- From Members of the Public
- From Councillors

7. MATTERS RESERVED TO COUNCIL

- 7.1 Service Plan for Food Law Enforcement.

8. EXECUTIVE AND COMMITTEES

- To note any changes to the Executive
- To vary the composition and fill any vacancies of any Committee of the Council

9. NOTICES OF MOTION

10. ANY URGENT BUSINESS

Fire & Emergency Evacuation Procedure

- The Council Chamber Fire Exits are the two entrances either side of the top bench or under the balcony in the far left corner of the room.
- In the event of an emergency alarm sounding make your way to Town Hall Square and assemble on the far side of the fountain.
- Anyone who is unable to evacuate using stairs should speak to any of the Town Hall staff at the beginning of the meeting who will offer advice on evacuation arrangements.
- From the public gallery, exit via the way you came in, or via the Chamber as directed by Town Hall staff.

Meeting Arrangements

- Please ensure that all mobile phones are either switched off or put on silent mode for the duration of the Council Meeting.

- Please do not take food into the Council Chamber.
- Please note that Council meetings are web cast live and also recorded for later viewing via the Council's web site. Tweeting in formal Council meetings is fine as long as it does not disrupt the meeting. Will all Members please ensure they use their microphones to assist in the clarity of the web-cast.
- The Council is committed to transparency and supports efforts to record and share reports of proceedings of public meetings through a variety of means, including social media. In accordance with government regulations and the Council's policy, persons and press attending any meeting of the Council open to the public (except Licensing Sub Committees and where the public have been formally excluded) are allowed to record and/or report all or part of that meeting. Details of the Council's policy are available at www.leicester.gov.uk or from Democratic Support. If Members of the public intend to film or make an audio recording of a meeting they are asked to notify the relevant Democratic Support Officer in advance of the meeting to ensure that participants can be notified in advance and consideration given to practicalities such as allocating appropriate space in the public gallery etc.

The aim of the Regulations and of the Council's policy is to encourage public interest and engagement so in recording or reporting on proceedings members of the public are asked:

- ✓ to respect the right of others to view and hear debates without interruption;
- ✓ to ensure that the sound on any device is fully muted and intrusive lighting avoided;
- ✓ where filming, to only focus on those people actively participating in the meeting;
- ✓ where filming, to (via the Chair of the meeting) ensure that those present are aware that they may be filmed and respect any requests to not be filmed.

7.1

MATTERS RESERVED TO COUNCIL

7.1 SERVICE PLAN FOR FOOD LAW ENFORCEMENT

A report is submitted that presents Leicester City Council's Food Enforcement Plan 2016-17 for consideration by the Council. The Plan sets out the demands on the City Council and the resources required to deliver an effective regulatory regime. The Plan also reviews the achievements for 2015-16.

Council is asked to:

- (a) Approve the Service Plan for Food Law Enforcement 2016-17.

The matter was considered by the Neighbourhood Services and Community Involvement Scrutiny Commission on 4 April 2016. A minute extract in relation to this item is attached.

**Sir Peter Soulsby
City Mayor**

Report to Full Council

Service Plan for Food Law Enforcement

Decision to be taken by: Council

Decision to be taken on: 6 October 2016

Lead director: John Leach

Useful information

- Ward(s) affected: All
- Report author: Roman Leszczyszyn, Head of Business Regulation
- Author contact details: 0116 454 3191, leszr001@leicester.gov.uk
- Report version number: v1.0

1. Summary

This report presents Leicester City Council's Food Enforcement Plan 2016-17 for consideration by the Council. The Plan sets out the demands on the City Council and the resources required to deliver an effective regulatory regime. The Plan also reviews the achievements for 2015/2016.

2. Recommendations

Council is recommended:

- 2.1 To approve the Service Plan for Food Law Enforcement 2016/2017.

3. Supporting information:

3.1 Leicester City Council's regulatory responsibilities relate to the safety and fitness of food made and sold in the City; the accuracy of any labels and descriptions. The City Council delivers a significant programme of food hygiene inspections, advice and training for food businesses and operatives, and investigates complaints and food poisoning incidents. The City Council response is delivered by a number of regulatory teams.

3.2 Leicester has a diverse food sector and notably a vibrant Asian cuisine restaurant trade. The number of registered food businesses in Leicester is around 3000 with significant turnover of business. This makes achieving and maintaining good compliance challenging. The number of food businesses that are 'broadly compliant' with food law in Leicester is 82% (the national average is 88%).

3.3 In 2016/17 the Food Safety Team will deliver around 2011 food hygiene inspections. These are programmed at frequencies dependent on risk as required by the statutory Code of Practice. Appendix One provides the Service Plan for Food Law Enforcement 2016/2017.

3.4 Key priorities for 2016/17 are:

- Traceability of food supply in smaller retailer [Trading Standards East Midlands Food Fraud Control Strategy 2016-18].
- Peanut substitution in Almond flour.

3.5 In 2015/16 Regulatory Services successfully completed an Improvement Action Plan to strengthen management oversight of the food regulation function and its delivery. The Improvement Plan was put in place following an audit by the Food Standards Agency (FSA) in 2014. The plan re-set the programme for food inspections, improved long term planning and monitoring and introduced additional management/inspection resources. The approach which was endorsed by the FSA enabled consistency in decision making and ensured a backlog of inspections was addressed/removed.

4. Details of Scrutiny

4.1 The Director of Neighbourhood and Environmental Services submitted a report to the Neighbourhood Services and Community Involvement Scrutiny Commission on 4th April 2016, on public protection and regulation in Leicester's food sector.

4.2 The Commission AGREED:

- 1) That officers involved in the Council's food function be thanked for their work;
- 2) That the improvements made to the Council's food function be commended;
- 3) That a report be made to this Commission on progress with implementing the 2016-2017 Food Regulation Service Plan and including a report on the arrangements that were subject matter of the Food Improvement Action Plan; and
- 4) That this Commission expresses its concern at the reducing levels of resources being made available by the government to public protection and regulation in the food sector.

5. Financial, legal and other implications

5.1 Financial implications

5.1.1 The net budget of the Food Safety Team, the principal team for delivery of food regulatory activities, is £435k in 2016/17. Following the FSA Audit in 2014 additional funding of up to £75k pa was made available from departmental funds to support the increased establishment. This provision will cease at the end of next financial year. The funding and resourcing of the food regulatory function is in the scope of the Regulatory Services Spending Review and will be considered and managed accordingly.

Colin Sharpe
Head of Finance
Ext 37 4081

5.2 Legal implications

5.2.1 The Multi-Annual National Control Plan (MANCP) for the UK details the roles and responsibilities of the different authorities and organisations involved in the monitoring compliance with, and enforcement of, feed and food law, animal health and welfare rules and plant health requirements. The UK MANCP has been extended to the end of March 2018. It is a European requirement that all member states have a national control plan.

<http://www.food.gov.uk/enforcement/regulation/europeleg/feedandfood/ncpuk>

5.2.2 The Food Standards Agency supervises local authority regulatory activity and the requirements from local authorities are set out in the Framework Agreement on Official Feed and Food Controls by Local Authorities.

<http://www.food.gov.uk/enforcement/enforcework/frameagree>

5.2.3 Under the Framework Agreement the local authority is required to produce a service plan that sets out how and at what level official feed and food controls will be provided in accordance with Codes of Practice.

5.2.4 Local authorities should take account of the Government's better regulation agenda when planning and delivering their services. Key to this agenda are the five principles of good regulation:

- targeting (to take a risk-based approach);
- proportionality (such as only intervening where necessary);
- accountability (to explain and justify service levels and decisions to the public and to stakeholders);
- consistency (to apply regulations consistently to all parties); and
- transparency (being open and user-friendly).

5.2.5 The Service Plan has been produced in accordance with the guidance in the Framework Agreement.

5.2.6 Local Authorities have the flexibility to decide locally whether or not service plans should be approved at Member level.

5.2.7 The Food Law Enforcement Service Plan is an element of the City Council's Policy Framework and the Council's Constitution reserves approval of the Food Law Enforcement Service Plan to Full Council as a matter of local choice.

Kamal Adatia
City Barrister & Head of Standards
Monitoring Officer
Ext 37 1401

5.3 Climate Change and Carbon Reduction implications

None

5.4 Equalities Implications

5.4.1 Food regulatory activities are delivered in accordance with the Food Law: Code of Practice (England), April 2014. The Code of Practice is issued pursuant to section 40(1) of the Food Safety Act 1990, regulation 24(1) of the Food Safety and Hygiene (England) Regulations 2013 and regulation 6(1) of the Official Feed and Food Controls (England) Regulations 2009.

5.4.2 The risk assessment scheme in the Code of Practice takes account of vulnerable risk groups. In this context, vulnerable risk groups are those that include people likely to be more susceptible to the effects of illness that arise from poor food hygiene such as those who are under 5 or over 65 years of age, people who are sick or immuno-compromised.

5.4.3 The Service Plan does not propose changes or departures from the Code of Practice with equalities implications.

5.5 Other Implications (You will need to have considered other implications in preparing this report. Please indicate which ones apply?)

None

6. Background information and other papers:

7. Summary of appendices:

Appendix One: Leicester City Council Service Plan for Food Law Enforcement 2016/17

8. Is this a private report (If so, please indicated the reasons and state why it is not in the public interest to be dealt with publicly)?

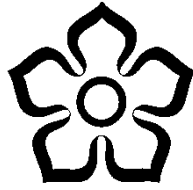
No

9. Is this a “key decision”?

No

10. If a key decision please explain reason

NA



Leicester City Council
Service Plan for Food Law Enforcement
2016/2017

Date: 31 May 2016

Version: FINAL

Owner: Dave Howard, Manager Food Safety

David Barclay Rhodes, Manager Food Safety

Roman Leszczyszyn, Head of Regulatory Service

1.0 Introduction

The plan is based on the Food Standards Agency's Framework Agreement on Official Feed and Food Controls of April 2010.

1.1 Purpose of this plan

This Service Plan outlines how Leicester City Council intends to fulfill its obligations as a food and feed authority.

1.2 Aims and objectives

Leicester City Council aims to:

- Prevent ill-health and death arising from food poisoning
- Ensure that retailers and caterers supply good quality food
- Prevent and detect fraud in the production and description of food
- Assist Leicester's food businesses to comply with food law.

2.0 Leicester City's Food & Drink Sector

2.1 Profile of Leicester City

Leicester is the largest city in the East Midlands region and the tenth largest in England. The city is a major regional commercial, manufacturing and retail centre located close to the M1 and M69. Although it is known for diversity of its trades rather than for the dominance of any single industry, it has a sizeable food manufacturing sector which includes a number of specialist ethnic food producers and importers.

The population of the city is 329,900 (2011 Census) - a rise of 47,000 since 2001. According to the ONS Leicester has the smallest proportion of people aged 65 and over in the East Midlands with almost 36,300 - 11%. It has the largest proportion of people aged 19 and under, with about 89,000 (27%), and under-fives about 23,000, (7%) of Leicester's total population. 45% of residents identify themselves as white British, 28.3% identify themselves as British Indians.

There are two universities and the city also has a large student population.

2.2 Food & Drink in Leicester Economy

The Leicester Leicestershire Economic Partnership (LLEP) 2014-2020 Strategic Economic Plan views 'food & drink manufacturing' as sector in which the area has "higher than average concentrations of employment and competitive advantage where the aim is to accelerate existing enterprise growth". 'Food & drink manufacturing' is identified as a Priority Sector for Intervention in the form of business development and support.

In November 2014 Leicester Food Park opened its gates. The park was funded by Leicester City Council and the European Regional Development Fund (ERDF) 2007 - 2013 programme. The Food Park is managed by East Midlands Chamber icon working in partnership with The Food & Drink Forum. It provides high quality food manufacturing space with purpose-built units, enabling new and innovative food businesses to start up and grow as well as providing established food businesses with grow on space for their expanding businesses. At the heart of the food park community is a Business Support Centre and Management Hub. The Chamber and the Forum maintain an onsite presence and manages the park support services.

A feature of Leicester's food industry is its high number of Asian and restaurants. Leicester's food businesses are generally small (less than 50 workers) and micro (less than 10 worker) enterprises. Some are run by people for whom English is not their first language. Establishments in existence for a short time are also characterized by poor compliance with food law and higher levels of enforcement actions. Several languages are spoken by proprietors and staff including Bengali, Gujarati, Urdu, Chinese and Turkish.

A number of Leicester's food businesses are of national significance such as Walkers Snack Foods (Pepsico), Walkers Midshires, Samworth Brothers, Fox's Confectionery and Cofresh Snack Foods. The city is also home to a number of smaller specialist food producers.

The leisure sector has increased substantially over the last ten years with more restaurants, fast food outlets, pubs and clubs opening up. This is likely to continue given Leicester's increased attraction as a visitor destination for King Richard III heritage.

A small number of food businesses import and distribute foods from third countries outside the EU.

2.3 The Register of Food Businesses

The number of establishments in the city increased gradually over several years. During 2015/2016 this increase continued. However, after data cleansing and updates on longstanding records by the end of the period the total number of establishments in the database had gone down.

FSA Reported Food Establishments	2009	2010	2011	2012	2013	2014	2015	2016
Leicester	2882	2753	2871	2964	3086	3112	2828	2942 ¹
Nottingham	2859	2757	2741	2697	2787	2908	2977	-
Derby	1867	1895	2017	2129	2169	2143	2014	-
Birmingham						7596	7504	-
Haringey						1957	2077	-
Hackney						2471	2535	-

Table: East Midlands Cities Food Establishments

	2012	2013	2014	2015	2016
New Business Registrations	529	506	456	527	507

Table: New Food Business Registrations in the City

The table above shows the volatility of Leicester's food business sector. The take-away sector, in particular, is characterised by a high turnover rate. Within the total number of establishments at any time, there are many which will be in existence for a short time, sometimes not even one year.

2.4 Food & Drink Sector Profile

On 1 April 2016 Leicester City Council has records on 2942 food businesses establishments in the city of which 26 are premises approved under EC Regulation 853 2004 by Leicester City Council to process meat, fish, egg and dairy products.

	2012	2013	2014	2015	2016
manufacturers & distributors	73	72	73	73	81
importers/exporters	11	11	11	6	6
distributors/transporters	81	83	80	77	82
retailers	835	868	848	730	773
restaurants & caterers	1964	2052	2100	1942	2000
totals	2964	3086	3112	2828	2942

Table: Food sector profile by type of establishment (Source: Local Authority Enforcement Management System – hygiene)

¹ This includes 39 registered food businesses which have not started operating.

2.5 Broad compliance in Leicester

	2011	2012	2013	2014	2015	2016
percentage “broadly compliant”	70.6	71.1	70.4	71.5	79%	82% (88% national)

Table: Broad compliance time series

2.6 Food Hygiene Ratings in Leicester

The Food Hygiene Rating Scheme covers those businesses that directly supply the public.

Food Hygiene Rating	2012	2013	2014	2015	2016
5 very good	626	674	784	1008	1157
4 good	280	347	370	472	493
3 generally satisfactory	394	414	418	536	575
2 improvement necessary	86	119	114	143	141
1 major improvement necessary	215	225	225	193	156
0 urgent improvement necessary	45	39	24	19	21
Totals	1646	1818	1935	2371	2543

Table: Food sector profile by food hygiene ratings

2.7 Risk Profile of Leicester’s Food Sector

	2012	2013	2014	2015	2016
category A [next inspection 6 months]	49	43	52	33	35
category B [next inspection 1 year]	292	273	275	313	258
category C [next inspection 18 months]	1334	1417	1424	866 ²	868
category D [next inspection 2 years]	398	414	423	1004	1116
category E	553	569	569	536	580
unrated [yet to be inspected]	338	370	369	76	85
	2964	3086	3112	2828	2942

Table: Food sector profile by category of establishment (Source: Local Authority Enforcement Management System –hygiene)

² In 2014 there was a CoP change to risk scoring. A significant number of C rated businesses changed to the D category and the scheduled next intervention dates put back by 6 months. This changed the intervention programme for 2014/15.

3.0 Leicester City Food Enforcement Function

3.1 Scope of Leicester City Council's enforcement responsibilities

Leicester City Council is a unitary authority and has responsibility for enforcement of food hygiene, food standards and feed law.

3.2 Food Sector Interventions

A variety of interventions are used in order to monitor and improve compliance with food law by food businesses in the City. This range includes inspections, sampling for analysis and examination, education and advice and the investigation of complaints. Intervention programmes take due regard of the Food Law Code of Practice, April 2014. A single risk assessment scheme is used for food hygiene and food standards.

3.3 Enforcement policy

The Council's regulatory services have a published General Enforcement Policy. This policy reflects the statutory regulatory principles set out in section 21 of the Legislative and Regulatory Reform Act 2006, the Regulators' Compliance Code 2008.

The General Enforcement Policy was published in February 2015.

Leicester City Council has a published Prosecution Policy.

3.4 Organisational scope and management structure

In April 2012 the responsibility for enforcement of all food and feed law was consolidated in a single team – the Food Safety Team - with a view to making the management and delivery of the function more efficient and effective.

In 2013/2014 following the Organisation Review of local and enforcement services, a subsequent review of resourcing, and a review of recent interventions; the delivery of the food enforcement function was tweaked to include:

- Business requests for product labelling advice – Business Regulation Advice Support and Training Team (BRAST)
- Complex food fraud investigations – Trading Standards

In 2014/15 the scope of the Food Safety Team's involvement in infectious diseases was amended and limited to food-related disease to remove a resource pressure. Where required the Food Safety Team will work with the Director of Public Health and officers.

Leicester City Council has a City Mayor, Sir Peter Soulsby. Executive oversight of the food enforcement function is undertaken by Assistant City Mayor Councillor Sue Waddington.

The officer hierarchy within which food and feed law enforcement sits is:

Chief Operating Officer	Andy Keeling
Strategic Director City Development & Neighbourhoods	Frank Jordan
Director of Local Services and Enforcement	John Leach
Head of Business Regulation	Roman Leszczyszyn

Food Safety Team Manager/Lead Officer
Food Safety Team Manager/Lead Officer

David Barclay Rhodes
Dave Howard

David Barclay Rhodes and Dave Howard have specialist responsibility for food hygiene, food standards and feedingstuffs.

3.5 Provision of specialist services

Nine public analysts and one agricultural analyst all working for Public Analyst Scientific Services are appointed.

The services of two food examiners at Public Health England's food and environmental laboratory in Birmingham are used.

The modest amount of feed law enforcement in the City is undertaken by officers from Leicestershire County Council's Trading Standards Service. Funding in 2013/2014 was from central government grants.

There are 33 registered feed establishments in the City. With the exception of 2 farms, all are food establishments which either transfer surplus foodstuffs into the feed chain [30 establishments] or sell co-products of food production [1 establishment].

Leicestershire County Council has undertaken 11 interventions to date.

The Business Regulation Service offers a range of CIEH accredited courses in food safety, health and safety and other professional training. Courses can be tailored to meet the specific needs of local businesses and are offered in a range of languages as well as in English.

Our reliance on availability of external specialist resource noted. TSEM County Authority Partners have demonstrated commitment to working flexibly and delivering regulatory functions across the region. This commitment may be weakened by impending spending reviews. Feed Governance Group has announced plans to increase central funding for 'regional feed leads' and 'coordination'; a competency review of feed officers.

3.6 Public and business access to support

Leicester City Council has a point of single contact for all enquiries from members of the public. The telephone service lines, 0116 454 1000, are open 08.00 to 18.00 Monday to Friday, or by email at customer.services@leicester.gov.uk.

Members of the public can report issues in person to main Customer Service Centre in the city centre or one of the satellite offices.

Members of the public can also report complaints and obtain advice on all consumer issues including food standards and food safety matters to Citizens Advice (formerly Consumer Direct) on 0345 404 0506. Referrals are managed via a duty desk resourced by BRAST and Trading Standards.

To assist local businesses to comply with a range of legislation and licensing requirements the Council's corporate website includes a specific business section which includes links to business advice services.

In addition, the Business Regulatory Support Team operates a Business Advice Service line on 0116 454 3200 resourced currently by BRAST and Trading Standards officers.

3.7 Liaison with other organisations

Leicester City Council is represented on the following groups:

Leicestershire Food Liaison Group, which meets 4 times a year. This is a local coordination and best practice group with representatives from Trading Standards and Environmental Health at Leicester City Council, Rutland Council, Leicestershire County Council, the six district councils within the county, the Leicestershire Pathology Service of the University Hospitals of Leicester NHS Trust, the Birmingham HPA Food, Water and Environmental laboratory and the FSA regional coordinator.

Trading Standards East Midlands (TSEM) Food and Agriculture Group made up of the eight regional trading standards authorities, the FSA regional coordinator and the public analysts serving those authorities. One member of this group represents TSEM on the corresponding LGRegulation (ex-LACORS) group.

CIEH Best Practice Food Group meets quarterly. This is a Leicestershire and Rutland group comprising of the unitary and district councils.

3.8 Estimated Core Team Resource Requirement in 2016/17 (FTE) and Staff Allocation

Ref	Work Area/Initiative	FTE Req't	Business case
1a	Food hygiene and food standards inspections of food business establishments scheduled for year	6.0	This is a statutory obligation on the council. Inspection categories are in accordance with the Food Law Code of Practice and are risk-based; priority is given to inspecting the higher risk categories establishments.
1b	Food hygiene and food standards inspections of food business establishments overdue from previous programmes	0.1	Reduced requirement
2a	Inspections of food business establishments for the first time.	0.5	This is also a statutory obligation on the council. The Food Law Code of practice requires inspection within 28 days after registration.
2b	Inspections of food business establishments for the first time overdue from previous years	0.1	Reduced requirement
3	food sampling for microbiological examination	0.4	Increased on period 2008/2009 to 2014/2015
4	Food sampling for chemical analysis/composition [e.g. DNA]	0.4	Continuation of response to substitution and contamination threat
5	Complaints about food and food establishments	0.4	Based on period 2008/2009 to 2014/2015
6	Incidents and outbreaks	0.4	Based on period 2008/2009 to 2014/2015
7	Emergency prohibitions [temporary closure due to imminent risk of injury to health]	0.3	Increased
8	Improvement notices	0.1	
9	Prosecutions and simple cautions	0.5	Increase to take into account more robust enforcement stances
10	Specialist advice and support for regulatory projects	1.0	e.g. new business start-ups, food safety procedures, new law such as Food Information Regulation, export certificates, decreasing numbers of 0s, 1s, 2s food hygiene ratings
11	Management	1.5	increased to take into account monitoring requirements and increased regulatory project work
12	Administration	0.5	
	Total Requirement	12.2	
	Total FTE Resource Available	12.2	
	Resource Shortfall	0.0	

3.9 Proposed Resourcing Strategy

The resourcing estimate consists of frontline officer resource, administration and management. To maintain resourcing at adequate levels management has the following strategy:

- (1) Provide additional 0.5 FTE management resource requirement by increasing job share commitment to 1 FTE and 1 0.5 FTE Food Safety Team Manager.
- (2) The use of student EHOs to undertake planned 'low risk' projects not requiring professional qualification/authorisation.

3.10 Staff development plan for 2016/17

Priorities for 2016/17 are:

Food Safety Team Awareness:

- Intelligence led regulatory interventions
- Food Crime – Ensure that member of the Food and BAST teams are aware of the key food crime issues and understand the national and regional arrangements in place to respond to issues. [NB. Specific reference to the FSA's Food Crime Annual Strategic Assessment – A 2016 Baseline].
- Regulators Code – Ensure Food Safety Team and BAST are aware of and operate to the Regulators Code. Implement Self Audit and ensure compliance

Food Safety Team Training:

- Food Standards – address gaps in knowledge for new officers, refresher training on new and changed requirements for Food Safety Officers and BAST
- Refresher/Update on Imported Food regulations
- Ad hoc training as courses become available to meet needs of individual officers identified through the training matrix.

3.11 Financial allocation 2016/17

Food Safety Team (20201) 2016/17		2015/16
Contracted Spinal Local Government Staff	342,500	342,500
National Insurance Local Government Staff	36,500	28,000
Superannuation Local Government Staff	57,600	57,600
Employee Related Insurance	6,800	6,800
Employee Training	600	900
Employee Costs	444,000	435,800
Car Travel Allowance	400	600
Equipment Purchase	200	300
Furniture Purchase	300	400
Printed & Electronic Media	200	300
Clothing, Footwear & Laundry	200	200
Stationery & Office Supplies	300	300
Printing & Copying	300	500
Photographic Supplies	200	200
IT Hardware	0	0
Repairs & Maintenance IT Hardware	0	0
Communications Equipment Purchase	0	0
Subsistence Expenses	200	200
Car Parks	0	0
Controllable Running Costs	2,300	3,000
Expenditure	446,300	438,800
Legal Income Incl Costs Awarded	(11,800)	(11,800)
Income	(11,800)	(11,800)
	434,500	427,000

4.0 Service delivery for 2016/2017

4.1 Food safety and standards intervention programme

The annual intervention programme is governed by the Food Standards Agency intervention rating scheme. Inspectional activity takes up the substantial proportion of the Food Safety Team resource.

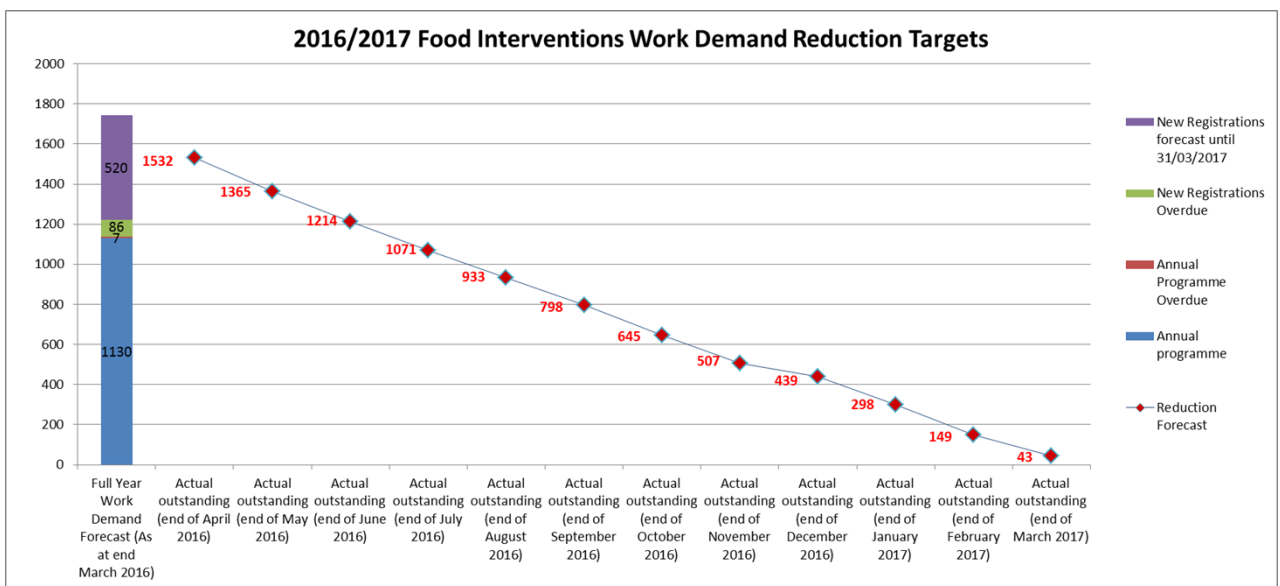
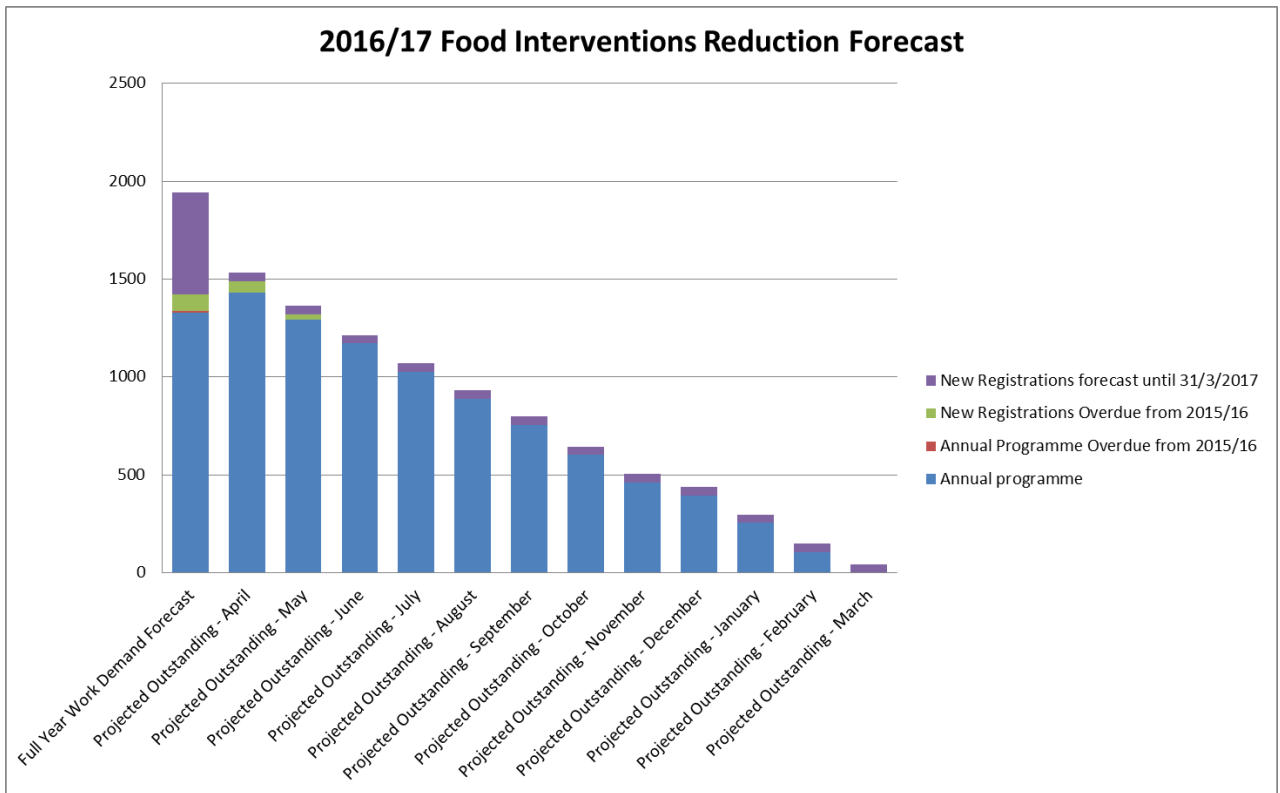
Annual Intervention Programme 2016/2017 (by risk category)	Number forecast in 2016/2017	Total due
A – at least every six months	72	
B – at least every twelve months	260	
C – at least every eighteen months	621	
D – at least every twenty four months	617	
E – a programme of alternative enforcement strategies or interventions every 3 years	68	
Business closures affecting Annual Programme FORECAST	(240)	
Total	1398	
New businesses FORECAST	520	
Total	1918	1918
Interventions overdue from Annual Programmes (by risk category)	Number overdue on 1st April 2016	
A – at least every six months	0	
B – at least every twelve months	1	
C – at least every eighteen months	5	
D – at least every twenty four months	1	
E – a programme of alternative enforcement strategies or interventions every 3 years	0	
Total	7	7
Initial Inspections overdue	Number overdue on 1st April 2016	
New businesses	86 [36] ³	86
Total Forecast Interventions		2011

Table: Composite Inspection/Intervention Programme for 2016/17

³ [36] denotes a food business that has been registered but not started operating

7 businesses are being carried over into the intervention programme for 2016/17. These are in the main businesses which have not been accessible to officers.

86 new business registrations are being carried over. However, 36 of these are businesses which have not yet commenced trading.



4.2 2016/17 Food Establishment Profiling

The Intervention Programme sets out when food business inspections are to take place.

A significant feature of the planning of last year's 2015/16 Intervention Schedule was a reset to match expected demand and resources. In previous years that schedule has primarily been determined by the date the individual businesses were registered and the consequent first inspection and risk assessment. The overall result is that the schedule for the year is 'unstructured' on a number of aspects and also does not take into account, for example, availability of 'seasonal' establishments (e.g. schools) or seasonal variations in staff resources.

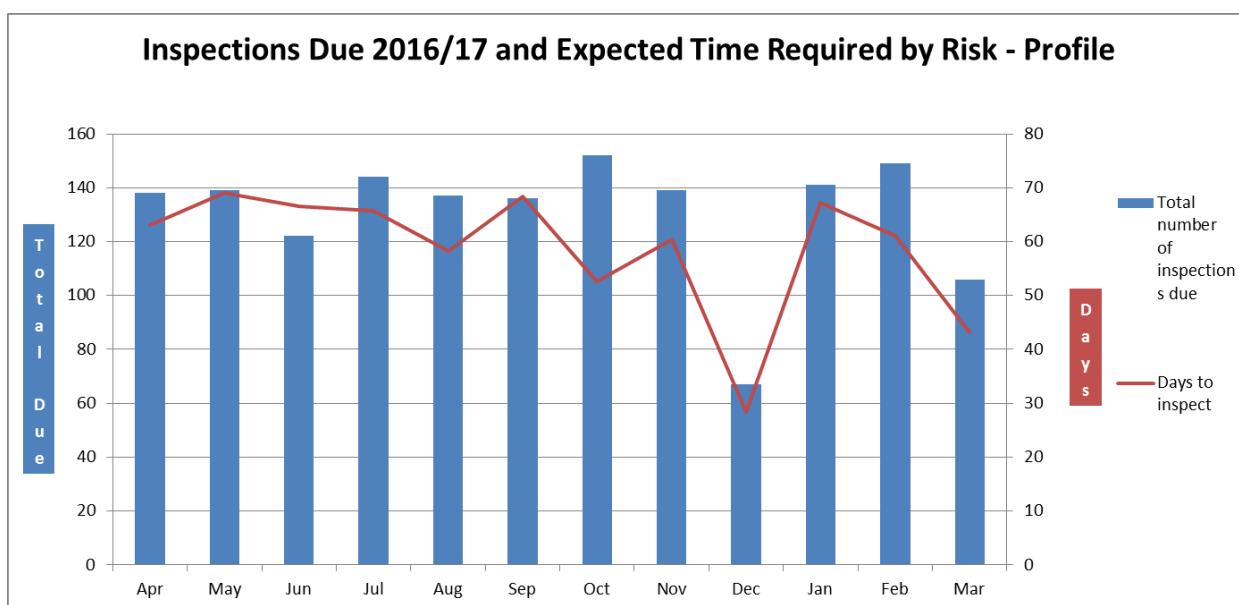
This gives rise to a number of obvious and less obvious issues:

- Clashes between scheduled work and reactive responses at operational level that have resulted in scheduled inspections being postponed or not undertaken.
- Obscured management sight of performance and difficulty in providing assurance for Executive and Strategic Management that the work programme is in control and will be delivered
- Lost opportunities to enhance regulatory impact of the Service

The principle of profiling has been carried on to the 2016/17 intervention schedule. The method of profiling has been refined following the experience gained during 2015/16.

Rules used in profiling:

- Carried over inspections and new registrations to be completed within three months
- New businesses to be contacted by the inspecting officer and where appropriate/beneficial offered and advisory visit. Full inspection to take place where practicable within 4 weeks of an advisory visit
- New businesses where an advisory visit is not required to be inspected within 28 days of registering.
- Category 'A' risk establishments to remain on existing inspection month schedule
- Category 'B' risk establishments to remain on existing inspection month schedule.
- Approved establishments to remain on existing inspection month schedule
- Restaurants, Takeaways and pubs to remain on existing month schedule
- Cluster inspections by food business (sub) type
- Target inspection month to reflect sector availability
- Apply an appropriate resource demand weighting to each sub-sector
- Spread evening inspections throughout the year.
- Future proof for subsequent years



The re-profiled Intervention Programme for 2016/17 will be closely monitored and may be amended in the interests of service delivery.

2016/17 Inspection Profile - Main Food Themes

Month	Establishment Type	Code	Number
April	Café	FRES2	62
	Other restaurant or caterer	FRES25	27
May	School	FRES18	73
	College	FRES19	3
June	Wholesaler	FDIST1	24
	Cash and carry	FDIST2	10
	Cold store	FDIST3	3
	Milk distributor	FDIST6	3
	Import/export warehouse, depot etc.	FIMEX	5
	Night club	FRES9	1
	Event caterer	FRES23	23
July	Work place canteen -	FRES4	18
	Hotel	FRES5	9
	Guest house	FRES6	2
	Bed and breakfast	FRES7	1
	Village hall, community centre	FRES22	28
	Home caterer	FRES26	19
August	Mobile catering unit	FRES20	20
	Burger van	FRES21	2
	Butcher	FRET4	43
	Fishmonger	FRET5	6
	Mobile retail van	FRET10	3
September	Nursing/care home	FRES16	32
	Asian Sweet Mart	FRES24	19
October	Grocers	FRET2	118
November	Childcare facility/nursery Off licence	FRES17	44
		FRET13	14
	Sport/leisure/gym non-food codes		9
December	Sandwich shop/bar	FRES14	55

January	Hospital	FRES15	7
	Supermarket	FRET1	33
	Confectioner	FRET3	3
	Greengrocer/fruiterer	FRET6	2
	Health food shop	FRET7	1
	Bakers shop (retail) Market stall	FRET8	2
		FRET11	2
	Chemist	FRET16	1
	Pan house	FRET17	4
	Plus non-food coded premises		2
February	Meat manufacturer	FMP1	1
	Milk processors and dairy processors	FMP2	1
	Bakery	FMP6	7
	Food packers	FRP10	1
	Other food manufacturer	FMP12	21
	Primary producer	FPRIM	1
	Garage minimarket	FRET14	12
	Other food retailer	FRET15	51
March	Newsagent	FRET9	56

884 Food Establishments have been subject to profiling

Planning of the 2017/18 intervention programme will commence in the third quarter.

2016/17 Intervention Schedule profiled by Business Type and Month

Main Use	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Grand Total
FRET1			1							34		1	36
FRET2		1			2	1	115						119
FRET3								1		3			4
FRET4	1				39	1							41
FRET5		1			6								7
FRET6										2			2
FRET7										1			1
FRET8								2	1	2			5
FRET9					1							56	57
FRET10					3								3
FRET11										2			2
FRET13								14					14
FRET14											12		12
FRET15								1	1		48		50
FRET16										1			1
FRET17								1		4			5
FRES1	13	7	7	12	22	19	4	8	2	14	16	12	136
FRES2	57	1	1	7	2	3			1	6	2		80
FRES4				18							1		19
FRES5		1		9									10
FRES6				2									2
FRES7				1									1
FRES8	2	1	1	9	6	15	4	17		9	7	4	75
FRES9			1										1
FRES10	1	7	2	4	7	3	2	4		4	1	2	37
FRES11	13	10	7	16	18	19	10	14		20	11	16	154
FRES12	6	14		4	1	4	1	15		2	1		48
FRES13	1			2		2	1	1	1	3	2	1	14
FRES14			1		1				54	1			57
FRES15		1	1		2		1			6			11
FRES16	1	2	4	3		48		3		2	6	4	73
FRES17	10	11			1			43	2	9	4		80
FRES18		73	20				2			1			96
FRES19		3	2										5
FRES20					21								21
FRES21					2								2
FDIST1			24										24
FDIST2			9										9
FDIST3			3										3
FDIST6			3										3
FFBANK	4			2									6
FIMEX			5					1					6
FMP10											1		1
FMP12				3					1		19		23
FMP2											1		1
FMP6										1	6		7
FMP9								1					1
FPRIM											1		1
FRES22		3	1	29			1		1	1	2		38
FRES23		1	24			1							26
FRES24						17	1						18
FRES25	27	1	4	2	1		3	1		1	1		41
FRES26			1	20									21
N16DEP	1												1
N59GYM								1					1
N59LR								3					3
N59THR										1			1
N59WOR				1									1
Grand Total	137	138	122	144	135	133	145	131	64	130	142	96	1517

4.3 Approved Establishments

Fourteen approved establishments are due for inspection during 2016/2017, comprising 2 category A establishments, 6 category B establishments, 6 category C establishments and 2 category D establishments.

The category of these establishments arises from their compliance with food hygiene law and also whether they manufacture high risk food. If they do then they get a high score which may lead to a higher category. See also paragraph 6.3 below on approved establishments.

4.4 Compliance Projects 2016/17

The 2014 TSEM Food Fraud Threat assessment identified that the complexity of the food supply network makes it vulnerable to fraudulent activity. Maintaining traceability of products in the supply network is critical to consumer confidence and their safety. The compliance projects proposed will look at the food chain in the City of Leicester.

Traceability in Smaller Retailers

Objective: To strengthen due diligence practice and traceability among small retailers selling high risk foods (TSEM Food Fraud Control Strategy April 2016 – March 2018).

Methodology:

- Review all small retailers and identify those selling high risk items without traceability such as spouted beans, meat based foods, chutneys/pickles.
 - Provide advice on the sale of such items and traceability
 - Remove from sale items of concern
 - Those who continue to sell such items without proper traceability would warrant further action, possible prosecution.
- Undertake targeted support and enforcement work
- Share key findings with FSA and TSEM
- Initiate investigations if required

Food Substitution – Peanut Substitution in Almond Flour

Objective: to assess the risk of Peanut Substitution in Leicester Asian Restaurants/Takeaways and strengthen due diligence practice in the sector (TSEM Control Strategy April 2016 – March 2018).

Methodology

- Review all potential users of almond flour and carry out sampling
 - Provide advice on the use of almond flour/alternatives and ensuring a safe supply
 - Raise awareness of the potential risk to health and potential fatality
 - Consider enforcement where gross contamination is considered intentional substitution
- Undertake targeted support and enforcement work
- Report back to TSEM key findings

4.5 Registered feed establishments

There are 33 registered feed establishments in the City. With the exception of 2 farms, all are food establishments which either transfer surplus foodstuffs into the feed chain [30 establishments] or sell co-products of food production [1 establishment].

Leicestershire County Council has undertaken 11 interventions in 2015/16. National funding has been announced for 2016/17.

4.6 Product Testing

As part of a Trading Standards East Midlands bid, Leicester City Council has requested Food Standards Agency funding for taking and submitting for analysis for:

- Species present, 9 samples of meat (4 to be taken from Approved Establishments and 5 from other food service or retail establishments) and
- Composition/Labeling of Food Supplements, 10 samples (5 to be sent for laboratory analysis and 5 to be desktop reviewed)

Other samples will also be taken and submitted for microbiological examination. These will include samples from approved establishments and of imported food, and foods identified for regional or national surveys. The number of routine samples taken will be determined by capacity during the course of the year, and any incidents/outbreaks which occur.

4.7 Investigations of complaints relating to food and food premises

Complaints will be assessed for detriment and risk and responded to appropriately.

	2009/2010	2010/2011	2011/2012	2012/2013	2013/2014	2014/15	2015/16
Complaints	346	311	289	273	244	213	237

The Food Safety Team will respond appropriately.

4.8 Business advice and support

The Food Safety Team and BRAST will respond appropriately to any requests for business advice and support.

The Food Team through the course of their interaction with new and existing food establishments identify potential support needs. Food establishments will be referred to BRAST for a needs assessment and tailored support through free and chargeable advice.

Requests for Primary Authority relationships will be considered and consulted with senior management.

4.7 Consumer advice and support

The Food Safety Team will respond appropriately. Referrals for civil advice will be made to Citizens Advice Consumer Advice.

4.8 Food Enforcement Work Programme 2016/2017

	Approved Establishments [Risk]	Compliance Projects	Testing/Sampling
April – June 2016	Life With Taste Kebab King Bar BQ Base		
July – September 2016	Just Egg Paynes Dariy United Foods (Manufacturing Ltd) Eastern Catering	Caribbean Carnival	Hand contact points in Food Establishments.
October – December 2016	M & M Seafood Ocean Fine Foods	Peanut Substitution Awareness Exercise Traceability in Small Retail Establishments	Peanut/Almond Substitution Sampling Exercise
January – March 2017	Walkers Charnwood Bakery Walkers Midshire Foods Everest Dairies Food Attraction Kebab King Leicester Sausage & Meats Ltd Easy Chef Aisha Foods	Traceability in Small Retail Establishments	Cleanliness of Food Contact Surfaces

5.0 Organisational Improvement & Development

5.1 Introduction

The Authority will continue to implement the actions set out in the 2014 Improvement Plan.

5.2 Quality assessment

The findings of the FSA Auditors in 2014 were that quality of inspections was good. However, it was the view of the Auditors that enforcement action proportionate to the risk and reflecting the compliance history of the business was not being taken.

To provide assurance that there is a consistency in approach to advice, inspection and enforcement by officers regular formal internal monitoring continues.

A process of pre and post inspections review of officer decisions and actions is in place. Reviews are triggered where inspections reveal poor compliance and ongoing through monthly 1 to 1's with officers.

Approved establishments are dealt with by a small team of officers within the Food Safety Team. This ensures a clear oversight of the Cities Approved Establishments which due to their complexity and technical require closer attention.

5.3 Intra-authority and inter-authority audits

No audits are planned for 2016/17.

5.4 Organisational Improvement & Development Programme

The work programme includes:

- Embedding intelligence arrangements in food regulation
- Review the Food Safety/Trading Standards investigation into meat substitution and identify lessons to be learned
- Review of procedures and other documentation
- Review and adjustment of patches
- Re-profiling of 2017/18 intervention programme

6.0 Review of the Food Law Enforcement Plan 2015/16

6.1 Introduction

In May 2014 the Authority was audited by the Food Standards Agency. The findings of the Auditors and the Improvement Action Plan were incorporated in the Food Law Enforcement Plan for 2014 - 2015. The Improvement Action Plan has been fully implemented and the actions ongoing through 2015/16 and taken forward

Exporting Food

A delegation of Government Officials from Australia were hosted by Charnwood Bakery in Leicester. The delegation were visiting key UK Food Manufacturing sites to consider standards of UK Food Controls and Compliance Monitoring with the potential of opening trade routes to allow the importation of cooked pig meat in to Australia.

The Food safety Team Manger gave a presentation to the delegation on the Framework for Food Safety Controls and how these are implemented by Leicester City Council.

6.2 Resourcing

The Authority needs to ensure that future reviews of resources should include a considered and realistic assessment on the challenges specific to the Service, namely the large number of food businesses with poor levels of compliance and the numerous approved establishments in the Authority’s area. These challenges can significantly impact on the ability of the food safety team to deliver service priorities, particularly in the areas of work and businesses that carry the biggest public health and food safety risks. [FSA Audit 2014]

In 2015/16 additional medium term resources were made available to provide additional management and inspectional activity. The outcome was that the intervention plan was completed with only a small number of inspections being carried over to 2016/17. The management capacity has been enhanced by increased support from the Head of Service, Business Development Officer and administrative support staff.

The longer term resourcing will be addressed in Phase Two of the Regulatory Services Spending Review.

At the end of the 2014-2015 the FTE permanent establishment of the Team was:

Management	Frontline	Administrative Support
1	10.7	0.5

At the end of the 2015-2016 the FTE permanent establishment of the Team is:

Management	Frontline	Administrative Support
1.5	10.2	0.5

6.3 Approved Establishments

These are food establishments which process meat, fish, dairy or egg and market to other businesses. They are subject to some additional food hygiene requirements and to prior approval by the local authority before they operate. At the end of 2015/16 there were 25 approved establishments and a further 2 working towards approval. The dedicated sub-group of four officers in the Food Safety Team continued to deal with all approved establishments and one person in that group is familiar with every approved establishment.

These steps a) concentrated expertise in a complex area of work, and b) provided for greater consistency. Before each approved establishment is inspected its history of compliance is reviewed by the Food Safety Team Manager and after each inspection the findings and any enforcement actions reviewed.

6.4 Monitoring Interventions

In 2015/16 the following monitoring activity was undertaken by the Authority. Comparative data for 2014/15 on Leicester is presented in the Appendix.

	Actual 2010/2011	Actual 2011/2012	Actual 2012/2013	Actual 2013/2014	Actual 2014/15	Actual* 2015/16
inspections & audits	1271	1358	1297	1388	2062 [+117 desktop assessments of E's]	1477 [+11 desktop assessments of E's]
verification & surveillance	604	821	768	702	1013	1365
sampling visits	127	208	137	56	62	153

* hygiene only – in 2015/2016 there were also 705 food standards inspections/audits

Annual Intervention Programme Review	Undertaken in 2014/15	Undertaken in 2015/16
A – at least every six months	96	50
B – at least every twelve months	238	251
C – at least every eighteen months	645	387
D – at least every twenty four months	280	301
E – alternative enforcement strategies or interventions every 3 years	249	40
Total	1508	1001

Initial Inspections	Annual New Registration Forecast	2014/15 Undertaken	2015/16 Undertaken
New Businesses registered in year	480	483	425

6.5 Monitoring Interventions and New Registrations– Clearing the Backlog`

The Authority should ensure that it addresses the significant backlog of food businesses that are not broadly compliant with hygiene legislation and overdue for intervention. [FSA Audit 2014]

Similarly there are a large number of food establishments registered with the Authority including caterers and restaurants that have not yet received any assessment or intervention, contrary to the Food Law Code of Practice, which should receive a first inspection at the earliest possible opportunity. [FSA Audit 2014]

Interventions overdue from previous Annual Programmes (by risk category)	Number overdue on 1st April 2014	Number overdue on 1st April 2015	Number overdue on 1st April 2016
A – at least every six months	1	1	0
B – at least every twelve months	5	0	1
C – at least every eighteen months	220	6	5
D – at least every twenty four months	216	10	1
E – a programme of alternative enforcement strategies or interventions every 3 years	364	40	0
Total	806	57	7

Initial Inspection overdue	Number overdue on 1st April 2014	Number overdue on 1st April 2015	Number overdue on 1st April 2016
New Businesses registered but not inspected	369	73 [33] ⁴	86 [36] ⁵

⁴ [33] denotes a food business that has been registered but not started operating

⁵ [36] denotes a food business that has been registered but not started operating

Approved Establishments

Work continues to ensure that the cities approved establishments maintain high standards of compliance. However 2 of our 25 approvals have been taken to task and improvements required.

Easy Chef – following a routine inspection ‘Serious Deficiencies’ were identified. The FBO was invited to a formal meeting to discuss these deficiencies and provide guarantees that future non compliances would not occur. The Food Team accepted the planned improvements and guarantee and have since closely monitored the establishment to ensure compliance.

Eastern Catering – following a routine inspection ‘Serious Deficiencies’ were identified. A review of the compliance history resulted in the Approval being ‘Suspended’ until such time as the guaranteed improvements were implemented. The Food Team lifted the suspension once the planned improvements were in place and have since closely monitored the establishment to ensure compliance.

6.6 Product Testing

A programme of food products testing was included in the Food Law Enforcement Plan for 2015/16.

The Food Standards Agency approved a smaller testing programme than expected. 12 samples of meat and 2 samples of fish were granted and have all been taken. Additionally, 8 samples were taken from approved establishments.

- All fish tested passed.
- 4/12 meat failed for undeclared meat content.

6.7 Investigations

The Team responds to a diverse range of service request and complaints.

A high local media profile was attained by a new food business “Cats, Cake, Coffee Café”. The Business Model was of customers by appointment and numerous cats on the premises for interaction with customers. The premises unsuitable for housing the number of cats. Significant work undertaken with the operator to reduce the public health risks and animal welfare issues. Food operator decided to cease trading.

	2009/2010	2010/2011	2011/2012	2012/2013	2013/2014	2014/15	2015/16
Complaints	346	311	289	273	244	213	237

A major investigation into meat substitution has been concluded. The case is in court.

6.8 Enforcement Actions

All food law enforcement action taken by the Council’s authorised officers is required to be proportionate to the harm and risk, consistent with statutory requirements and good practice.

	Actual 2010/2011	Actual 2011/2012	Actual 2012/2013	Actual 2013/2014	Actual 2014/15	Actual 2015/16
Voluntary closure	9	7	7	5	9	5
Seizure, detention & surrender of food	3	3	3	1	11	19
Suspension/revocation of approval or licence	0	0	0	0	0	0
Emergency prohibition notice	15	11	13	11	8	9
Simple caution	3	9	6	1	2	12
Improvement notices [X] ⁶	68	32	30	15	76 [25]	58 [33]
Remedial action & detention notices	0	1	1	3	1	3
Written warnings	944	1264	1246	1210	1814	1273
Prosecutions concluded	0	0	1	5	1	3

6.9 Business Advice & Support

As part of an initiative to improve compliance in new food businesses the Food Safety Team commenced advisory visits to new registrations ahead of formal inspections.

Leicester City Council continued to support food businesses with training.

- 66 CIEH Food Safety Courses were run and attended by 569 students.
- 2 courses were held in Gujarati and in Hindi. 27 students attended.

The Food Information Regulations introduce a new requirement for Nutritional Labelling which will come into force December 2016. For the first time, all manufacturers of pre-packed food will need to provide nutritional information on their product packs.

The Business Advice and Support Team were tasked to visit assess and offer support to operators of food establishments affected by this requirement. 32 establishments have been visited so far and this work is continuing into 2016/17.

⁶ [X] denotes the number of establishments subject to enforcement action.

Food Incident - Unprocessed Milk

In October 2015 officers in the Food Safety Team identified an Asian Sweet Mart in the city receiving raw cow's milk from a Leicestershire farmer. This practice is illegal as raw milk can only be supplied to the final consumer (a domestic round) or to an approved processing establishment. These restrictions are in place to control risks to public health from bacteria frequently found in raw cow's milk such as E.coli, Salmonella and Campylobacter. Indications were that the use of raw milk was common practice in the city sweet marts.

Officers subsequently carried out unannounced visits to eighteen food establishments likely to have used this milk supply. In total 5 were found to have the milk. Where the milk was found it was surrendered to officers and has been subsequently destroyed. Investigation is ongoing to determine if further action is appropriate against the supplier or those supplied.

The Food Team has coordinated efforts with the Dairy Hygiene Inspectorate (DHI), Food Standards Agency (FSA) and Blaby DC to stop the supply from the farm in question. The investigation identified that this was a cross border issue and the food team raised concerns with the FSA that the existing controls were confused and weak. The DHI have since been tasked by the FSA to strengthen their enforcement and work closer with Local Authorities.

6.10 Organisational Improvement & Development

In 2014 the FSA undertook an audit of Leicester City Council's Food Enforcement Service and an Improvement Action Plan was agreed with FSA.

On 6 January 2016 the FSA closed the audit after being satisfied that the required improvements had been made.

"6 January 2016

Reference: EPA 30/765

Dear Mr Keeling

FOOD STANDARDS AGENCY AUDIT OF LOCAL AUTHORITY FOOD LAW SERVICE DELIVERY AND FOOD BUSINESS COMPLIANCE - LEICESTER CITY COUNCIL: 20 - 22 MAY 2014

Further to a follow up audit carried out on 30th June 2015 and subsequent Lead Auditor email correspondence with Roman Leszczyszyn and documentary evidence provided by the Authority, I am pleased to confirm that the above service delivery and food business compliance audit will now be formally closed, with the completed action plan published on the FSA website.

We are extremely pleased with the positive response to the audit and the significant progress that Leicester City Council has made. Staffing resources for the Service were increased to ensure that all overdue inspections were carried out and to prevent future backlogs. Moreover, with additional staff training and the introduction of more effective internal monitoring, all the audit recommendations have been addressed and confidence in the food hygiene controls at the local authority has been restored.

However, the challenge for the Authority now is to maintain these improvements and ensure that adequate resources continue to be available to meet the needs of the Service. The use of all the intervention flexibilities in the Food Law Code of Practice may be helpful to ensure that interventions at food businesses continue to be prioritised by risk and carried out at the required frequency.

In common with other local authorities when an audit is closed we will continue to monitor the overall delivery of official controls for food the Authority via the Local Authority Enforcement Monitoring System.

I would like to thank your staff for their positive approach to the audit and the actions taken to address the recommendations in the audit report.

Yours sincerely



John Cragg
Head of Local Delivery Audit
Operations Assurance Division"

Key issues in the Improvement Plan were:

- The Authority needs to document, update and review its policies, procedures and working practices.
- The Authority needs to ensure that reasonable security measures are in place to prevent access and amendment to the electronic database by unauthorised persons particularly in relation to the creation and deletion of premises records.
- The Authority should introduce regular internal monitoring across all areas of food law enforcement activities should be implemented by the Authority to help ensure that there is a consistency in approach and record keeping by officers, to identify officer training and development needs and to inform any assessment of resources that are required for effective food service delivery across all types of food establishments. [FSA 2014 Audit]

Documentation of Procedures

Procedural documents have been reviewed and minor changes made.

Quality monitoring and assessment

The findings of the FSA Auditors were that quality of inspections was good. However, it was the view of the Auditors that enforcement action proportionate to the risk and reflecting the compliance history of the business was not being taken.

The Authority has accepted these as areas for improvement and has maintained regular formal internal monitoring across all areas of food law enforcement activities to provide assurance that there is a consistency in approach and record keeping by officers.

Consistency notes issued to officers based on sectors.

Compliance with Regulators Code - baselining exercise postponed to 2016/17.

Complaints against the service

There was one 'justified complaint against service regarding failure to keep a complainant informed.

Business Database

Errors and queries in the database have been corrected/resolved as they became apparent. The quality of the data remains very high following data-cleansing in 2014.

Performance Management

In August 2014 introduced a procedure for Internal Monitoring. The production of broad monthly performance reports to Asst Mayor and Director of Local Services and Enforcement commenced in August 2014.

Uniform system amended to allow Team Manager and Head of Service to record case monitoring events. Case monitoring undertaken by Team Manager and focussed on approved establishments. Review required of HoS role in case monitoring.

Intra-authority and inter-authority audits

No audits were undertaken.

Staff Training

The Authority needs to ensure that officers receive suitable training and can demonstrate the appropriate level of competency in relation to all types of food businesses where they carry out food law enforcement activities, particularly those businesses with specialist processes and establishments subject to approval under Regulation (EC) No 853/2004. [FSA Audit]

Priorities for 2015/16 were identified as:

- Intelligence led regulation – introductory sessions given to Team and attendance by officers at regional training events.
- EU Food Information for Consumers Regulation 1169/2011 – Food Safety Team – Officers attended and cascaded to the team.
- Refresher/Update on Imported Food regulations – not progressed

In the course of the year new training requirements were identified, namely:

- Natasha, Judie and Adelle – food standards and ‘food inspection’ modules
- New starters - Imported food regulation

6.11 Conclusion of Service Plan Review

The commitment of additional resources and other measures taken has enabled the Food Safety Team to maintain the Intervention Programme and avoid a backlog of inspections. The reset of the intervention profile provided additional assurance. Management confidence remains high that extra value can be extracted out of the themed/sectoral approach to the intervention programme.

Additional management capacity has been required to oversee and support a large team and ensure the appropriate level of performance monitoring.

In January 2016 the FSA closed the audit after being satisfied that improvements had been introduced and were sustainable.

The changes required in the internal managerial and operational arrangements of the Team have been challenging for managers and officers to devise and implement. This was achieved because of the support and contributions of the whole team and this review records our gratitude to all that helped.

APPENDIX: Monthly Report Highlights 2015-2016

April 2015

- Conditional approval granted to Skinny Pig following initial application in October 2014. Major revision of process required and submission of new application.
- Registered category 'E' establishments not responding to self-assessment questionnaire included in inspection programme. Officers report difficulty of establishing contact and/or entry.
- Investigations into two cases of very poor compliance completed and submitted to TM for consideration of legal action.
- Reprofiled intervention programme introduced and review initiated into work allocation and officer patches.

May 2015

- Mechanism introduced for tracking establishments overdue for inspection, accounting for why they are overdue, and taking steps to get them inspected.
- Half day training event on carbon monoxide hazard from charcoal grills inside food establishments and action to alleviate this.
- Visit from IPSOS-MORI researcher on LCC's views on modernising the inspection rating scheme, which is used nationally to determine intervals between inspections.
- Meeting with a representative of Dine London Road who had a proposal to raise food hygiene ratings on a stretch of London Road [pursuit of a "5 star street"].

June 2015

- Completion of procedural documentation as required by the CoP (FSA Audit Improvement Plan)
- 30 June 2015 FSA revisit to review progress. FSA 'very pleased' with progress. Final outstanding documentation to be submitted by end of September and Audit/Improvement plan signed off – officer criteria for escalation of poorly performing food businesses – revised 'internal monitoring' procedure and schedule of events.
- Number of establishments overdue is overstated due to time lag in officers updating Uniform.

July 2015

- First HEPN served this financial year on Caribbean Grill and Emergency Prohibition Order (EPO) granted by court.
- Approved premise 'Easy Chef' required additional intervention following negative results from product testing at retail points and swabbing on site.
- Establishments overdue figure will be revised downwards once officers update their Uniform records. A significant proportion of those overdue have not been accessible.
- New joint management arrangements introduced with City divided into two 'patches'.
- The Food Safety Team and Public Safety Team attended training course in 'Outbreak Investigation and Management'

August 2015

- Checks made on food traders at the Caribbean Carnival – food hygiene standards generally good.
- Approved establishments 'Easy Chef' and "Pamuzinda" required additional interventions.
- Prosecution for food hygiene offences of a previous operator of Chennai Dosa 78-80 Belgrave Road: fines totalling £4000 plus £5000 costs plus £120 victim surcharge.

- Samples of meat taken and submitted for DNA testing as part of a national co-ordinated programme.
- New student Food Safety Officer supported from August for 6 months: Dhara Mehta.

September 2015

- Spanish Chocolate Co, instigation of a product recall following inspection which identified undeclared gluten
- Sampling of products and environmental sampling at Approved establishments
- Approved establishment Pamuzinda required additional interventions
- 2 Food Officers have attended Food Information Regulation Training, 1 attended PACE and Evidence Gathering Training, 1 attended Food Fraud Training.

October 2015

- 12 officers attended a Food Hygiene Rating Scheme consistency exercise produced and advocated by the FSA.
- 15 samples of paan leaves were taken from 15 Paan shops and the samples submitted for microbiological examination [previously contaminated with Salmonella]
- The BBC filmed EHO Andy Woods doing inspections, for use in a programme about the Food Hygiene Rating Scheme [transmission January 2016]
- Green Lane Social Club was closed using emergency powers, and an Order upholding the prohibition was obtained in the Magistrates' Court.
- Untreated milk with poor traceability was found at several sweet marts in the City [discovery at end of month – investigation continuing into November].

November 2015

- Significant number of revisits to check on compliance and advice visits undertaken.
- Investigation into supply of raw milk in the City by Leicestershire farmer. Milk surrendered and disposed of. Working with Blaby DC, Dairy Hygiene Inspectorate and FSA.
- Investigation into the relabelling of date marks on eggs. Working with Egg Inspectorate.
- Voluntary closure of Belgrave Neighbourhood Centre. Worked with HoS Community Services.
- Reviewing food provision in schools in the City including private educational establishments – and requirement to register.

December 2015

- "Sign off" of the Food Standards Agency's audit – all improvements completed
- Two establishments closed using emergency powers [Go Kids Go, Raw Dykes Road, Swastik Traders Green Lane Road]
- One establishment closed by undertaking [ZAM Food & Grocers, Evington Road]
- Leicester Mercury Articles: Go Kids Go [front page], Swastik Grocers, "10 city food premises closed since April".
- Food Standards Agency's online e-learning course on traceability done by FST officers

January 2016

- Closure of the Food Standards Agency Audit. (18/1/2016)
- Significant number of revisits to check on compliance continue to be undertaken.

- Investigation into supply of raw milk in the City by Leicestershire farmer drawing to close. PACE interviewed.
- Relabelling of date marks on eggs incidents. Eggs with uncertain dates were destroyed. Businesses amended procedures. Worked with Egg Inspectorate.
- Reviewed food provision in schools in the City including private educational establishments. Identified a handful for inclusion in inspection programme.
- George's Pizza Pan, Aylestone Road, prosecution completed. Pleaded guilty to 13 breaches of food hygiene legislation. Fined £300. No costs awarded.
- Training: food micro criteria; food, water and environmental laboratory update; intelligence [4 officers trained in total]

February 2016

- Letters sent to Ministers regarding making the display of FHRs scores mandatory.
- Hygiene Emergency Prohibition Notice served at Gourmet Raj 72 Conduit Street
- Training, including: HACCP [2 officers], sampling [2 officers] FSA strategy/update [1 officer] Listeria [1 officer]
- Voluntary surrender of food at 2 establishments: 1 of food not labelled in English, 2 [at 1 establishment] of food past its use by date
- Review of work demand in North and South and revision of assignment.
- TSEM Food Fraud Control Strategy 2016-18 under consultation
- Start of consultation by the FSA on a strategic review of the delivery of official controls [enforcement] and ways of assessing food business operators' compliance.

March 2016

- (1) The number of overdue inspections at year end is the lowest ever: 7; Broad compliance indicator improved: 82% from 81% at end of February.
- (2) Hygiene Emergency Prohibition Notice served at Shimla Pinks 65-69 London Road.
- (3) Visit to Samworths pork pie factory from Australian veterinary officials assessing Leicester's and the UK's food law arrangements and enforcement prior to placing business with Samworths.
- (4) Introduction by FSA of web based reporting by consumers of their concerns – reports emailed to relevant local authority. Increase in level of service requests and many of the FSA ones are anonymous.

APPENDIX: COMPARATIVE DATA FOR 2014/2015

Authority	Total establishments	Unrated establishments	Total of Broadly Compliant A-E	Total of Interventions Achieved (exc unrated)
Hackney	2,535	36	81.22	67.53
Haringey	2,077	219	89.11	71.26
Birmingham	7,504	727	85.67	79.39
Derby City	2,014	31	95.46	93.45
Leicester City	2,828	76	81.58	99.14
Nottingham	2,977	201	94.22	62.27

Authority	Voluntary Closures	Hygiene Emergency Prohibition Notices	Prohibition Orders	Seizures and detentions of food
Hackney	4	9	0	10
Haringey	11	0	0	1
Birmingham	0	40	21	0
Derby City	5	0	0	0
Leicester City	8	7	0	10
Nottingham	3	1	1	1

Authority	Written warnings	Remedial Action & Detention Notices	Cautions	Prosecutions
Hackney	987	0	0	2
Haringey	402	2	3	3
Birmingham	933	7	0	2
Derby City	1116	0	0	1
Leicester City	1849	1	1	1
Nottingham	900	0	0	0



Leicester
City Council

MINUTE EXTRACT

**Minutes of the Meeting of the
NEIGHBOURHOOD SERVICES AND COMMUNITY INVOLVEMENT SCRUTINY
COMMISSION**

Held: MONDAY, 4 APRIL 2016 at 5:30 pm

P R E S E N T :

Councillor Dawood (Chair)
Councillor Gugnani (Vice-Chair)

Councillor Corral
Councillor Halford

Councillor Hunter
Councillor Khote

In Attendance:

Councillor Master, Assistant City Mayor - Neighbourhood Services
Councillor Sood, Assistant City Mayor - Communities & Equalities
Councillor Waddington, Assistant City Mayor - Jobs & Skills

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51. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Cutkelvin.

52. DECLARATIONS OF INTEREST

Although not a member of the Commission, Councillor Sood, Assistant City Mayor (Communities and Equalities), declared an Other Disclosable Interest in the general business of the meeting, in that she was Chair of the Leicester Council of Faiths, was a JHMT Board member and was a Patron for CLASP.

In accordance with the Council's Code of Conduct, these interests were not considered so significant that they were likely to prejudice Councillors Sood's judgement of the public interest. She was not, therefore, required to withdraw from the meeting.

57. LEICESTER'S FOOD SECTOR:PUBLIC PROTECTION AND REGULATION BY LEICESTER CITY COUNCIL

The Director of Neighbourhood and Environmental Services submitted a report on public protection and regulation in Leicester's food sector.

The Head of Regulatory Services presented the report, explaining that:

- The city had approximately 3,000 food businesses at any time, approximately two-thirds of which were restaurants and caterers;
- There was a high degree of churn amongst food businesses, with approximately 500 new businesses at any time. This affected performance figures for compliance with food regulation requirements;
- Some locations had a high level of churn, often with buildings that were less well built and/or maintained. This also could affect the food safety rating these businesses received, as it was more difficult to prevent issues such as rodent infestations;
- A key regulatory activity for officers was programmed inspections. This included advice visits, inspections and follow-up visits;
- 82% of establishments in the city were now compliant. However, the national average was over 90%. The city's figure reflected the high level of churn and that many businesses were located in old buildings that were difficult to maintain to the appropriate standards;
- Nationally, the number of complaints about food establishments was rising, but the number of inspections was down, reflecting that resources available to local authorities had reduced;
- The Food Safety Agency (FSA) was developing a Regulatory Strategy. To date, no proposals had arisen from this, but it provided useful discussion points;
- There currently was a lack of customer pressure to improve standards, possibly as customers did not see storage and preparation facilities at many food establishments; and
- The Council did not have the power to fine businesses for food safety contraventions, but if legal action was taken against a business, the court could impose a fine.

Councillor Waddington, (Assistant City Mayor – Jobs and Skills), explained that food establishments currently were not required by law to display their food hygiene ratings. The Council was campaigning for this to be changed and this campaign was supported by the FSA. Councillor Waddington had written to the Department for Health requesting this and had received the reply attached at the end of these minutes.

The Team Manager (Environmental Health) advised Members that all regulatory visits to food establishments were unannounced. Officers tried to visit these premises when they were busy preparing food, in order to get a better impression of arrangements. If officers were aware of a language difficulty, they would try and arrange for a translator to be present. In addition, the FSA produced some information in languages other than English.

The Food Safety Team Manager confirmed that cleanliness was one of the most important aspects of food safety. This applied to all food premises, irrespective of their size.

The Commission noted that information on a premises' food hygiene rating currently could be found on the Council's website. It also was noted that, although customers could ask a food establishment what its food hygiene rating was, the establishment did not have to tell the customer. Local media often ran stories about failings in food safety, which were very helpful in raising awareness, but there was still a lack of knowledge of how the system worked. The Council therefore wanted to give people that knowledge to empower them to make choices about where they ate.

The Head of Regulatory Services explained that the FSA had done a periodic inspection of the food function in 2014 and had made some criticisms. As a result, the FSA had required a number of actions to be taken and these had been included in an Improvement Action Plan. This included more stable resourcing to reduce the backlog of inspections, documenting procedures and introducing clearer oversight at local manager and senior manager levels.

These all had been achieved, along with an increase in compliance from 70% to over 80%. The FSA therefore had signed off the Improvement Action Plan, commenting very positively on the work being done.

The FSA also commented that the service should not be comparing itself to those in Nottingham and Derby. Instead, due to the nature of the food businesses in the city, comparisons should be made to an area such as the London Borough of Camden.

Councillor Waddington welcomed FSA recognition of the good work being done on food regulation and safety in the city and thanked all concerned for this work.

AGREED:

- 1) That officers involved in the Council's food function be thanked for their work;
- 2) That the improvements made to the Council's food function be commended;
- 3) That a report be made to this Commission on progress with implementing the 2016-2017 Food Regulation Service Plan and

including a report on the arrangements that were subject matter of the Food Improvement Action Plan; and

- 4) That this Commission expresses its concern at the reducing levels of resources being made available by the government to public protection and regulation in the food sector.