



Leicester  
City Council

WARDS AFFECTED  
All

7.1

**FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:**

Full Council

5<sup>th</sup> October 2017

---

**Service Plan for Food Law Enforcement**

---

**Report of the Food Safety Team, Regulatory Services, Neighbourhood & Env. Services  
Lead Director: John Leach**

**1. PURPOSE OF REPORT**

This report presents Leicester City Council's Food Enforcement Plan 2017-18 for consideration by the Executive. 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 2016/2017.

**2. RECOMMENDATIONS (OR OPTIONS):**

**2.1** To consider and approve the Service Plan for Food Law Enforcement 2017/2018.

**3. REPORT**

**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 84% (the national average is 88%).

**3.3** In 2017/18 the Food Safety Team will deliver around 1999 food hygiene inspections. These are programmed at frequencies dependent on risk as required by the statutory Code of Practice. Appendix 2 provides the Service Plan for Food Law Enforcement 2017/2018.

**3.4** Key compliance projects for 2017/18 include:

- Promotion of 5 rated Establishments
- Allergens

- Halal food suppliers - traceability of product
- Illicit Alcohol

## **4. FINANCIAL, LEGAL AND OTHER IMPLICATIONS**

### **4.1. Financial Implications**

**4.1.1** The net budget of the Food Safety Team, the principal team for delivery of food regulatory activities, is £455k in 2017/18.

**4.1.2** Following the FSA Audit in 2014 temporary additional funding of up to £75k pa was made available from departmental funds to support the increased establishment. The funding and resourcing of the food regulatory function has been considered as part of the Regulatory Services Spending Review and budgets are being re-aligned to maintain service delivery.

Colin Sharpe  
Head of Finance  
Ext 37 4081

### **4.2 Legal Implications**

**4.2.1** 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>

**4.2.2** 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>

**4.2.3** 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.

**4.2.4** 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).

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

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

**4.2.7** 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

### **4.3 Equalities Implications**

**4.3.1** 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.

**4.3.2** 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.

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

## **5. OTHER IMPLICATIONS**

OTHER IMPLICATIONS	YES/NO	Paragraph Within the Report	References
Equal Opportunities	<b>Yes</b>	<b>4.3 (4.3.1, 4.3.2 and 4.3.3)</b>	
Policy	<b>No</b>		
Sustainable and Environmental	<b>No</b>		
Crime and Disorder	<b>No</b>		
Human Rights Act	<b>No</b>		
Elderly/People on Low Income	<b>No</b>		
Corporate Parenting	<b>No</b>		

## **7. BACKGROUND PAPERS –**

Service Plan for Food Law Enforcement 2017/2018

## **8. CONSULTATIONS**

### **Details of Scrutiny**

**8.1** The Director of Neighbourhood and Environmental Services submitted a report to the Neighbourhood Services and Community Involvement Scrutiny Commission on 12<sup>th</sup> July 2017, on public protection and regulation in Leicester's food sector.

The full minute is in Appendix One.

**8.2** The Commission AGREED:

- 1) that the report be noted;
- 2) that the Commission congratulate and thank the department for their work in improving the food hygiene ratings; and
- 3) that a halal desk top study be brought to a future meeting of the Commission

## **9. REPORT AUTHOR**

Roman Leszczyszyn, Head of Regulatory Services  
0116 454 3191, leszr001@leicester.gov.uk

## Appendix One:

### 104. REGULATION OF LEICESTER'S FOOD BUSINESS SECTOR

The Director of Local Services and Enforcement submitted a report that provided information on the food sector from a food regulatory perspective, proposed food law regulatory interventions for 2017/18, case studies and key issues in the development of the national framework. Members also received a power-point presentation a copy of which is attached to the back of these minutes.

Members raised comments and queries, which included the following:

- A Member said that she was pleased that the council were having conversations about obesity issues with Public Health. People were increasingly eating out or having takeaway meals which were often highly calorific.
- It was noted that there had been a backlog of inspections and additional staff had been recruited and a Member questioned whether those staffing levels had been maintained. Officers acknowledged that there had been a significant backlog but permission to recruit had been given and the service was now well resourced.
- A comment was made that it would be useful for statistics in future reports to be shown as percentages as well as numbers.
- A member questioned whether tests were carried out on ice buckets and their contents and heard that while these had not specifically been tested, sampling was carried out on ice making machines. A recent case publicised in the media involving bacteria found in iced drinks, involved unclean hands going into the ice bucket.
- A suggestion was made for the Council to charge for the advice given to the food sector. Members heard that the council were considering this, but there was a concern that if they ceased to offer free advice, people would be reluctant to pay which could lead to more problems in the future. Consideration was being given however to the recovery of costs incurred in re-inspections.
- In respect of allergens, officers explained that there were 14 main allergens, including gluten. Peanuts were the highest rated allergen and checks were currently being concentrated on that particular food.
- In response to a question, officers said that both inspections and re-inspections were unannounced.
- Officers explained that they did not test food to verify whether it was vegetarian; there was no legal definition of vegetarian food.

- A Member expressed concerns relating to food businesses that had failed to register with the council. Officers responded that the Food Safety Officers knew their own area well and tended to notice if a new food outlet appeared. They were also becoming increasingly aware of food outlets that did not have a street presence; they might operate from a home address and therefore harder to identify.
- The Chair commented that he was very pleased to see an increase in the number of food outlets that had been awarded a four or five star food hygiene rating. An officer explained that in addition to providing advice and support, there was a greater emphasis on compliance visits. If an establishment was non-compliant they would be given a report and an improvement would usually be evident when the food safety officers returned. It was anticipated that whilst there was the capacity to carry out these compliance visits, the numbers of food outlets with four and five star ratings would continue to improve.
- It was noted that 1707 written warnings had been issued during 2016/17 and officers explained that these related to the number of written reports issued following compliance visits.
- In relation to a query regarding the channel shift programme, officers explained that many companies were happy with digitalisation and registered on-line. Many of the complaints relating to food hygiene issues were submitted on-line by the public. The service was also working to identify any vulnerable people for whom this might be problematic.
- In response to a query regarding food fraud and Halal food, the Commission heard that officers carried out desk top reviews into Halal food. Some businesses relied on their Halal certificate or accreditation and it was hoped to carry out some investigations into those accreditations. Any meat or poultry that had been Halal slaughtered should be traceable back to the Halal slaughter house. The Chair requested that a Halal desk top study be brought to a future meeting of the Commission.

The Chair drew the discussion to a close and asked the Commission to agree to congratulate and thank the department on their work in improving the food hygiene ratings. A further report was requested in 12 months-time and Members heard that there was a legal requirement to provide this report on an annual basis.

**AGREED:**

- 1) that the report be noted;
- 2) that the Commission congratulate and thank the department for their work in improving the food hygiene ratings; and
- 3) that a halal desk top study be brought to a future meeting of the

Commission.