



DIRECTORATE OF ECONOMY AND PLACE

FOOD SERVICE PLAN 2017/18

## **FOREWORD**

Under the statutory Food Law Code of Practice, City of York Council is required to produce an annual service plan that covers their various food functions.

The Public Protection team is responsible for food law enforcement. This service plan reviews our performance over the last year, sets out our aims and objectives for 2017/18, and also looks at what demands are placed on the team and what resources are available to meet those demands.

Variance between the 2016/17 planned and actual performance is highlighted. Where necessary, corrective action is recommended and incorporated into the 2017/18 plan.

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 Public Protection is:**

A cost effective collaboration focused on corporate priorities and responsive to the needs of our communities with skilled and innovative staff dedicated to excellent customer service

### **1.2 The objectives of Public Protection 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 service are:**

- To operate a comprehensive regime of interventions, for example inspections, sampling, advice and other approaches, including formal enforcement action, to ensure that food is safe and is what it says it is.
- To promote best practice in food and animal feeding stuffs production and sale in the City of York.
- To ensure the health and well-being of consumers by the above methods and through promotional activities.
- To provide support, assistance, training and advice to local businesses, thereby enabling them to produce and market products that comply with legal requirements and best practice. There may be a charge for these services.
- To investigate complaints about the labelling, composition, safety and fitness of food, feeding stuffs and the operation of food premises.
- To act as a Primary Authority and Originating Authority, and deal with enquiries referred to us by other agencies.
- To approve and register food/feed premises as prescribed by government.
- To take prompt and effective action in response to food hazard warnings and other threats to food safety in York.
- To investigate cases of communicable disease notified to the Authority.
- To share intelligence obtained in the course of our work with the police and other law enforcement agencies to help tackle wider social issues.

## **1.4 Council priorities**

The Council Plan for 2015-2019 includes the following priorities:

- a prosperous city for all - where local businesses can thrive and residents have good quality jobs, housing and opportunities
- a focus on frontline services - to ensure all residents, particularly the least advantaged, can access reliable services and community facilities
- a council that listens to residents - to ensure it delivers the services they want and works in partnership with local communities.

## **1.5 Enforcement policy and customer service**

The team operates to an enforcement policy that meets the needs of the Regulators' Code.

In addition, we follow City of York Council's "Customer Service Standards" policy, which sets out the minimum service standards we aim to achieve when providing our services.

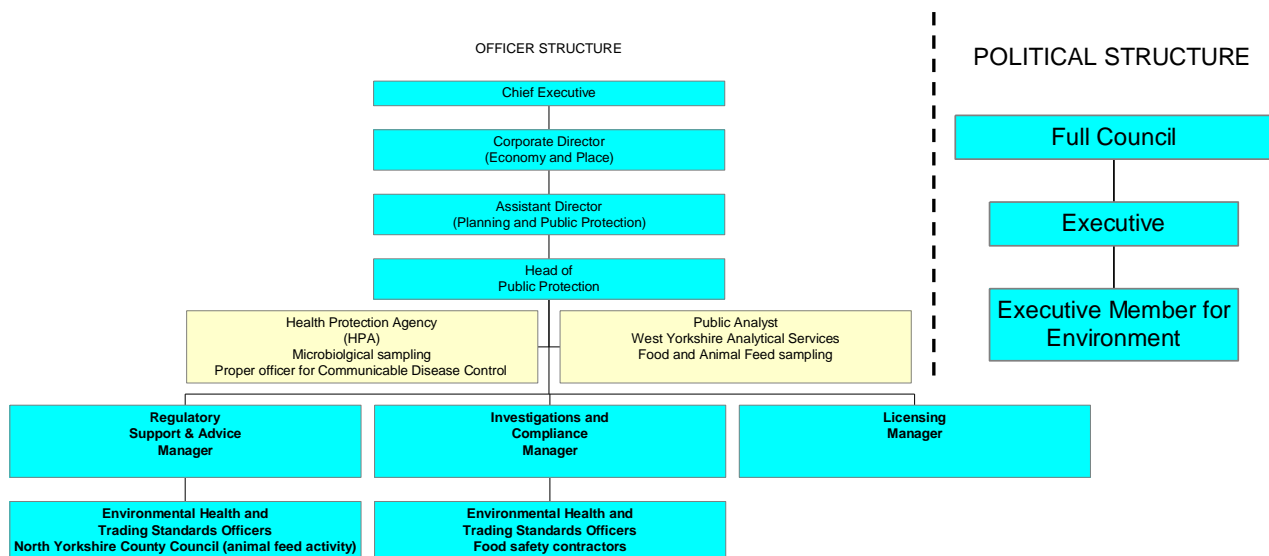
## 2. BACKGROUND

### 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 27,250 hectares. The majority of the electorate 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 team**

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

The Public Protection team has responsibility for food safety, food standards, animal feeding stuffs and primary production activities. The team sits within the Economy and Place Directorate.

The team comprises of both environmental health and trading standards professionals, in addition to technical support staff. Some officers have dual qualifications. We have additional support from specialist Food Safety contractors to deliver routine inspections and North Yorkshire County Council delivers our animal feed activity under a contract for services.

The service involves the delivery of the following:

- A programme of interventions focusing on food and feeding stuffs.
- Investigation of complaints from consumers.
- Investigation of food poisonings/infectious disease notifications.
- Promotion and education/advice for businesses and the public. For example, we provide pre-food hygiene rating inspections for businesses, on a cost recovery basis, to help raise standards locally.
- Sampling of food and animal feeding stuffs.
- Sharing intelligence obtained in the course of our work with the police and other enforcement agencies to help tackle wider social issues including organised criminal activity.

### **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 places a strain on the team's resources due to the subsequent inspection of these new premises.

Under the product specific European Union Directives, there are three premises that are approved by the food team.

The team works in accordance with the principles of the Primary Authority scheme, which is promoted by the Regulatory Delivery, as part of the Department for Business, Energy & Industrial Strategy. We have developed Primary Authority Partnerships with a number of local businesses.

## 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.

Table 1 - Breakdown of food premises by FSA category as at 1 April 2017.

FSA CATEGORY	Number
Primary Producer	12
Manufacturer & Packer	40
Importer/Exporter	1
Distributor/Transporter	23
Retailers (Other)	98
Restaurants/Cafe/Canteen	448
Supermarket/Hypermarket	53
Small Retailer	247
Hotel/Guesthouse	182
Pub/Club	228
Takeaway	186
Caring Establishment	169
School/College	93
Mobile Food Unit	51

Restaurant/Caterers – Other	319
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## 2.7 Service delivery point

The service is delivered from council offices at the Eco Depot, Hazel Court, 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 2016/17 Programme

The term intervention is used to cover the broad range of controls that we use when dealing with food businesses to verify compliance with food law. Interventions are classified as either 'official controls' or as 'other interventions'. The following definitions are taken from the Code of Practice:

Interventions that are 'official controls' include:

- inspections;
- monitoring;
- surveillance;
- verification;
- audit; and
- sampling - where analysis/examination is required these are to be carried out by an Official Laboratory.

Other interventions, i.e. those which *do not* constitute official controls include:

- education, advice and coaching (including where businesses pay for this advice); and
- information and intelligence gathering (this can include sampling for information gathering purposes, obtaining relevant information during visits for other reasons, internet research, telephone surveys, and self assessment questionnaires).

All food premises are 'risk rated' to reflect the products they supply and the systems they have in place to ensure compliance. Almost all food businesses must receive an intervention within a defined period of time. In some cases the intervention must be an 'official control' (and in some cases only a certain kind of 'official control' e.g. an inspection). In other cases, generally lower risk businesses, this can be an 'other intervention' which is not an 'official control'.

Examples of highest risk premises are places serving particularly vulnerable people, and/or places serving high risk foods with short 'use by' dates and a poor record of compliance. Examples of lowest risk premises (providing they have good systems in place and there is good confidence in management) are retailers selling pre-packed foods, pubs/clubs only serving drinks and bar snacks, sweet/chocolate shops and cake manufacturers amongst others.







### 3. PLANNED ENFORCEMENT ACTIVITY 2017/18

#### 3.1 Food safety interventions due: 1 April 2017 - 31 March 2018

Premises intervention rating	High risk ←————→ Low risk					Unrated
	A	B	C	D	E	
No. of premises due an intervention	14	103	274	311	643	88*
No. of planned interventions	14	103	274	311	643	88
% of interventions planned	100%	100%	100%	100%	100%	100%

We are committed to completing 100% of the interventions due during 2017/18.

To achieve this, we will make full use of the flexibilities allowed under the Code of Practice when choosing which type of intervention to use. Our higher risk premises will be subject to an inspection, whilst our lower risk premises, such as our D's and E's, will be subject to interventions that are not official controls (eg advice/education, information and intelligence gathering by other officers). A 'follow up' full inspection will be made if deemed necessary.

\* 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 interventions due: 1 April 2017 - 31 March 2018

Intervention rating	A	B	C	Unrated
No. of premises due an intervention	2	610	784	611
No. of planned interventions	2	-*	-*	-*

\* For 2017/18 we are focusing our resources on intelligence led project work.

#### 3.3 Feeding stuffs/primary production due 1 April 2017 - 31 March 2018

A total of 10 programmed animal feed interventions are due to be carried out each year. As with last year, we are outsourcing this work to North Yorkshire County Council. Where appropriate, we will incorporate primary production hygiene interventions to reduce the burden on farms.

#### 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 Public Health England, 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 liaises 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**

	2016/17 Samples taken
Food standards samples	42
Feeding stuffs samples	0
Food safety samples	36

### **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 cross contamination in connection with E.coli.

Each year Public Health England undertakes microbiological analysis of the samples we take, 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 and/or complaints suggest 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.

We typically receive over 400 requests for business advice each year.

Advice is often requested by prospective businesses before they commence trading. 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. We provide this service for a charge on a cost recovery basis.

### 3.5.2 Promotional and project work

The team continues to raise consumer and business awareness through press releases, particularly following prosecutions and food safety week.

## 4. ENFORCEMENT ACTIVITY

### 4.1 Formal action

The following tables summarise the level and types of formal enforcement action taken in 2016/17. 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 2016/2017
Prosecution	1
Simple Caution	2
Emergency Prohibition Notice	0
Hygiene Improvement Notice	11
Written Warnings	727

#### Food standards and feeding stuffs

TYPE OF ACTION	NUMBERS TAKEN/ISSUED 2016/2017
Prosecution	0
Simple Caution	0
Written Warnings	1

### 4.2 Food complaints

We investigate food and feeding stuffs complaints in accordance with procedures in our quality management system.

In 2016/17, we received 395 complaints and requests for service. 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 Primary Authority & Originating Authority**

We are committed to following the principles of the Primary Authority scheme and are entering into Primary Authority agreements with a number of businesses.

We liaise with other local authorities about companies based in our area. We support small/medium and new companies by giving advice on matters such as changes in the law. In 2016/17 the team received 6 referrals from other local authorities and a similar number can be expected in the coming years.

### **4.4 Food related infectious disease**

The team investigate all food poisoning notifications and outbreaks of food borne disease in accordance with procedures agreed with Public Health England and our local quality procedures.

In 2016/17, the team received 43 formal notifications of infectious disease.

### **4.5 Food/feeding stuffs safety incidents**

We deal with all food alerts from the FSA in accordance with the FSA Code of Practice and our local quality management system. Notifications are received from the FSA by e-mail and appropriate action is taken in each case.

The reactive nature of these notifications makes it difficult to estimate the likely level of future 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 multiple 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

Our regional 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 the group maintains.

### Yorkshire and The Humber Trading Standards Group – Food and feed

This group is formed by the Yorkshire and Humber Trading Standards Executive Group and meets twice a year to discuss food standards issues. They look at regional projects where intelligence indicates there are emerging issues, for example counterfeit alcohol or meat substitution.

### 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.

### Public Health England (PHE)

The PHE 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.

### North Yorkshire Police Disruption Panel

The panel exists to share intelligence and undertake activities to disrupt organised crime, including activities connected with food businesses.

## **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.

## **7. RESOURCES**

### **7.1 Allocation of staff for 2017/18**

Our food officers are shared across two teams: one which is enforcement focused and one that provides business advice. The resources are shared between the two teams as demand requires it.

### Food Safety/Standards

We currently have the following staff delivering our food service:

- 0.25 FTE Lead officer/manager
- 3.0 FTE Environmental Health Officers
- 0.8 FTE Trading Standards Officer
- 1.0 FTE Technical/enforcement officer
- Agency staff are employed to undertake around 400 food safety inspections per year. They are paid per inspection.

Officers that deliver our food work also deliver a range of other functions, including work place health and safety, public health, licensing (eg tattooists) and legal work.

Full time officers spend approximately 1,200 hours per annum on front line related tasks. Of this time, the majority of the team spend approximately 50% of their time on food related issues ie 600 hrs per year per FTE. The lead officer spends ~20% of their time on food and the technical officer spends ~100% of their time on food.

Therefore, we have 3,720 hours of officer time to deliver the food service. The estimated time needed to deliver the food service for 2017/18 is 3,704 hours (see below).

<b>Task</b>	<b>Time (hours)</b>
Lead officer role – performance monitoring, service planning, NY food group	250
Intervention programme (in house staff only)	1,300
Enforcement work (eg investigations/prosecutions)	150
Food Hygiene Rating Scheme	60
Food/premises complaints, including business advice, alerts etc	876
Infectious disease	128
Primary authority/income work	280
Project work eg	100
Management of food contractors	250
Sampling	150
Officer training	160
<b>TOTAL TIME TO DELIVER SERVICE</b>	<b>3,704</b>
Contractor inspections	There is a budget of £30,000 for contractor inspections, which will purchase ~ 400 inspections.

#### Animal Feed

Our animal feed/primary production inspections will be carried out on our behalf by competent officers at North Yorkshire County Council.



## **8.0 Staff development plan**

The Food Law Code of Practice requires that staff achieve at least 20 hours of food related Continuing Professional Development (CPD) each year.

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. 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
- Use of on line training resources (eg FSA online content)

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

## **9. Quality assessment**

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

The QMS 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 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.

## **10. Review of last year's performance**

Last year there were a number of additional pressures on the demands of the food service. Officers spent time delivering work for our Primary Authority partners and delivering our innovative pre-inspection advice service. Peaks in demand were also created as a result of preparing for court trials (some significant cases being taken by the service) and we received a higher than average number of freedom of information requests.

In light of the above, the team has performed well in respect of its planned food hygiene inspections. However, we were not able to carry out a number of higher risk inspections by their due date and will be catching up with them over 2017/18. We did not undertake the level of interventions we had planned at lower risk premises either.

We continue to focus our in house resources on premises that are not satisfactory with regards to 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.

We were part of an FSA pilot looking at charging for re-inspections under the food hygiene rating scheme. The pilot was a success and businesses who would like to improve their food hygiene rating can now pay for a re-inspection. This has proved popular, especially amongst better performing food businesses.

## **11. Approach for 2017/18**

### Food interventions

During 2017/18, we will continue to focus our specialist officers 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 the inspection of poor and high risk premises. We will continue to use agency staff to inspect premises that are well run and also new premises.

We intend to inspect 100% of our A, B and C rated premises, making use of partial inspections where appropriate. As mentioned above, we will use the flexibilities allowed under the Code of Practice to deal with our lower risk premises. With regard to our D rated premises we will use a variety of means to collect information/intelligence about the business to check it's under the same ownership, that the food related activities remain the same and that the appropriate food controls are still in place.

We intend to assess our E rated premises (the lowest risk) by contacting them by telephone or sending them a self assessment questionnaire.

In any case where it is considered a business requires a followed up 'full inspection' this will be carried out by an appropriately qualified officer.

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.

### Enforcement

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.

### Food Hygiene Rating Scheme

The Food Hygiene Rating Scheme remains popular and continues to encourage poor premises to improve. We will continue to provide advice to businesses seeking to improve their rating on a cost recovery basis.

### Food standards inspections

For 2017/18 we will inspect our high risk premises and undertake project work to focus on known issues (eg. cross contamination with allergens). We will not routinely inspect our medium or low risk premises, unless we receive a complaint or intelligence that indicates there is a problem.

#### Animal feed/primary production

A programme of animal feed and primary production inspections are planned for 2017/18. These will be delivered on our behalf by a neighbouring authority. This work will be carried out in accordance with the programme being funded by the FSA and administered by the National Trading Standards Board.

#### Service delivery improvements

During 2017/18 we intend to implement the following improvements:

- Carry out a review of officer competence in accordance with FSA requirements.
- Implement a scheme of internal monitoring of our work to ensure we are delivering our official controls effectively and consistently.
- Introduce and monitor a range of key performance indicators so that our performance and progress can be effectively monitored and reported to higher management.