

DIRECTORATE OF COMMUNITIES & NEIGHBOURHOODS

FOOD LAW ENFORCEMENT SERVICE PLAN 2012/13

FOREWORD

Under the Food Standards Agency's Framework Agreement, City of York Council is required to produce an annual service plan that covers their various food functions.

The food team, which is part of the food and safety unit, is responsible for food law enforcement. This service plan reviews our performance over the last year, sets out our aims and objectives for 2012/13, and also looks at what demands are placed on the team and what resources are available to meet those demands.

Variance between the 2011/12 planned and actual performance is highlighted. Where necessary, corrective action is recommended and incorporated into the 2012/13 plan.

Resources in the team are limited. However, this plan illustrates the effective use of existing resources to target the highest risk businesses, while maintaining a balanced enforcement mix.

1. SERVICE OBJECTIVES, AIMS AND POLICIES

1.1 The vision of Environmental Health and Trading Standards is:

“To deliver the highest standards of protection of health, environmental and economic well-being to the people of York, through the provision of a quality customer focused service.”

1.2 The objectives of Environmental Health and Trading Standards are to:

- Protect residents and local businesses from unfair and unsafe business practices
- Protect residents and our environment from pollution and other public health and safety hazards
- Help local businesses achieve compliance with their legal obligations
- Promote healthy living in the city

1.3 The aims the food team are:

- To operate a comprehensive regime of interventions (eg inspections), sampling, advice and other approaches as appropriate, to ensure the safety, correct composition, description and labelling of foods and animal feeding stuffs and to prevent adulteration and fraud in the production and sale of these products.
- To ensure the health and well-being of consumers by the above methods and through promotional activities.
- To promote best practice in food and animal feeding stuffs production and sale in the City of York.
- To provide support, assistance, training and advice to local businesses, thereby enabling them to market products that comply with legal requirements and best practice.
- To investigate cases of communicable disease notified to the Authority.
- To promote food safety and standards issues to the public through a variety of activities.
- To investigate complaints about the labelling, composition, safety and fitness of food, feeding stuffs and the operation of food premises.
- To act as a home authority and originating authority and deal with enquiries referred by other agencies.
- To approve and register food/feed premises as prescribed by government.

- To enforce the provisions of food and animal feeding stuffs legislation, and take appropriate and proportionate action to secure compliance.
- To take prompt and effective action in response to food hazard warnings and other threats to food safety in York.

1.4 Council priorities

The Council Plan covers the period 2011-15. The food service contributes to the following priorities contained in the plan:

- Create jobs and grow the economy
- Build strong communities
- Protect vulnerable people

1.5 Enforcement policy and customer service

The team operates to an enforcement policy that meets the needs of the Statutory Code of Practice for Regulators'. In addition, we have implemented a "Customer Service Standards" policy, which sets out the minimum service standards we aim to achieve when providing our services.

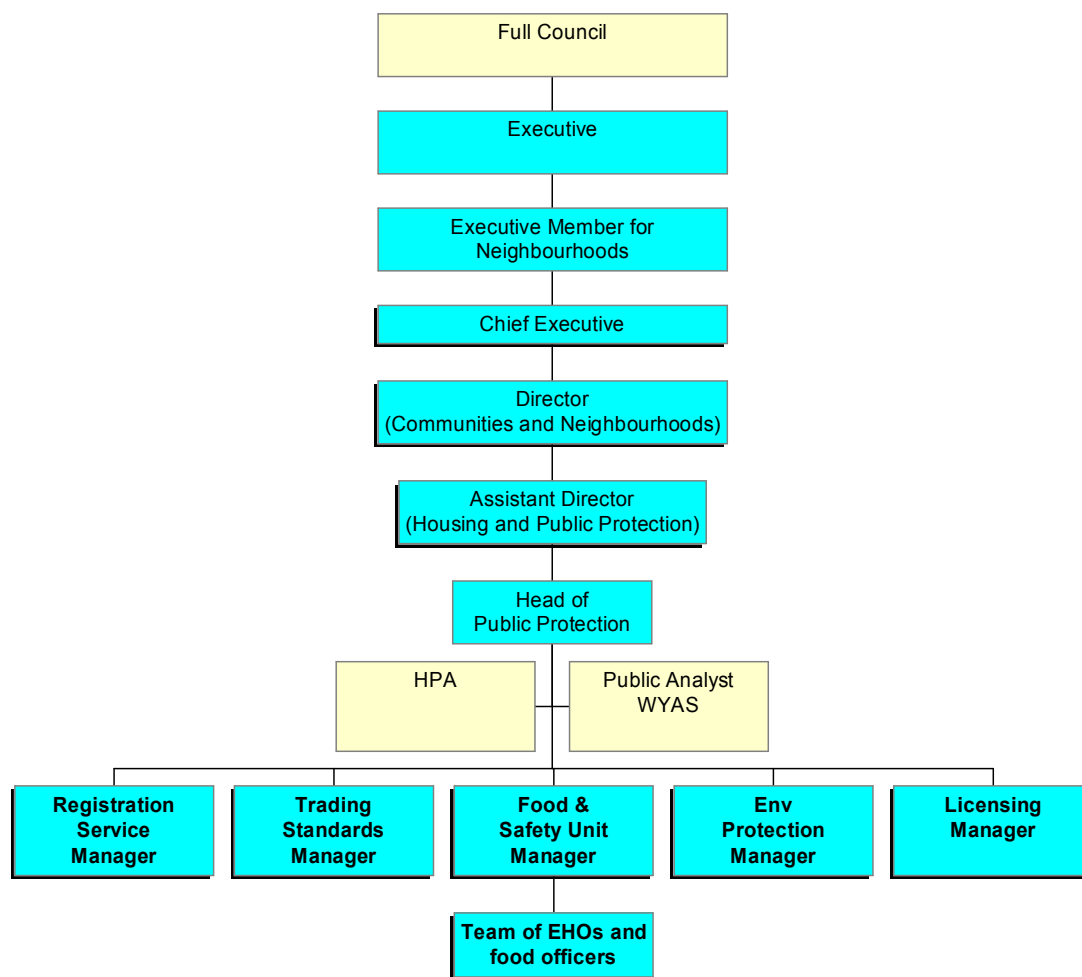
2. BACKGROUND

2.1 Profile of the council

City of York Council is a unitary authority, with a population of approximately 200,000 and an area of 105 square miles (27,250 hectares). The majority of the electorate (60%) are located in the urban city area, with the remainder resident in the outlying towns and villages.

The area is predominantly urban, covering the historic city with the associated tourism, hospitality and catering activities.

2.2 Organisational structure



2.3 Provision of specialist services

- Public Analyst services covering food and animal feeding stuffs are provided under contract by West Yorkshire Analytical Services.
- Microbiological food examination is carried out under service level agreement with the Health Protection Agency (HPA) laboratory service.
- The proper officer for communicable disease purposes is the Consultant in Communicable Disease Control at the HPA.

2.4 Scope of the food team

As a unitary authority, City of York Council is responsible for the full range of food law enforcement activities.

The food team has responsibility for food safety, food standards, animal feeding stuffs and primary production activities. The team is part of the Public Protection service, which sits within the Communities and Neighbourhoods Directorate.

The team comprises of both environmental health and trading standards professionals, in addition to technical support staff. Some officers have dual qualifications and the team also carries out health and safety checks in food premises.

The service involves the delivery of the following:

- A programme of interventions focusing on food and feeding stuffs.
- Investigation of complaints from consumers and the like.
- Investigation of food poisonings/infectious disease notifications.
- Promotion and education/advice for businesses and the public.
- Sampling of food and animal feeding stuffs.

2.5 Demands on the food team

The authority's area contains a mix of manufacturing, retail and catering premises; hospitality and catering are the dominant sectors. There is a large international confectionery manufacturer, a district hospital, various large academic institutions and a racecourse.

The profile of food premises in York is heavily biased towards restaurants and caterers, which is a reflection of the city's status as a major tourist destination.

We continue to see a high turnover of business ownership in this sector. This has placed a strain on the team's resources due to an increased demand for advice visits, and the subsequent inspection of these premises.

Under the product specific or "vertical" EU Directives, there are two premises that are approved by the food team.

Additionally, the team acts as "home authority" for the businesses that have a base in the City, but trade regionally or nationally. Under this role we provide a link between other food authorities and the companies, resolving issues where appropriate.

2.6 Premises profile

The high proportion of restaurants and takeaways in York means that officers are often required to work out-of-hours in order to gain access to these premises. Officers must also be sensitive to the needs of ethnic minorities.

In the past the team has been the subject of an equalities impact assessment, leading to a number of service improvements, including the provision of food hygiene training tailored and made accessible to Turkish, Chinese and Indian restaurants operators/employees.

Table 1 - Breakdown of food premises by FSA category as at 1 April 2012.

FSA CATEGORY	Number
Primary Producer	6
Manufacturer & Packer	30
Importer/Exporter	1
Distributor/Transporter	20
Retailers Other	84
Restaurants/Cafe/Canteen	342
Supermarket/Hypermarket	47
Small Retailer	248
Hotel/Guesthouse	184
Pub/Club	221
Takeaway	167
Caring Establishment	163
School/College	89
Mobile Food Unit	42

Restaurant/Caterers – Other	201
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2.7 Service delivery point

The service is delivered from city centre offices based at 20 George Hudson Street, York. The council's hours of operation for the general public are 08:30 -17:00 Monday to Friday.

2.8 Review of interventions carried out from the 2011/12 Programme

2.8.1 Food hygiene interventions

Premises rating	A	B	C	D	E
No. of planned interventions at 1/4/2011	12	69	422	91	157
No. of interventions achieved	12	69	413	16	16
No. of interventions <u>not</u> achieved	0	0	9	75	141

In addition to the above figures, 73 unrated premises were subject to interventions during the year. These are newly registered food premises that are required to receive an inspection and be risk-assessed.

Interventions were carried out at 100 % of our category A and B premises and 98% of our category C premises. These figures are very similar to our performance last year.

The lower risk premises in category D and E do not receive a physical visit, unless we receive intelligence, such as a complaint, that there may be problems at the premises.

2.8.2 Food standards interventions

Premises Rating	High	Medium	Low
No. of planned interventions at 1/4/2011	3	479	483
No. of interventions achieved	2	96	37
No. of interventions <u>not</u> achieved	1	-	-

We achieved an 80% intervention rate for our high-risk food standards premises (access issues at one premises prevented us achieving 100%).

We no longer have the resources to inspect 100% of our medium and low risk premises. Further details on our current approach can be found later in this service plan.

2.8.3 Feeding stuffs/primary production interventions

During 2011/12, we outsourced this area of work to a neighbouring authority. The authority visited 16 of our registered animal feed premises that were due for an intervention that year (76% intervention rate). The authority also carried out primary production interventions at 3 premises. These primary production visits were combined with animal feed visits where possible.

3. PLANNED ENFORCEMENT ACTIVITY 2012/13

3.1 Food safety due 1 April 2012 - 31 March 2013

Premises rating	A	B	C	D	E	Unrated
No. of premises due an intervention	19	60	526	158	367	70*
No. of programmed interventions	19	60	526	158	367	70

* - This is the number of unrated premises at the start of the year. There will be more premises during the year as new businesses open etc.

3.2 Food standards due 1 April 2012 - 31 March 2013

Premises rating	A	B	C	Unrated
No. of premises due an intervention	2	511	538	362
No. of programmed interventions	2	-*	-*	-*

* - For 2012/13 we are focusing our resources on intelligence led project work.

3.3 Feeding stuffs/primary production due 1 April 2012 - 31 March 2013

A total of 21 programmed animal feed interventions are due to be carried out this year. As with last year, we are outsourcing this work. Where appropriate, we will incorporate primary production hygiene interventions to reduce the burden on farms in line with Hampton principles.

3.4 Food and feeding stuffs sampling

The team sample foods and feeding stuffs in accordance with national guidance. We participate in nationally co-ordinated sampling programmes, such as those organised by the Health Protection Agency, and also sample where local intelligence indicates a need (eg where poor food handling practices are observed).

Both the food standards and feeding stuffs sampling programmes have been produced in consultation with the authority's public analyst/agricultural analyst. The food standards team co-operates with other regional authorities to co-ordinate sampling initiatives, such as imported food, so as to avoid duplication and to optimise the statistical soundness of results data.

We are currently recording our food standards and food safety samples on the United Kingdom Food Surveillance System.

3.4.1 Food and feeding stuffs sampling programme

	2011/12 Samples taken
Food standards samples	118
Feeding stuffs samples	2
Food safety samples	186

3.4.2 Comments on sampling performance

Sampling is an important tool for food standards, food safety and animal feed.

The food safety team is primarily concerned with the microbiological safety of food, but also samples food to establish the nature and likely harm arising from foreign bodies and the like.

The sampling programme tends to focus on areas of past non-compliance, premises that are failing to meet minimum standards and emerging priorities such as butchers.

Each year the Health Protection Agency undertakes microbiological analysis of the samples we provide, most of which are done without charge under a credits system.

Our food standards samples look at the description, composition and labelling of food, to ensure that legal requirements are being met. Samples are normally targeted at areas where problems are regularly found, or where intelligence, such as complaints, suggests there could be issues.

3.5 Education and information programme

3.5.1 Advice to businesses/customers

The team provide high levels of support and assistance to businesses operating or intending to operate in the City of York area.

It is estimated that the team will receive over 400 requests for advice this year, quite a number of which will require a visit to the business premises.

Advice is often requested by prospective businesses before they commence trading. The recession does not seem to have affected York's food sector, as we are seeing many new premises opening and new business proposals being considered.

We also receive a large number of requests for advice from businesses interested in improving their rating under the Food Hygiene Rating Scheme.

3.5.2 Promotional and project work

The team continues to raise consumer and business awareness through press releases. We no longer have the resources to carry out other promotional activities, such as giving talks, presentations and training sessions.

4. ENFORCEMENT ACTIVITY

4.1 Formal action

The following tables summarise the level and types of formal enforcement action taken in 2011/12. We believe that to be effective, the full range of enforcement options should be used, from informal letters offering advice, through to prosecutions where this course of action is considered appropriate.

Food safety

TYPE OF ACTION	NUMBERS TAKEN/ISSUED 2010/2011	NUMBERS TAKEN/ISSUED 2011/12
Prosecution	0	5
Simple Caution	3	7
Prohibition Notice	0	0
Hygiene Improvement Notice	34	26
Formal written warning *	4	4

* – These are written warnings issued by CYC to businesses where prosecution is not the most appropriate course of action. They are not written warnings as defined by the FSA.

Food standards and feeding stuffs

TYPE OF ACTION	NUMBERS TAKEN/ISSUED 2010/2011	NUMBERS TAKEN/ISSUED 2011/12
Prosecution	1	1
Simple Caution	5	2
Formal Written Warnings	13	13

4.2 Food complaints

Investigation into food and feeding stuffs complaints is carried out in accordance with procedures in our quality management system.

In 2011/12, 931 complaints and requests for service were received. This high figure is consistent year-on-year, reflecting how busy the food sector is in York and the high awareness of food issues amongst our customers.

4.3 Home Authority & Primary Authority

City of York Council subscribes to the home authority principle, and currently has an agreement with Nestle, which is for food standards in relation to confectionary.

The team liaise with other local authorities about our national and regional companies. We support small/medium and new companies by giving advice on matters such as changes in the law. In 2011/12 the team received 14 referrals from other local authorities and a similar number can be expected in 2011/12.

We are committed to following the principles of the Primary Authority scheme, which is expanding.

4.4 Investigation of outbreaks of food related infectious disease

The team investigate all food poisoning notifications and outbreaks of food borne disease in accordance with procedures agreed with North Yorkshire District Control of Infection Committee and our local quality procedures. We work with the HPA where appropriate.

In 2011/12, the team received 341 formal notifications of infectious disease.

4.5 Food/feeding stuffs safety incidents

It is the policy of the authority to handle all food alerts from the FSA in accordance with the FSA Code of Practice and our local quality procedure. Notifications are

received from the FSA by e-mail and mobile phone, and an appropriate course of action is taken in each case.

The reactive nature of this task makes it difficult to estimate the likely level of activity. Although alerts can be issued by the FSA for information only, some require a formal response. A formal response might involve issuing a local press release or contacting food businesses directly, which has resource implications.

5. OTHER AGENCIES - REFERRALS AND LIAISON

5.1 Liaison with other organisations

The team will ensure that it is operating in a manner that is consistent with both neighbouring and national local authorities and other agencies. Various methods will be used to facilitate this, including benchmarking, peer review and liaison with: -

North Yorkshire Food Liaison Group

The food liaison group works under the wing of the North Yorkshire Chief Environmental Health Officers Group. All eight North Yorkshire local authorities are represented on both of these groups. Of particular relevance is the food safety quality management system (QMS), which is accredited to the quality standard ISO 9001 (this is discussed later in Section 8 – Quality Assessment).

Yorkshire and The Humber Trading Standards Quality Standards Technical Group

Following a review of regional priorities, the Quality Standards Technical Group is now a virtual group.

A Food Fraud group has been established, which meets on a quarterly basis and seeks to promote best practice and consistency in food enforcement in the region. The group also considers emerging intelligence and looks at joint projects to detect food fraud across the region.

West Yorkshire Analytical Services

This is the Public and Agricultural Analyst for the City of York Council, used predominantly for food standards and animal feed analysis.

Health Protection Agency

The HPA food laboratory, based at FERA near York, undertake microbiological analysis of food samples on our behalf. Regular meetings are held to promote co-ordination and good sampling practice across the region.

North Yorkshire District Control of Infection Committee

This is a multi-disciplinary group of public health consultants, consultant microbiologists, environmental health officers, infection control nurses, general practitioners and associated professions. It meets on a quarterly basis to discuss infection control issues and set policies in relation to their investigation and control.

5.2 Referrals to other organisations

Where the team receives a food related complaint that does not fall within its enforcement remit or geographical enforcement area, it refers the person concerned to the correct body or forwards the item of work to the relevant authority without delay.

6. CONSULTATION

We survey our business customers and members of the public on a regular basis to ensure that we are providing a high quality, customer focused service. We have recently been re-awarded the Customer Service Excellence award, which demonstrates our commitment to providing a customer focused service.

7. RESOURCES

7.1 Financial allocation

The overall level of financial allocation to food safety and standards enforcement activity for the year 2010/11 and 2011/12 is as follows:

	2011/12 Actual £k	2012/13 Estimate £k
Staffing costs	301.1	316.6
Support costs	140.4	123.5
Supplies & services (inc transport)	13.6	13.6
Analytical & sampling costs	23.6	32.5
Income	-5.4	-2
Overall Expenditure	473.3	484.2

7.2 Allocation of staff for 2012/13

Food Safety

- 3.5 Senior Environmental Health Officers – fully competent to enforce food hygiene.
- 1 Food Officer – competent to enforce restricted areas of food hygiene.
- Contractors will be employed to undertake food safety interventions.

Food Standards

- 0.8 Senior Food Officer – fully competent to enforce food standards.
- 1 Food Officer – fully competent to enforce food standards.

Animal Feed

- Animal feed/primary production inspections will be carried out by officers from a neighbouring authority.

The team is managed by the food and safety unit manager, who is nominated as the lead officer for food safety and standards.

7.3 Staff development plan

Staff development needs are identified on an ongoing basis, through the team's quality management system. We also hold annual Performance Development Reviews with individual officers, where the training needs are considered in accordance with corporate policy. Identified training needs will be met by: -

- Training to achieve specific qualifications
- Attendance of technical seminars/courses
- In-house training on specific issues
- Cascade training by staff that have attended relevant courses.

Training records show that officers consistently achieve the required levels of CPD training required by the Food Law Code of Practice.

8. Quality assessment

The food team operates within the North Yorkshire Food Liaison Group's quality management system (QMS)

The QMS, which is independently accredited to ISO 9001, includes a rigorous system of controlled documents that state the minimum standards for our food enforcement activities. It includes internal monitoring within the authority and is further enforced by inter-authority auditing. The system is also subject to external monitoring by ISOQAR, an accredited certification body.

The system ensures the delivery of high quality enforcement activity across the City of York, which is consistent with the other North Yorkshire authorities and is in accordance with good practice.

The Public Protection service is also proud to hold the Customer Service Excellence award, which demonstrates our commitment to putting the customer at the heart of everything we do.

9. Review of last year's performance

The team performed very well in respect of its inspection targets for high and medium risk food hygiene premises (A – C rating).

We continue to focus our in house resources on those premises that are not judged to be broadly compliant with food hygiene requirements. The full range of enforcement powers are used with these premises and any other premises that are

found not to be complying with basic hygiene requirements. This approach appears to be effective as we are seeing improvements in most of our poorer premises.

Our food standards officers have primarily focused on premises that are not broadly compliant with food standards requirements, or where intelligence indicates that there may be problems. We continue to find significant problems with under strength spirits and more recently counterfeit alcohol.

10. Strategy for 2012/13

During 2012/13, we will continue to focus on high risk and poor performing businesses. We feel this risk based approach makes the most effective use of our limited resources.

Regarding food safety, our in-house team of officers will prioritise inspections of poor and unrated premises. We will use a contractor to inspect premises that have a history of being well run and also some unrated premises.

We do not have the resources to inspect all of our D and E rated premises (lower risk). However, should we receive intelligence, such as a complaint, we will inspect the premises where this is felt to be appropriate.

Whilst we do not have the resources to carry out all of our food safety inspections, we are taking a risk based approach by focusing on poorer premises. There is still a risk with this approach, as recent inspections have shown standards in some previously well run premises have dropped significantly. Further resources would be needed to address this.

Our approach of using a graduated, but robust, enforcement approach with poor performing premises is proving to be effective in improving standards; over the past few years we have seen a decrease in the number of poor food premises.

The Food Hygiene Rating Scheme (formerly Scores on the Doors) continues to encourage premises with poor standards of food safety and hygiene to improve.

We are still dealing with a large number of new food businesses. We plan to inspect these premises within the timescales suggested by the FSA.

As mentioned earlier, we do not have the resources to undertake all of our food standards inspections in accordance with the requirements of the Food Law Code of Practice. Therefore, for 2012/13 we will continue to inspect our high risk premises and undertake project work to focus on known issues (eg counterfeit alcohol). We will not routinely inspect our medium or low risk premises, unless we receive intelligence that indicates there is a problem.

In 2012/13 we are continuing with our version of the 'Retail Enforcement Pilot'. Following a review, food safety officers will now only gather food standards information during their visit. We feel this approach maintains the importance of food safety, whilst also making effective use of our resources and reducing the regulatory burden on businesses.

A programme of animal feed and primary production inspections are planned for 2012/13. These will be delivered on our behalf by a competent officer from a neighbouring authority.