

Leicester City Council
Service Plan for Food Law Regulation
2019/2020

Date: May 2019

Version: v0.3 DRAFT

Owner: Dave Howard, Team Manager Food Safety

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. It also demonstrates how the work of the Food Safety Team links into the council's overall vision and aims for Leicester City.

1.2 Aims and objectives

Leicester City Council aims to:

- Prevent ill-health and death arising from food related illness
- Ensure that Leicester's food businesses 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 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 of Commerce 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 Midlands, Samworth Brothers 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

As of the 1 April 2019 the total number of food establishments in the city was 3113. This total number of food establishments in the city continues to grow, a reflection on the appeal of Leicester being a good place to trade. 2018/19 saw an increase of 133 new food establishments over the previous year.

FSA Reported Food Establishments	2015	2016	2017	2018	2019
Leicester Total	2828	2942	2996 ¹	2980 ²	3113 ³

Table: Registered Food Establishments in Leicester (Source: Local Authority Enforcement Management System – hygiene)

	2015	2016	2017	2018	2019
New Business Registrations	527	507	540	519	559

Table: New Food Business Registrations in the City (Source: Uniform Database)

The table above shows the volatility of Leicester's food business sector. The high level of 'churn' in the city is a particular challenge. Working with new food business operators takes a significant part of the Food Safety Team resources in supporting/encouraging new businesses, identifying those who do not proactively register and those whose compliance is poor and require enforcement.

2.4 Food & Drink Sector Profile

The table below shows the profile of food establishments by type. All sectors have shown growth during the last financial year.

¹ This includes 24 registered food businesses which have not started operating.

² This excludes 48 registered food businesses which have not started operating.

³ This excludes 26 registered food businesses which have not started operating.

Establishment Type	2015	2016	2017	2018	2019
Primary producers	0	0	0	0	1
manufacturers & distributors	73	81	90	93	100
importers/exporters	6	6	9	7	17
distributors/transporters	77	82	87	94	95
retailers	730	773	782	795	821
restaurants & caterers	1942	2000	2028	1991	2079
totals	2828	2942	2996	2980	3113

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

2.5 Food Hygiene Ratings in Leicester

The Food Hygiene Rating Scheme helps the public choose where to eat out or shop for food by providing information about the hygiene standards in restaurants, pubs, cafés, takeaways, hotels and other places serving food, as well as supermarkets and other food shops. The rating is not awarded to all food establishments in the city. For example, manufacturers and distributors and some very low risk establishments are not within the scheme. Following inspection all eligible food establishments are awarded a Food Hygiene Rating of 0 to 5. The ratings are published online and establishments are encouraged to display the rating in a prominent position.

As of 1 April 2019 of the 3113 registered food establishments 2651 are eligible and have been rated under the scheme. The table below shows the distribution of those ratings.

Food Hygiene Rating	2015	2016	2017	2018	2019
5 very good	1008	1157	1337	1397	1518
4 good	472	493	483	462	464
3 generally satisfactory	536	575	452	407	427
2 improvement necessary	143	141	160	151	123
1 major improvement necessary	193	156	127	103	105
0 urgent improvement necessary	19	21	8	11	14
Totals	2371	2543	2567	2531	2651

Table: Food sector profile by food hygiene ratings (Source: FHRS Local Authority Portal)

2.6 Broad compliance in Leicester

This is an indicator of the proportion of all food business establishments in the city which are broadly compliant (satisfactory or better) with food hygiene law. Food establishments that do not require any enforcement related follow up to a food hygiene inspection are Broadly Compliant. Broad compliance is measured from the food hygiene risk score awarded to a food establishment following inspection.

	2015	2016	2017	2018	2019
percentage "broadly compliant"	79%	82%	84%	84%	85%

Table: Broad compliance time series (Source: Local Authority Enforcement Management System – hygiene) **national average at end of 2016/17 was 88%**

2.7 Food Hygiene Risk Profile of Leicester's Food Sector

Following inspection food establishments are 'risk' scored to reflect the types of food activity carried out, scale, scope and current standards of hygiene. This risk score is used to prioritise the annual inspection programme. Category A are the highest risk and Category E the lowest risk.

The table below shows the profile of food establishments by risk category.

Category	2015	2016	2017	2018	2019
category A [next inspection 6 months]	33	35	27	26	30
category B [next inspection 1 year]	313	258	261	231	253
category C [next inspection 18 months]	866	868	811	792	750
category D [next inspection 2 years]	1004	1116	1121	1225	1263
category E	536	580	681	643	716
unrated [yet to be inspected]	76	85	95	63	101
Totals	2828	2942	2996	2980	3113

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

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.

The Team follow these key principles in our enforcement role

- The LCC General Enforcement Policy
- The Regulators Code
- Intelligence led regulatory interventions
- Nation Food Crime Unit National and regional update on current and emerging issues.

3.2 Food Sector Interventions

A variety of interventions are used to monitor food establishments in the City and improve compliance with food law. This range includes inspections, partial inspections, self-assessment questionnaires, sampling for analysis and examination, education and advice and the investigation of complaints. The Intervention programmes take due regard of the Food Law Code of Practice, March 2017.

With few exceptions, virtually all food establishments require inspection for both Food Hygiene and Food Standards legal requirements. The inspection frequency is determined by the levels of risk and compliance found at the previous inspection. There are separate risk schemes for Food Hygiene and for Food Standards.

Low risk compliant food establishments are inspected for both hygiene and standards at the same intervention.

A separate Food Standards inspection regime is in place for establishments that are high risk/complex and require a focussed standards inspection separate and independent to the hygiene intervention.

3.3 Regulatory and Enforcement Policy

The Council's regulatory services have a published General Regulatory Policy. This policy reflects the statutory regulatory principles set out in section 21 of the Legislative and Regulatory Reform Act 2006, the Regulators Code 2014.

The General Regulatory Policy was revised and published in February 2015.

Leicester City Council has a published Prosecution Policy.

The Food Safety Team has set out for service users 'What you can expect' From the Food Safety Team in line with the principle and requirements of the Regulators Code 2014.

3.4 Organisational scope and management structure

Leicester City Council has a City Mayor, Sir Peter Soulsby. Executive oversight of the food enforcement function is undertaken by Deputy City Mayor Councillor Piara Singh Clair.

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

Chief Operating Officer	Andy Keeling
Strategic Director City Development & Neighbourhoods	Vacant
Director of Neighbourhood & Environmental Services	John Leach
Head of Regulatory Services	Nicola Preston
Food Safety Team Manager	Dave Howard

Dave Howard has, in line with the Food Law Code of Practice March 2017, Lead Officer responsibility for food hygiene, food standards and feedstuffs.

3.5 Provision of specialist services

Analytical Services

Specialist analytical services are required to support routine national sampling exercises and ad hoc investigations of food hygiene and food standards matters. Eight public analysts and one agricultural analyst all working for Public Analyst Scientific Services are appointed.

The services of six food examiners at Public Health England's food, water and environmental laboratory in London are used.

Feed Law Inspections

The modest amount of feed law enforcement in the City is undertaken by officers from Leicestershire County Council's Trading Standards Service.

The County based Trading Standards Services in the East Midlands have demonstrated their commitment to working flexibly and delivering an effective regulatory function in this area across the region. Our reliance on availability of external specialist resource is noted as a risk. The commitment may be weakened by spending reviews. The national Feed Governance Group has announced plans to increase central funding for 'regional feed leads' and 'coordination' and introducing a competency review of feed officers.

3.6 Public and business access to support

The FST is implementing the Leicester City Council 'digital by default' programme for public and business access to its services.

Service users can access the Food Safety Team through the 'My Account' facility. Through MyAccount service user can report issues with food and food establishments, report alleged food poisoning, register a new food business and request (and pay for) a re-rating inspection.

Food business operators are provided direct email addresses and phone numbers for and encouraged to contact their inspecting officers for queries and advice. To facilitate this all FST officers are provided with smart phones.

At present the traditional contact methods remain and LCC 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.

3.7 Liaison with other organisations

Leicester City Council is represented on the following groups:

National Food Liaison Focus Group (NFLFG) which meets 3 times a year. FST Manager Dave Howard is the Vice-Chair and the East Midland Representative for the group. The remit of the group is to consider current food safety issues and establish guidelines for Local Authorities to provide a consistent approach. The group provides an initial level of consultation for new Food Standards Agency Policy before wider National consultation. Regional representatives report to the group on current regional matters of interest and trends.

Leicestershire Food Liaison Group (LFLG), which meets 4 times a year. FST Manager Dave Howard is Chair of the LFLG. 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.

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 2018/19 (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	0.5	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.
2a	Inspections of food business establishments for the first time.	1.0	This is 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	0.2	Oversight of inspection program minimises numbers overdue
3	food sampling for microbiological examination	0.5	Based on period 2014/15 to 2018/19
4	Food sampling for chemical analysis/composition [e.g. DNA]	0.2	Continuation of response to substitution and contamination threat
5	Complaints about food and food establishments	0.5	Based on period 2014/15 to 2018/19
6	Incidents and outbreaks	0.3	Based on period 2014/15 to 2018/19
7	Emergency prohibitions [temporary closure due to imminent risk of injury to health]	0.2	Maintained
8	Improvement notices	0.2	Maintained
9	Prosecutions and simple cautions	0.5	Maintained
10	Specialist advice and support for regulatory projects	0.5	e.g. food business advice, food safety procedures, new law/guidance, FSA Strategy Review, export certificates, EU Exit.
11	Management	1.5	Maintained to ensure clear oversight of team performance.
12	Administration	0.5	
	Total Requirement	12.6	
	Total FTE Resource Available	12.6	
	Resource Shortfall	0.0	

3.9 Resourcing Strategy

Resourcing the Foods Safety Team is based on the annual service plan which both forward plans the next inspection program and reviews the previous year capacity and performance. In addition the Divisional performance indicator for % of food law compliance checks due and undertaken shows that for the inspection years 2015/16, 2016/17 and 2017/18 the FST achieved 99.41%, 98.67% and 98.26% respectively.

Resourcing consists mainly of frontline officers, administration and management. Sufficient frontline officers are required to undertake and complete the planned annual inspection programme. Frontline officers also provide advice and support visits targeted to those new independent food establishments. Adequate resource is required to meet demands for service requests and to ensure a suitable level of flexibility to respond to urgent and developing matters such as food poisoning outbreaks, food incidents/alerts, and emergency closure situations.

Using Service Planning data and looking at performance indicators allows resourcing requirements to be set appropriately. The frontline resource of 10.6 FTE food officers is adequate to address the Foods Safety needs of the city.

The Management and oversight resource for the Food Safety Team is 1.5 FTE Managers. This is sufficient to provide the oversight and planning needed to ensure the frontline resource is on target and where necessary directed towards emerging issues.

Where possible, student food officers and EHOs are used to undertake planned 'low risk' projects not requiring professional qualification/authorisation.

3.10 Staff Competency and Training for 2018/19

In line with the Food Law Code of Practice March 2017, all Food Officers must be suitably qualified and competent to undertake food law work. All officers have completed a baseline competency assessment and are subject to a rolling annual assessment:

Food Safety Team Competency Assessment:

- FST Officers must maintain and provide at the end of each year a record of key experiences and actions that provide evidence of their competency. This is assessed by the FST Manager
- FST Officers are subject to at least 1 FST Manager accompanied inspection where their interaction with food establishments can be assessed first hand.
- FST officer have monthly 1 2 1 meetings with the FST manger to discuss work allocation, ongoing cases and review actions taken.

Food Safety Team Training:

Frontline officers are required to complete at least 20hrs 'Continuing Professional Development' training per year to maintain competency. The FSA only provide limited support for training. In order to meet the Food Law Code of Practice requirements for Competency and Training:

- All officers have for this year been subscribed to an online training provider and have access to a wide range of food related learning opportunities covering both Food Hygiene and Food Standards.
- Ad hoc training as courses become available to meet needs of individual officers identified through the competency assessments.
- The Team makes full use of free training and conferences where appropriate.

3.11 Financial allocation 2019/20

Food Safety Team (20201) 2019/20	
Contracted Spinal Local Government Staff	386,600.00
National Insurance Local Government Staff	42,300
Superannuation Local Government Staff	91,800
Apprentice Levy	1,700
Employee Related Insurance	9,300
Employee Training	1,500
Employee Costs	533,200
Mileage	0
Public Transport Expenses	0
Car Travel Allowance	3,600
Car Parking Allowance	100
Equipment Purchase	200
Furniture Purchase	0
Repairs & Maintenance Furniture	0
Printed & Electronic Media	500
Clothing, Footwear & Laundry	0
Stationery & Office Supplies	0
Printing & Copying	500
Photographic Supplies	700
Environment Related Services	300
Management & Business & Admin Services	400
Engineering/Research/Tech/Science Services	0
Legal Fees & Charges	0
Couriers and Special Delivery	0
Subsistence Expenses	0
Controllable Running Costs	5,600
Expenditure	538,800.00
Legal Income Incl Costs Awarded	5,000
Fees & Charges	0
Income	5,000
	533,800.00

4.0 Service delivery for 2019/2020

4.1 Food safety 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.

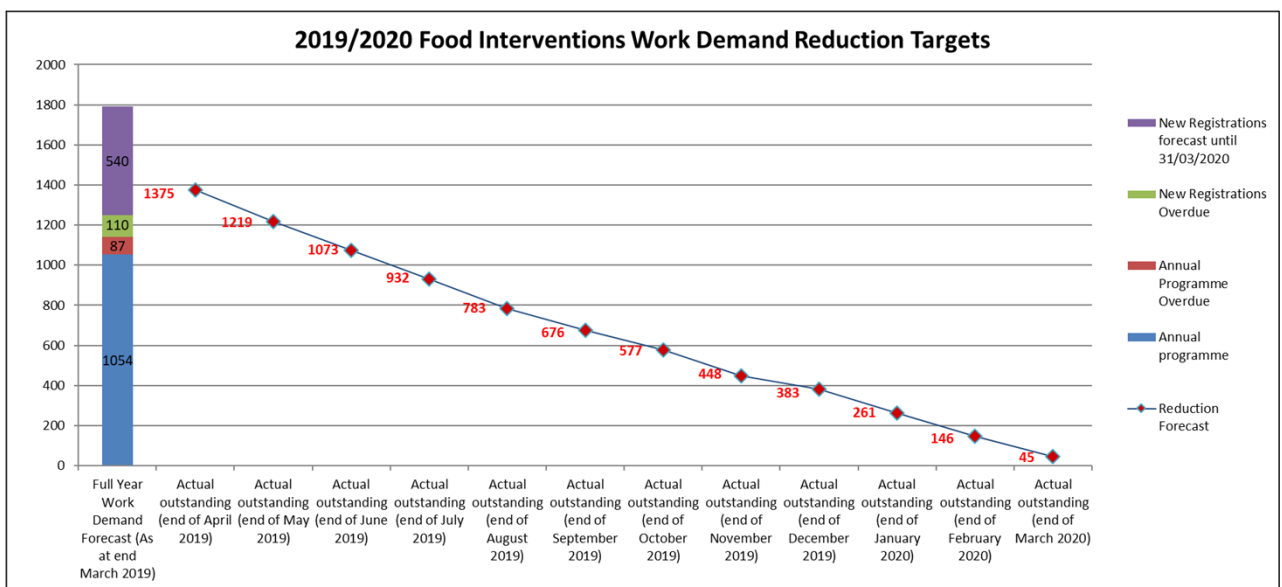
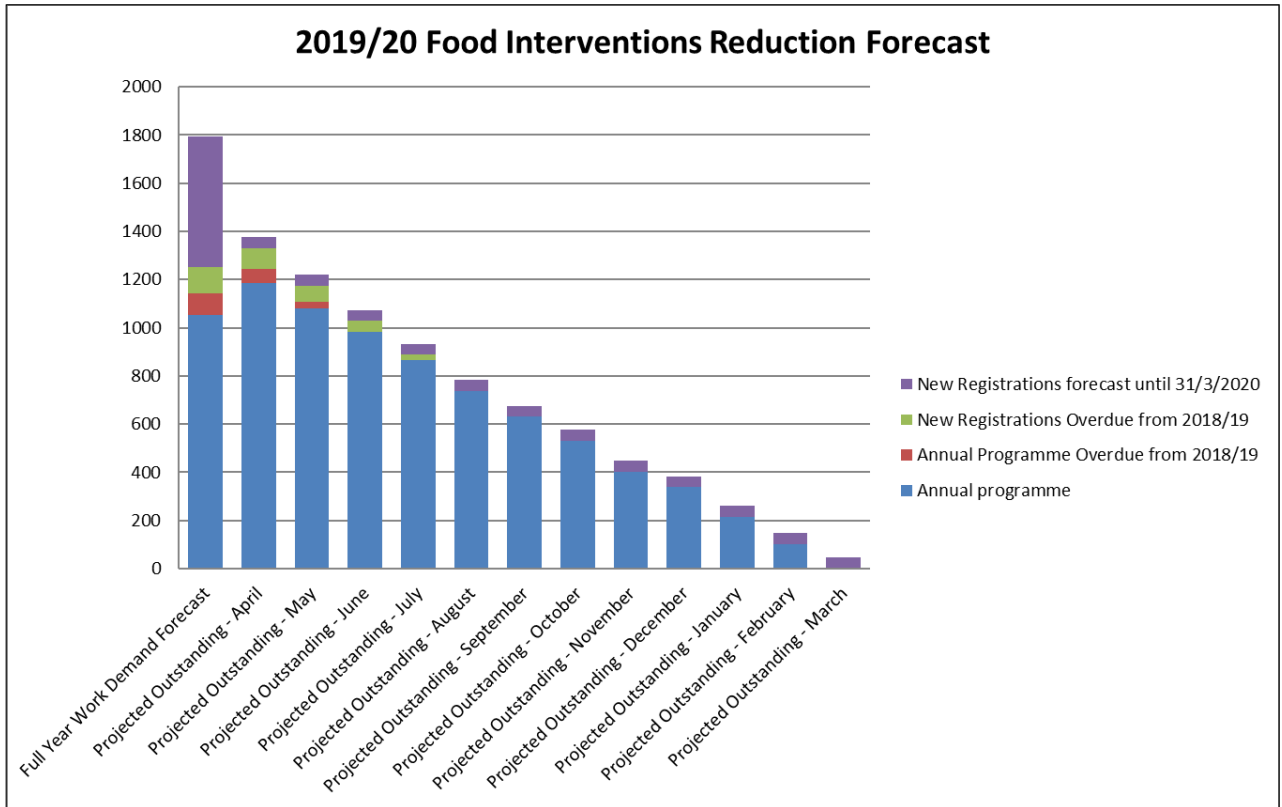
Annual Intervention Programme 2019/2020 (by risk category)	Number forecast in 2019/2020	Total due
A – at least every six months	58	
B – at least every twelve months	247	
C – at least every eighteen months	457	
D – at least every twenty four months	532	
E – a programme of alternative enforcement strategies or interventions every 3 years	155	
Business closures affecting Annual Programme FORECAST	(240)	
Total	1209	
New businesses FORECAST	540	
Total	1749	1749
Interventions overdue from Annual Programmes (by risk category)	Number overdue on 1st April 2019	
A – at least every six months	1	
B – at least every twelve months	5	
C – at least every eighteen months	15	
D – at least every twenty four months	66	
E – a programme of alternative enforcement strategies or interventions every 3 years	178	
Total	265	265
Initial Inspections overdue	Number overdue on 1st April 2019	
New businesses	110 [26] ⁴	110
Total Forecast Interventions		2124

Table: Composite Inspection/Intervention Programme for 2019/20

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

87 businesses are being carried over into the intervention programme for 2019/20. These are in the main businesses which have not been accessible to officers. There are a further 178 low risk E category establishments carried over to 2019/20 some will be subject to inspection but most will be eligible for self-assessment via a questionnaire.

110 new business registrations are being carried over. However, 26 of these are businesses which have not yet commenced trading and 32 have received an advice visit.



4.2 2019/20 Food Establishment Profiling

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

The date of the next intervention is determined by the score based on the conditions found at the previous inspection. Establishment are risk rated:

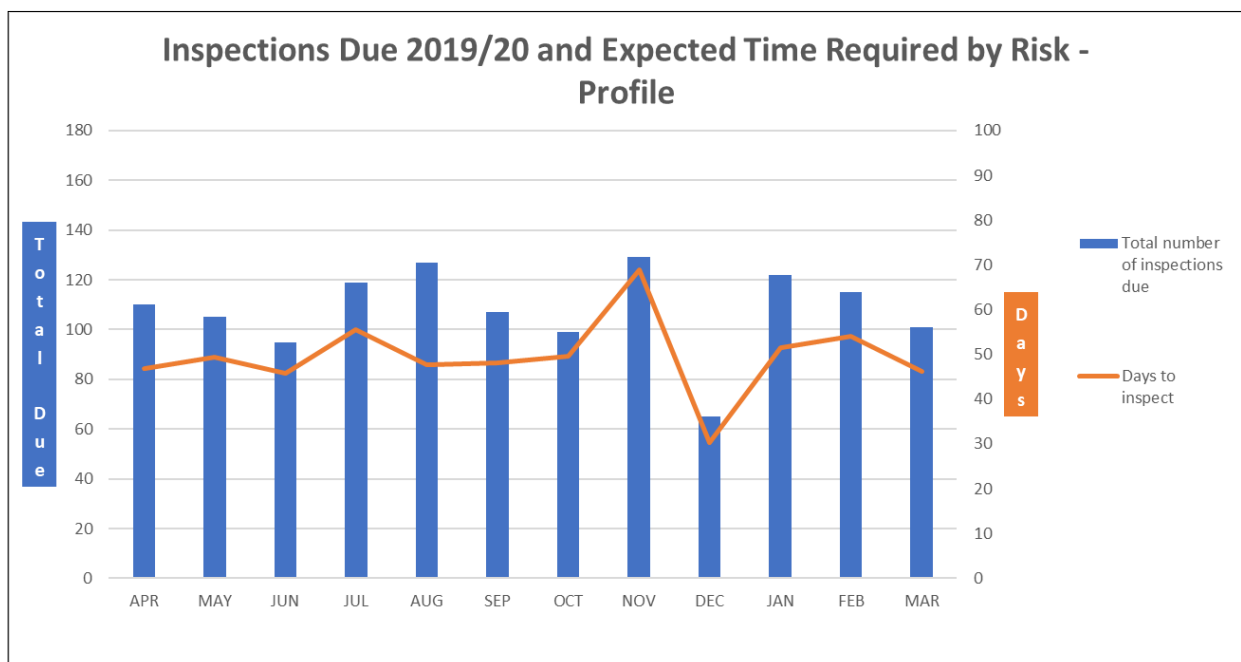
- A – Inspection at least every 6 Months
- B - Inspection at least every 12 Months
- C - Inspection at least every 18 Months
- D - Inspection at least every 2 Years
- E - Inspection at least every 3 Years

Next intervention dates are automatically generated through the Uniform Commercial Premises Database.

Some low risk food establishments (approximately 1/3rd of the annual due interventions) are 'profiled', the due intervention date is artificially altered to group like establishments. In this way profiled groups of food establishments can be scheduled through the program to reflect and best manage capacity.

How the inspection Profile is determined:

- Food Establishments that are not profiled will be inspected in the month determined by their risk score.
- Groups of profiled inspections are spread across the year where there is best fit to even out the distribution of inspections.
- Category E inspections are subject to an Alternate Enforcement Strategy which means that each 3 years an inspection can alternate with alternate enforcement, typically a self-assessment questionnaire.



The re-profiled Intervention Programme for 2019/20 will be closely monitored and may be amended in the interests of service delivery.

507 Food Establishments have been subject to profiling

The method of profiling has been refined following the experience gained during 2016/17, 2017/18 and 2018/19. The principle of profiling has been carried on to the 2019/20 intervention schedule. However, while profiling allows some control of capacity and resources it is a deviation from the Food Standards Agency Code of Practice. It has created some conflict with the Food Hygiene Rating Scheme with some profiled establishments being made to wait longer for a re-rating than would otherwise be the case. Profiling as a management tool is under review during 2019/20

Planning of the 2020/21 intervention programme will commence in the third quarter.

4.3 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.

In total there are 13 Approved Establishments due for inspection during 2019/20.

Quarter Due	Approved Establishments
April – June 2019	Universal Flexible Packaging Just Egg
July – September 2019	Bradgate Ashton Green BAR BQ BASE
October – December 2019	Paynes Daries Alisha Foods Star Dairies M & M Seafood RJC Trade
January – March 2020	Walkers Midshires Walkers Charnwood Bakery Food Attraction AA Foods

4.4 Food Standards Intervention Programme

In general food standards interventions are incorporated with and part of food hygiene inspections. This works well for Category B and C Food Standards Interventions. However, there is also an inspection programme for food standards. Due to complexity and risk category A establishments will typically have separate hygiene and standards inspections. Category C establishments can be subject to alternative intervention for example an intelligence gathering questionnaire.

2019/2020 Food Standards Interventions Due

Category	Number due
Category A	17
Category B	152
Category C	423
Total	592

4.5 Areas of Focus 2019/20

Allergens

Allergens continues to be a high-profile food issue that affects all food establishments. In recent years several food allergen fatalities have been reported in the national press. Legislation requires food establishments to be able to state categorically and provide information on which, if any, of the 14 legally required allergens are in the food they serve or sell.

Food officers review allergen controls on inspection however Food business operator knowledge is often poor. The team are developing inspections strategies to ensure allergen risks are identified and information is available.

The Leicestershire Food Group have allergens as part of their 2019/20 work Plan and are looking to provide a consistent approach to advice, inspection and enforcement. The Leicester, Leicestershire Enterprise Partnership are supporting this in conjunction with the Leicestershire Food and Drink Forum

The FST will continue the allergen sampling project started last year. The initial focus has been on peanut in take away meals as this has been the allergen of concern in some fatalities. First results have been reassuring in terms of any widespread issues as only 2 of 22 samples failed. However, the potential for serious harm that can be caused by poor allergen management means that both 'fails' have been followed up, investigated and improvements secured. This sampling exercise is under review to determine next steps.

Street Trading

The FST are this year developing a strategy in conjunction with the Licencing Team to tackle the growth in unregistered/unlicensed traders that on a seasonal basis start selling food in the street. FST will work with Licensing to identify such traders, advise on correct and safe/hygienic trading and have an agreed approach to enforcement where appropriate.

Leicester Food Plan and Public Health

The FST are working with the Food Plan and Public Health to formulate strategies to tackle food poverty and healthy eating. Whilst this is non-statutory work for the FST there are links to hygiene and standards. Furthermore, its recognised that the FST are already engaged with the Food Sector in the city and have an understanding of challenges that food establishments face.

- The FST is currently directly involved with Food Poverty Project. FST Officers are working with Public Health on the Holiday Food Provision project to ensuring that the provision of food is done so safely.
- The FST have been put forward as a possible resource to support healthy eating/nutritional campaigns. This work is in early stages and work has been done to understand the challenge, map and identify possible problems and consider solutions, further consideration will need to be given to resource implications. Whilst non-statutory, this is valuable complementary work that supports the wider health and wellbeing agenda for the city.

Primary Authority Partnership with Navitas/ESB Limited

In the first of its kind for Leicester City Council the FST and Public Safety Team have successfully set up and agreed a Primary Authority Agreement with Navitas/ESB Limited, a Leicestershire based Food Safety and Health & Safety Consultancy. This is a formal agreement whereby we act as a central point of assured advice for the partner. The partnership will involve a period for review of all the food safety/Health & safety documentation used by the company for its clients to assure they meet legal

requirements. Ongoing there will be a relationship for support and review where there are changes to legislation or guidance.

This first year will be particularly intensive in setting up and review. However, this work is carried out on a cost recovery basis.

Wet Bars/Nightclubs

A Joint project with the Licensing Team is proposed. The focus is on late night bars and clubs. These are establishments that due to their opening hours are difficult to access and low risk from a food hygiene perspective as they do not serve food. The project will consider the best use of resources to achieve both Food Hygiene/Standards and Licencing inspection requirements and ensure compliance.

4.6 Registered feed establishments

There are 44 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 or sell co-products of food production.

Leicestershire County Council continues to perform feed interventions for Leicester City Council. Funding has been reduced and in accordance with national and regional planning.

6 feed establishments in the city are due to be inspected during 2019/20.

4.7 Product Testing

National and Regional Food Surveys

Where the subject is of interest locally and or will support national/regional intelligence into food safety, The FST will participate in nationally and regionally planned sampling surveys for microbiological examination. If any such surveys for chemical and compositional analysis are announced, the FST will take the same approach to participation.

Other Samples

These will include samples from approved establishments and from establishment that are the subject of compliance issues or associated with food poisoning, and samples of imported food from non-EU countries.

The number of routine samples taken will be determined by capacity during the course of the year, and any incidents/outbreaks which occur.

4.8 Investigations of complaints relating to food and food premises

Service Requests and complaints have continued to increase in 2018/19. The overall numbers of complaints is further expected to rise in 2019/20.

Service requests cover a wide range of issues from requests for advice (setting up a new food establishment) to matters that require an urgent response (food poisoning outbreaks).

Service Requests are assessed for detriment and risk and responded to appropriately. Where the Food Safety Team cannot help directly, service users are signposted to other agencies.

	2013/2014	2014/15	2015/16	2016/17	2017/18	2019/19
Service Requests	549	517	500	728	871	1000

(Source: Uniform Database)

4.9 Business and Consumer advice and support

The Food Team through the course of their interaction with new and existing food establishments identify potential support needs.

The Food Team will continue to support new food business operators with appropriate advice and support to guide towards a high level of compliance with food law. Currently advisory visits are offered on a no charge basis. Such visits are beneficial in our drive to reduce the number of new food establishments with poor Food hygiene ratings, particularly 0s and 1s.

The Food Team work with organisations such as the Leicestershire Food & Drink Forum and Leicester & Leicestershire Enterprise Partnership (LEEP) to signpost new and growing food businesses towards advice and support.

Requests from businesses for Primary Authority agreements will be considered and determined with senior management.

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

5.0 Significant Issues on the Horizon

The Food Standards Agency Regulating our Future

The regulatory landscape for food law enforcement is changing. In 2016 the FSA launched 'Regulating Our Future', a strategic review of Food Law enforcement. The aim to ensure that Food Law Enforcement not only proportionate and focussed resources by risk but is agile and flexible to match the challenges that Food manufacturing, food fraud, food traceability etc pose on a worldwide platform. This review is due to be implemented by 2020.

Food Standards Review

The FSA are also reviewing the current regime for Food Standards. There is significant and increasing crossover between Food Standards and Food Hygiene issues, for example allergens require correct labelling (Standards) and effective management (Hygiene). The regime for Food Standards regulation is currently under review.

EU Exit.

The extent of impacts from the UK exiting the EU remain unclear. However, whilst fundamental food hygiene requirements/controls will not change there will be issues for food establishments in relation to sourcing ingredients, sourcing food handlers, importing and exporting food.

Whilst there is some uncertainty on the horizon the FST propose:

- To closely monitor developments with Regulating Our Future and the Review of Food Standards Regulation with a view to:

- Keeping the LLEP and local food businesses informed of and changes in regulatory standards and procedures; and significant regulatory compliance risks
 - Keeping the City Mayor, Executive and senior management informed of impacts on Leicester and the City Council
 - Identifying the need for changes in policy, procedure, practice, organisation and resourcing
- To closely monitor developments with Single Market and Customs Union with a view to:
 - Keeping the LLEP and local food businesses informed of and changes in regulatory standards and procedures; and significant regulatory compliance risks
 - Keeping the City Mayor, Executive and senior management informed of impacts on Leicester and the City Council
 - Identifying the need for changes in policy, procedure, practice, organisation and resourcing
- To adapt internal arrangements in anticipation of changed regulatory regime, in particular;
 - To work with Idox, the supplier of LCC's Uniform system, to ensure it is ready to link up with the FSA's 'enhanced registration' online functionality and that arrangements are in place to keep the 'national register' populated with accurate information our local data sources.
 - To work with the Service Support & Intelligence Team to ensure that the current performance reports are brought into line with FSA 'balanced scorecard' reporting requirements.
- To enhance our regulatory response capability, in particular;
 - To review and re-document arrangements and protocols between the Food Safety Team, Trading Standards Team and the Licensing Service

6.0 Review of the Food Law Enforcement Plan 2018/19

6.1 Introduction

Whilst the key objectives of the Food Safety Team remain (1.2 above) there has been a strong focus on support for new businesses and swift enforcement actions where compliance is poor.

This 'balanced approach', support for new business and appropriate prompt enforcement where required has seen the level of broad compliance rise across all food businesses in the city from 71.5% to 85%.

The food team remain committed to those key objectives.

Appendix 1 is a summary of the commentary from the FST monthly reports providing service 'highlights'.

6.2 Resourcing

The resources committed to the food safety service have been maintained and continues to provide the required management, advisory and regulatory activity. The 2018/19 intervention plan was

completed however due to a current vacancy a larger number of inspections were carried over to 2019/20.

At the end of the 2018-2019 the FTE permanent establishment of the Team was:

	Management	Frontline	Administrative Support
Required	1.5	10.6	0.5
Actual	1.5	9.6	0.5

This required level of resourcing is currently adequate to complete the yearly planned work, predicted new registrations and service requests and accommodate food related incidents that require an urgent response.

6.3 Approved Establishments

All inspections for Approved Establishments due in 2018/19 were completed

At the end of 2018/19 there were 22 approved establishments.

6.4 Monitoring Interventions

In 2018/19 the following monitoring activity was undertaken by the Authority.

Activity	Actual 2014/15	Actual 2015/16	Actual 2016/17	Actual 2017/18	Actual 2018/19
inspections & audits	2062	1477	1822	1663	1675
verification & surveillance	1013	1365	1273	1290	1561
sampling visits	62	153	95	151	140
desktop assessment of Es	117	11	28	51	7

6.5 Monitoring Interventions and New Registrations

Interventions overdue from previous Annual Programmes	Number overdue on 1 st April 2015	Number overdue on 1 st April 2016	Number overdue on 1 st April 2017	Number overdue on 1 st April 2018	Number overdue on 1 st April 2019
Category A	1	0	0	1	1
Category B	0	16.	3	4	5
Category C	6	5	6	4	15
Category D	10	1	12	13	66
Category E	40	0	0	0	155

New Businesses registered but not inspected	73 [33] ⁵	86 [36] ⁶	75 [24] ⁷	96 [43] ⁸	110 [26] ⁹
Total	113	93	96	118	352

Note: The figures for Category E for 2016, 2017 and 2018 were reported incorrectly. Although reported as 0 the actual figure was not 0, they were missed from that year report and not counted them towards the overall annual programme figures. This has been corrected.

6.6 Food Sampling

During 2018/19 Leicester City Council's Food Safety Team participated in the following Food Sampling surveys:

Study 64 – Ready to Eat pastry Products (April – October 2018)

Samples were collected from retail and catering premises to provide data on microbiological quality of these foods. Samples were taken from hot hold and chilled cabinets as well as ambient stable foods and tested for the presence/absence of Listeria species and routine enumeration of Enterobacteriaceae, Ecoli, Staphylococcus and Bacillus. Clostridium perfringens was looked for in meat based products

Study 65 – Swabbing in Catering Premises (Sept 18 – Mar 19)

Samples were obtained to provide microbiological data on surfaces and equipment within catering premises. Swabs were taken from various random areas within the food business kitchen which were clean and ready to use and included plastic containers, tongs and other serving utensils, taps (in rte areas), till keys/buttons, door handles (fridges, freezers, microwave and dishwasher, etc.), sanitiser bottles, chopping boards and cloths.

Swabs and cloths obtained from catering premises were tested for Hygiene – Enterobacteriaceae, Ecoli, Staphylococcus, Bacillus and Pathogens – Listeria.

Study 66 – Frozen Fruit and Vegetables (Jan – Mar 2019)

This survey was set up in response to a food incident during 2018 which caused Listeriosis a food borne illness caused by the pathogen Listeria. The incident was found to of been caused by frozen sweetcorn and other vegetables.

Samples collected were tested for the presence or absence of Listeria and Ecoli.

Imported Foods (April 2018 – Mar 2019)

Ready to Eat Foods from outside the EU are collected throughout the year and tested for microbiological quality. A wide range of foods can be found on sale in Leicester which have come from outside the EU including Fruit and Vegetables, Confectionery, tins and jars of pickles, sauces, etc. and frozen foods.

⁵ [33] denotes an establishment that has been registered but not started operating

⁶ [36] denotes an establishment that has been registered but not started operating

⁷ [24] denotes an establishment that has been registered but not started operating

⁸ [43] denotes an establishment that has been registered but not started operating

⁹ [26] denotes an establishment that has been registered but not started operating

6.7 Investigations

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

The recent trend has been a significant increase in the numbers of complaints received. This is due in part to improved service user access via digital/online reporting and an increased awareness of food safety issues.

The significant increase is a challenge but managed by ‘triaging’ requests based on priority and where possible signposting Service Users towards information and solutions where they can self help.

	2013/2014	2014/15	2015/16	2016/17	2017/18	2019/19
Service Requests	549	517	500	728	871	1000

(Source: Uniform Database)

2018/19 Service Request Breakdown

Request Type	Total 2018/19
Food Hygiene Complaints	529
Food Standards Complaints	104
Requests for Advice	162
Requests for Information	50
Re-rating Requests	75
Other	80
Total	1000

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.

Action	Actual 2014/15	Actual 2015/16	Actual 2016/17	Actual 2017/18	Actual 2018/19
Voluntary closure	9	5	9	4	10
Seizure, detention & surrender of food	11	19	8	2	3
Suspension/revocation of approval or licence	0	0	1	0	0
Emergency prohibition notice	8	9	2	4	5
Simple caution	2	12	6	10	10
Improvement notices [X] ¹⁰	76 [25]	58 [33]	60 [29]	46 [22]	36 [16]
Remedial action & detention notices	1	3	0	0	0
Written warnings	1814	1273	1661	1538	1558
Prosecutions concluded	1	3	2	3	2

(Source: Local Authority Enforcement Management System – hygiene)

¹⁰ [x] denotes the number of establishments subject to enforcement action.

6.9 Business Advice & Support

As part of an initiative to improve compliance in new food businesses the Food Safety Team continue to offer email and telephone support to new businesses and where appropriate carry out advisory visits to new registrations ahead of formal inspections.

In 2018/19 Food Safety Team Officers carried out 246 advice visits offering bespoke guidance to new businesses on compliance and how to achieve the best Food Hygiene Rating possible

6.10 2018/19 Compliance Projects

Allergens - Ongoing and included in Service Plan for 2019/20

A total of 21 samples were collected from 16 catering businesses across the city. Officers made orders for food indicating the food was for a person with a peanut allergy and needed to be peanut free. When collected the food was sent to the laboratory and tested for any peanut content.

Two samples failed and were found to contain peanut.

These businesses have been visited, given advice, and interviewed about the results. The businesses were then asked to sign a Stop Order. By signing the order, they have agreed not to serve any person/customer who advises them they have an allergy.

Further phases of allergen sampling are planned to look for other allergen foods. There are 14 allergen foods which are – Cereals containing Gluten, Soya, Crustaceans, Molluscs, Milk, Eggs, Fish, Mustard, Celery, Lupin, Nuts, Peanuts, Sesame Seeds and Sulphur Dioxide.

Acrylamide – Complete

Acrylamide is a chemical substance formed when starchy foods, such as potatoes and bread, are cooked at high temperatures. Acrylamide levels found in food have the potential to increase the risk of cancer for people of all ages. New legislation which came into force in May 2018 requires all food businesses operators to put in place simple practical steps to manage acrylamide within their food safety management systems.

The Food Safety Team have developed an information leaflet to advise food businesses that make products likely to be high in acrylamide of the requirements.

Inspection aid memoir has been updated to ensure officers on inspection consider acrylamide and record business awareness and steps taken.
businesses of the new requirements.

Promotion of 5 Rated Establishments - Complete

Through liaison with the LCC Press Team and the Leicester Mercury 5 Rated establishments are now routinely profiled on the Leicester Mercury Website. The FST raise a weekly report on the food establishments that have achieved a 5 Rating the previous week. This is sent to the Leicester Mercury who publicise a 'positive' article identifying those 5 Rated establishments.

Illicit Alcohol – Bars/nightclubs - carried forward to 2019/20

This has been carried forward to and included in the 2018/19 Service Plan. The proposal was to undertake a joint project with colleagues in Licensing to provide assurance as the nature and quality of alcohol being supplied. Recent resourcing issues in Licensing have set aside this project to the 2018/19 Service Plan.

Illicit alcohol has continued to be investigated on an intelligence basis.

6.11 Conclusion of Service Plan

The level of resourcing and support committed to the Food Safety Team enables the Leicester City Council to achieve its Statutory Duty in respect of Food Law. Priorities remain to complete the intervention programme, manage new registrations and ensure compliance with food law.

The team are structured to ensure close management and oversight of work demands and resourcing. This provides assurance that non-compliance is addressed in an appropriate, proportionate and timely fashion.

The service is 'business friendly' and support offered to new and existing food business operators will continue. Whilst this is not a statutory function this support coupled with swift enforcement for those less willing has been significant in the rise in the overall 'broad compliance' with food hygiene law.

APPENDIX 1

Commentary from FST Monthly Performance Reports Apr 2018 to Mar 2019

Apr 2018

- During March and April Leicester importer AKM Foods Ltd was involved in national product withdrawals of Pan Masala which contained an illegal colour, and Jelly mini cups which were of a consistency which constituted a choking hazard. This entailed substantial investigation work for FST EHO [REDACTED].
- A charge of £110 + VAT = £132 was introduced for the re-rating, when requested, of food business establishments with ratings lower than five.
- The food business operator of Grill House 144 Belgrave Gate was prosecuted for food hygiene offences and fined £300 with £2378.50 costs.
- The food business operator of [REDACTED] Highcross Street accepted a simple caution for food hygiene contraventions.
- Eight officers from the FST attended a Public Health England one day course about Listeria [a low temperature food pathogen].

May 2018

- During May two Leicester food business operators were subject to two more national product withdrawals of Jelly mini cups which were of a consistency which constituted a choking hazard. This entailed substantial investigation work for FST EHOs [REDACTED].
- At a visit during which officers found widespread rat activity, very poor standards of cleanliness and poor food handling practices, a Food Hygiene Emergency Prohibition Notice was served on the food business operator of Hong Kong Takeaway 219A Uppingham Road. In court three days later magistrates continued this prohibition by granting an Order of the court, and awarded the council 1243.72 pounds costs against the operator.
- FST Manager Dave Howard attended and acted as critical friend at the Licensing Team's review and planning away day.

Jun 2018

- DMU Health Studies graduate [REDACTED] joined the FST for 6 weeks as part of the DMU Graduate Champions scheme. She worked on a Acrylamide information project and gained insight into the work of the FST and public health.
- Review of the meat substitution sampling programme and subsequent investigations which, in turn led to "Dutch Bangla" prosecutions in the Crown Court.
- Preliminary discussion between a Director and senior manager from the European Safety Bureau and Dave Howard and Govind Mandora, to explore the possibility of a Primary Authority co-ordinated Partnership between the ESB and Leicester City Council.

Jul 2018

- HEPN served on FBO of the Sudanese Dafar Association Brunswick Street to prohibit its use as any food business establishment due to evidence of rats and cockroaches and poor standard of cleaning. HEPO applied for and granted by a magistrates' court.
- Undertaking by FBO of [REDACTED] East Park Road to temporarily cease the use of the main kitchen used for langar due to evidence of cockroaches and poor standard of cleaning (smaller kitchen in the building used temporarily; langar not interrupted).
- Samples of Kombucha Tea taken for microbiological examination [tea made with a live culture called a scoby).

- Training days largely mandatory LCC GDPR training.

Aug 2018

- Caribbean Carnival – Compliance with food law generally very good. Some improvements and recommendations for pre event planning to be fed back to debrief
- Food business operator of Khana Kazan in the Crown Court - £3000 costs and 100 community service. 6mth reduced to 4mth suspended sentence
- Food Incident – Top Spirits Unregistered Drinks supplier in the city supplying spirits with no English labelling – product recall
- Dave Howard has been voted in as Vice Chair of the National Food Hygiene Focus Group

Sep 2018

- Food business operator's undertaking to cease temporarily the use of [REDACTED] as food business establishment
- Food business operator's undertaking to cease temporarily the use of [REDACTED] as food business establishment
- Withdrawal of Approval for Life With Taste to place animal ingredient based foods on the market due to serious deficiencies
- Food Law Code Of Practice Consultation – responses to the Food Standards Agency from Leicester City Council, Leicestershire Food Group and National Food Focus Group
- Three food business operators signed and issued with simple cautions
- Four officers attended conflict management training; three officers attended East Midlands Councils' event on food law enforcement.

Oct 2018

- Emergency prohibition imposed on FBO of Toro's Express 114 East Park Road due to mouse activity, gnawed food and poor cleaning. Order to uphold and continue the prohibition granted in the Magistrates' Court.
- Prosecution in the Magistrates' Court of FBO of Big Wang Welford Road, who entered a late plea of guilty to 11 charges. FBO fined £1333.00 on charge 8 – risks of contamination, £1000 on charge 10 – illegal chillies, £130 victim surcharge and full Council costs of £3140.40. Total: £6306.40.
- Voluntary undertaking to cease operations due to evidence of mice signed by FBO of [REDACTED] St Stephens Road.
- Sampling Survey of Peanut in food ordered as 'Peanut Free' takeaway food started.

Nov 2018

- FBO of Subway 16 Melton Road prohibited from using premises as food establishment due extensive rat and mouse activity, poor cleaning and maintenance. HEPN served and HEPO granted by the magistrates' court.
- 1000 Tweaks – Council Health Promotion initiative to encourage healthy eating and activity by small increments supported by FST by adding information to our reports
- EHO [REDACTED] left the Council to take an EHO post at [REDACTED]. Reviewing capacity to manage situation until recruitment possible [FTE now 9.6 from 10.1]
- Sampling Survey of Peanut in food ordered as 'Peanut Free' takeaway food – 22 samples taken and sent for analysis.

Dec 2018

- The operator of a retail shop on St Peters Road signed an undertaking to cease its use as a food business establishment temporarily due to rodents.
- Forecasting of the 2019/2010 inspection programme began.
- Some FST officers attended a conflict management course.

Jan 2019

- Joint initiative with National Food Crime Unit on illegal imports of Chinese POAO – quantities seized from 4 of 6 shops visited.
- Voluntary Closure of [REDACTED] due to presence of pests
- Promotion of 5 rated establishments – started an initiative to report weekly to Leicester Mercury for their publication online. Mercury feedback very positive.
- Public Health Training course on food shelf life determination and use of modelling to determine food durability

Feb 2019

- Voluntary closure of [REDACTED] due to evidence of mice
- Public Health England training course on STEC [shiga toxin producing E. coli]
- Team Managers attended the Service Strategy Development Day

Mar 2019

- Low numbers of high risk establishments overdue for inspection at end of financial year: 1 category A, 5 category B and 15 category C. [1800 inspections at outset]
- Daar Dheere Café 152 Wharf Street North closed using emergency powers – mouse activity throughout and poor cleaning. Hygiene Emergency Prohibition Order granted in the magistrates' court.
- Leicester based incident referred to and issued as a national Food Alert by the Food Standards Agency: undeclared milk, soya and barley [gluten] found in several products from Macadams Bakery 27 Copdale Road.