

## Appendix Two

### 13. REGULATION OF LEICESTER'S FOOD BUSINESS SECTOR - THE SERVICE PLAN 2018/19

The Director of Neighbourhood and Environmental Services submitted a report introducing the draft Food Service Plan 2018/19 and providing information including the food sector from a food law regulatory perspective, proposed food law regulatory interventions for 2018/19 and key issues in the development of the national framework in response to the growth and diversity of the food industry and reduced local authority budgets.

The Deputy City Mayor with responsibility for Culture, Leisure, Sport and Regulatory Services reminded the Commission that the food sector in the city had changed over recent years, reflecting the changes in the city's population. The challenges this raised for the Council included how these businesses would be monitored, due to the variety of businesses that ranged from international brands to very small businesses, and the number of businesses opening, closing and changing ownership each year. As there were approximately 3,000 food businesses requiring inspection and monitoring, this created a heavy workload for the officers involved.

The Team Manager – Regulatory Services Management gave a presentation on present and future challenges in the regulation of Leicester's food business sector, a copy of which is attached at the end of these minutes for information. During this, Members noted the following points:

- The 21 “Approved Establishments” produced food with animal-based ingredients and were required to obtain formal approval from the Council before they could start trading. Imports from outside the European Union had to be from an “Approved Establishment” and enhanced checks were carried out at the port of entry in to this country;
- Although the number of registered food businesses remained fairly constant at approximately 3,000, each year approximately 1 in every 6 were new establishments. These were balanced by an equivalent number ceasing to operate;
- There had been a 15% increase in compliant food businesses since 2013, so 84% now were compliant;
- The sweet mart sampling exercise undertaken in 2017/18 had not been initiated due to concerns. In general, very good results had been obtained. Visits to establishments had been undertaken and advice issued where appropriate;
- It was usual for some inspections to be overdue. This could be for a variety of reasons, such as seasonal activities by the business, or closure for refurbishment;

- It was hoped that the potential nationally-set bespoke inspection programmes for big businesses would include provision for visits to establishments when food alerts were made, rather than setting a programme of routine inspections;
- It was anticipated that the proposed compliance project for 2018/19 on allergens would be done in conjunction with an investigation in to the nutritional content of food; and
- Acrylamide was a geno-toxic (cancer-causing) compound that was released when certain food was fried. It was accepted that there would be some in food, but it was intended that a compliance project for 2018/19 would encourage food producers to minimise its use and use safer cooking methods, (such as cooking at lower temperatures where possible). This was covered by regulations produced under new legislation.

The Commission congratulated the team on its work and noted the following points:

- Making food at home for sale meant that home was a food establishment. Those registered with the Council were visited and given food hygiene ratings. However, many people were not aware of the law relating to this. Units where food was prepared for events also needed to be regulated;
- Venues where catering was provided in-house were food establishments. When food was supplied by external caterers to a venue, the caterers were the food establishment. However, the venue had an important role in storing the food, (for example, ensuring that it was kept at the right temperature);
- The Food Safety Team was aware that some shops allowed sellers of food such as fresh fruit to use parts of their premises, (for example, using the pavement area outside a shop). Work was being undertaken with the Licensing Team to establish a co-ordinated approach to this;
- Food sold on the street for immediate consumption was a licensable activity and was subject to inspection by the Food Safety Team. The Team's close working relationship with other Council services, (for example, the Festivals and Events team), facilitated this. Work was ongoing to establish the best way that the Food Safety Team could work with the City Warden service;
- Organisers of events at which food for immediate consumption was to be available were advised to ensure that the providers of such food had a food hygiene rating of 3 or above;
- The percentage of "broadly compliant" businesses was increasing;
- No progress had been made in England with making the display of food hygiene rating compulsory. The Council had put pressure on the Food

Standards Agency (FSA) a few times about this. The ratings were published on the Council's website and businesses were encouraged to display their ratings. One of the problems created by the current situation was that the industry wanted to work towards establishing central registration, and possibly some form of permit to trade, but this was not feasible when businesses were not required to display their ratings;

- The FSA was responsible for ensuring that the national regulatory framework was "fit for purpose". It wanted this framework to be proportionate to the size of the establishment, allowing local authorities the flexibility to react to food incidents on the basis of the scale of the business in question and the type of activity it undertook. These incidents included food crime, (such as food fraud);
- A recent product recall on a mouth freshener had been due to a colouring being used that was a prohibited product. In such cases, a check would be made on how much of the recalled item a business had and where it had been distributed to. If the recalled item had gone to a point of retail, it could have been purchased and taken to people's homes. In these cases, point of sale recall notices had to be relied on to let purchasers know of the recall;
- After incidents such as food poisoning, an officer from the Food Safety Team would work with the business(es) concerned, for example to establish permanent and temporary controls; and
- The Food Safety Team was confident it would be able to implement the Service Plan submitted with the report. Investment had been made in the Team, leading to an increase in the number of staff, and it was assisted in its regulation of the food sector by the work of bodies such as the Leicester and Leicestershire Enterprise Partnership, which was able to provide advice to new businesses.

AGREED:

- 1) That the work undertaken by Leicester City Council's Food Safety Team be noted and the Team congratulated on its work; and
- 2) That the Director of Neighbourhood and Environmental Services be asked to present a report to this Commission at an appropriate time on the operation of the food hygiene rating system, including ways in which businesses could be encouraged to display their food hygiene rating.