



**DIRECTORATE OF ECONOMY AND PLACE**

**FOOD SERVICE PLAN 2018/2019**

**Drawn up in accordance with the  
Food Standard Agency's Framework Agreement**

## **FOREWORD**

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

The Public Protection team carry out many of the Council's regulatory functions – particularly those relating to Environmental Health, Trading Standards and Licensing and is responsible for the all the Council's duties in relation to food and feed. For clarity, this includes (i) food hygiene matters i.e. that food is safe to eat, (ii) food standards matters i.e. that food is what it says it is and (iii) similar provisions in relation to animal feed.

This service plan sets out our aims and objectives for 2018/2019 and also looks at what demands are placed on the team and what resources are available to meet those demands. It also reviews our performance over the last year. To this end, any variance between the 2017/2018 planned and actual performance is highlighted as well as any service improvements.

This plan illustrates the effective use of existing resources to target the highest risk businesses, while maintaining a balanced enforcement mix.

The current system of ensuring food hygiene and standards has its routes in the Food Law Code of Practice introduced in 1990. The Food Standards Agency (FSA) is currently reviewing the way this activity is delivered through its 'Regulating Our Futures' programme, and there may be changes to the role Local Authorities play in the coming years.

## 1. SERVICE AIMS AND OBJECTIVES

### 1.1 Aims and objectives

The Council strives to achieve the following in its various food related functions:-

- To approve and register food/feed premises as prescribed by government;
- To operate a comprehensive regime of interventions, for example inspections, sampling, advice and other approaches, including formal enforcement action, to ensure that food and animal feed is safe and is what it says it is;
- To 'score' food hygiene businesses in accordance with the FSA's food hygiene rating system;
- 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. In the process of this support, help those businesses who want to grow, grow. There may be a charge for these services;
- To act as a Primary Authority and Originating Authority, and deal with enquiries referred to us by other agencies;
- To investigate complaints about the labelling, composition, safety and fitness of food, feeding stuffs and the operation of food premises;
- 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 and organised crime;
- Through all of the above, ensure the health and well-being of residents and visitors to the city.

### 1.2 Links to corporate objectives and plans.

The Council's 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.

Public Protection Managers review the demands across the whole service annually and refresh the Directorate Service Plan which describes the activities we will undertake during the course of the year (including ensuring that food businesses are meeting their legal obligations) to support the priorities listed in the Council plan.

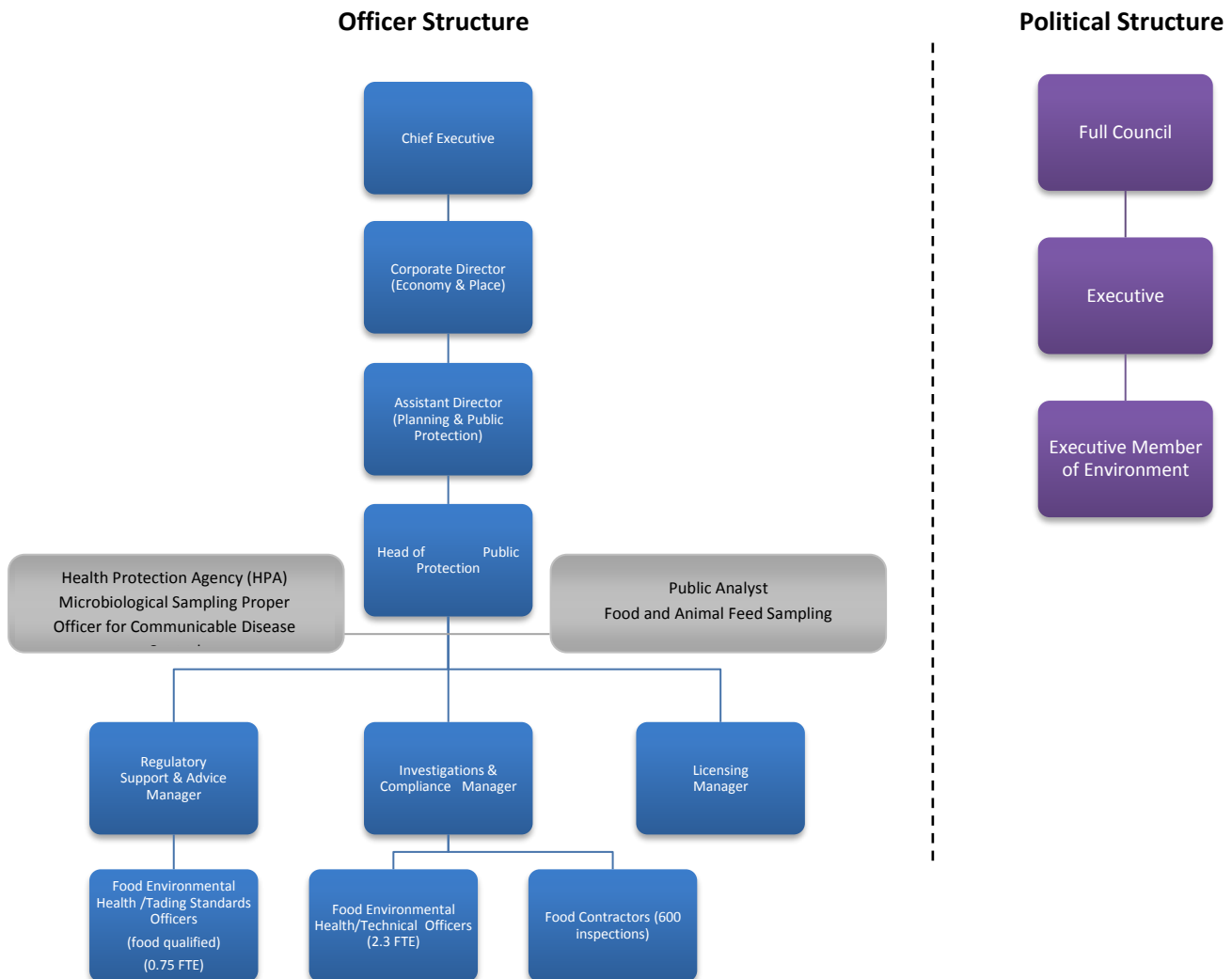
## 2. BACKGROUND

### 2.1 Profile of the council

City of York Council is a unitary authority, with a population of approximately 208,400 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. Studies show that food and drink is the largest area of spend for tourists.

### 2.2 Organisational structure

The following diagram shows how those responsible for managing and delivering food and animal feed activity fit into the Council's overall structure and also the political structure.



Other specialist support services include:-

- Public Analyst services for food are provided under contract by 'The Public Analyst Service Ltd', this is subject to renewal in 2018-9. Feed samples are analysed under the North Yorkshire County Council contract – this contract is also due for renewal this year.
- Microbiological food examination is carried out under service level agreement with the Health Protection Agency (HPA) laboratory service.
- The proper officer for communicable disease

### **2.3 Scope of the food and feed service**

The Public Protection team has responsibility for all of the council's food hygiene, food standards and animal feed activities (including 'primary production' activities).

The structure charts above, show that in relation to food matters the team comprises of both environmental health and trading standards officers, in addition to technical support staff. Some officers have dual qualifications and are therefore able to deal with both food hygiene and food standards matters. 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.

On a day to day basis, officers are involved in the following specific activities:

- A programme of interventions focusing on food and feeding stuffs. This primarily consists of inspections conducted for food safety matters conducted in accordance with a risk assessment (as described in the Food Code of Practice).
- 'Scoring businesses' after an intervention in accordance with the Food Hygiene Ratings Scheme. We also deal with appeals and re-score visits (a charge is made for businesses wishing to be re-scored on a 'cost recovery' basis).
- Investigation of complaints from consumers, and reacting to intelligence from other sources.
- 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, again on a cost recovery basis, to help raise standards locally.
- Sampling of food and animal feed.
- 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.
- Signposting growing businesses to the help available through the Local Growth Hubs (of the two Local Enterprise Partnerships covering the City).

Our Environmental Health Offices also have responsibility for Health and Safety duties in certain business premises (those outside of the scope of the Health and Safety Executive) and also occasionally assist in other areas of Public Protection

work including support with trading standards prosecutions – in particular disclosure of unused material in criminal trials.

## 2.4 Demands on the food team

The council'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. We have a small number of farms.

**Table 1 - Breakdown of food premises by FSA category (from Civica records).**

<b>FSA Category</b>	<b>Number on 1 April 2018</b>
FSA Primary Producer	11
Manufacturer & Packer	39
Importer/Exporter	1
Distributor/Transporter	23
Retailers Other	97
Restaurants/Cafe/Canteen	457
Supermarket/Hypermarket	53
Small Retailer	238
Hotel/Guesthouse	163
Pub/Club	228
Takeaway	180
Caring Establishment	139
School/College	91
Mobile Food Unit	42
Restaurant/Caterers - Other	239
<b>Total</b>	<b>2001</b>

The number of food premises fluctuates year on year, but is typically around the 2000 mark. As can be seen, 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 'business churn' 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 Office of Product Safety and Standards (part of the Department for Business, Energy & Industrial Strategy or 'BEIS' as it is commonly referred to). We have developed Primary Authority Partnerships with seven businesses food related matters.

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. Given the number of restaurants and takeaways, a lot of our interventions such as inspections are conducted outside of these hours.

## **2.5 Regulatory Policy**

The Public Protection team follow an enforcement policy which ensures we operate in accordance with the Regulators code. The formal enforcement action taken under the enforcement policy is reviewed by the Council Executive annually.



### 3. Service Delivery

#### 3.1 Interventions at Food and Feed Establishments

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.

## Food hygiene interventions due: 1 April 2019 - 31 March 2019

High risk ←————→ Low risk

Premises intervention rating	A	B	C	D	E	Unrated *
No. of premises due an Intervention (Civica)	8	76	227	324	29	75
No. of interventions Planned (Civica)	16**	76	227	324	29	75

\* 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.

\*\* Each 'A' rated premises receives two interventions per year.

We are committed to completing 100% of the interventions due during 2018/19.

To achieve this we will make full use of the full range of intervention options allowed under the Code of Practice. Our higher risk premises will be subject to an inspection (either full or partial), whilst our lower risk premises, such as our 'D' and 'E' Risk rated premises, 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.

We will continue to provide food hygiene ratings to businesses following our interventions to help consumers make informed choices about where to eat out.

## Food standards interventions due: 1 April 2018 - 31 March 2019

Premises intervention Rating	High or A	Medium or B	Low or C	Unrated
No. of premises due an intervention under Food Law Code of Practice	1	501	557	801
No. of planned interventions	1	_*	_*	_*

\* In line with the approach taken by other Councils, we plan to follow the trading standards 'Intelligence Operating Model' in delivering our food standards activity. This means we will deploy our resources where intelligence, complaints and other information highlights the risk of non compliance. We will only routinely inspect our 'high risk' premises, and our Environmental Health Officers will give advice in relation

to food allergens during the course of their food hygiene visits. We have risk assessed this approach using the 'Management of Risk in Law Enforcement' tool and it provides an acceptable risk in line with other trading standards activity.

We are also planning to take a small programme of activity looking to establish whether there may be emerging issues (identifying intelligence gaps).

### **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. Where appropriate we will incorporate primary production hygiene interventions to reduce the burden on farms.

### **3.2 Food and Feed Complaints**

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

In 2017/2018 we received 117 complaints about the safety of food, and 68 complaints about the hygiene of premises. We received a further 25 complaints about food standards and no complaints about animal feed. This figure is fairly consistent year-on-year, reflecting how busy the food sector is in York and the high awareness of food issues amongst our customers. We anticipate a similar number of complaints in the year ahead.

### **3.3 Primary Authority Scheme**

We are committed to following the principles of the Primary Authority scheme and are entering into Primary Authority agreements in relation to food. We will look for opportunities to increase the number of businesses in partnership with us.

### **3.4 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 300 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. Last year 74 businesses took up this service, and the numbers are growing by around 40% each year (55 such requests in 2016-17).

### 3.5 Food and feed sampling

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.

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).

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

	2017/2018 Samples taken
Food standards samples	13
Feeding stuffs samples	2
Food safety samples	50

### 3.6 Control and Investigation of Outbreaks and 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 2017/2018 the team received 44 formal notifications of infectious disease, with a similar number of notifications anticipated in the coming year.

### 3.7 Food/feeding stuffs safety incidents

We deal with all food alerts from the Food Standards Agency (FSA) in accordance with the Food 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.

### **3.8 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.

#### **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 coordination 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.

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.

### **3.9 Promotional and project work**

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

## 4. RESOURCES

### 4.1 Financial allocation

The net Public Protection budget, for all environmental health, trading standards and licensing functions is £1.3m per annum.

### 4.2 Allocation of staff

As can be seen in the structure chart above, our food officers are shared across two teams i.e. 'Investigations and Compliance' which carries out the bulk of our interventions and enforcement, and 'Regulatory Support and Advice' which provides business advice. The resources are however shared between the two teams as demand requires it.

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 technical officer spends ~100% of their time on food.

Therefore, we have 3,660 hours of officer time to deliver the food service, and will be broken down as follows.

<b>Task</b>	<b>Time (hours)</b>
Lead officer role – performance monitoring, service planning, NY food group	120
Intervention programme (in house staff only)	750
Enforcement work (e.g. investigations/prosecutions)	280
Food Hygiene Rating Scheme	60
Food/premises complaints, including business advice, alerts etc	900
Infectious disease	120
Primary authority/income work	780
Project work	120
Management of food contractors	250
Sampling	150
Officer training	140
<b>TOTAL TIME TO DELIVER SERVICE</b>	<b>3,660</b>

In addition to the above resources there is a budget of £35,000 for contractor inspections which will purchase in the region of 600 inspections.

### **Animal Feed**

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

### **Management**

The above figures do not include Management time, which will be undertaken within existing resources.

### **4.3 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.

## **5 Quality assessment**

### **5.1 Quality assessment and internal monitoring**

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.

### **5.2 External monitoring**

The Council's activities are subject to periodic monitoring from the Food Standards Agency. The last monitoring visit took place on 23-25 May 2016, with a follow up visit on 13 June 2013. The resulting improvement plan was completed and signed off as complete on 1 May 2018.



## 6. Review

### 6.1 Review of last years performance

#### 6.1.1 Food hygiene interventions

Premises intervention rating	High risk ←————→ Low risk				
	A	B	C	D	E
No. of interventions planned 1/4/2017 – 31/3/18 (from previous service plan)	28  (14 premises x 2 interventions)	103	274	311	643
Total No. of interventions achieved (includes re-visits etc). (from LAEMS return)	52	150	374	326	331  (312 premises closed or not in scope)
No. of premises due an intervention where no interventions was achieved	0	0	0	0	0

We carried out interventions at every premises due an intervention in 2017-18 (there were two high risk premises which could not be subject to two interventions in the course of the year for reasons beyond our control i.e. they were visited once). We also carried out interventions of the lowest rated premises due from previous years, and identified that 312 of those premises were not in scope for a food intervention. This was all possible due to us re-allocating some (short term) capacity which emerged during the course of year to target the backlog of inspections.

Included within the above figures are a number of new food premises to York which received an initial intervention following their registration with the Council.

Some other statistics of note arising from these interventions are:-

- 92.2 % of business in York are broadly compliant with food hygiene law (target 90%).
- 61 % of food businesses in York have a food hygiene rating score of 5 out of 5 (April 2018).

### 6.1.2 Food standards interventions

Premises intervention rating	High	Medium	Low
No. of interventions planned 1/4/2017 – 31/3/18	2	--	--
No. of interventions achieved	1 (1 re-scored)	--	--
No. of interventions not achieved	1	--	--

As described above, we take an ‘intelligence led’ approach to food standards activity, rather than following the regime set out in the food law code of practice. We carried out a routine inspection at our highest risk premises. We also carried out work focussing on undeclared allergens (which we are continuing in this financial year).

### 6.1.3 Feeding stuffs/primary production interventions

As stated above, during 2017/2018, we outsourced this area of work to North Yorkshire County Council. The authority visited 16 of our registered animal feed premises that were due an intervention that year in accordance with the FSA National Trading Standards model

### 6.1.4 Formal action

The following tables summarise the level and types of formal enforcement action taken in 2017/18. 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 2017/2018
Prosecution	3
Simple Caution	4
Emergency Prohibition Notice	0
Hygiene Improvement Notice	19
Written Warnings	701

## Food standards and feeding stuffs

Type Of Action	Numbers Taken/ Issued 2017/2018
Prosecution	0
Simple Caution	0
Written Warnings	2

### 6.1.5 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.

Our surveys found:-

- 98.2% of businesses visited found our contact helpful
- 100% of businesses said they were treated fairly.

### 6.2 Summary of performance – including key variations from the service plan.

We carried out a food hygiene intervention at all the premises due an intervention in 2017-18 and we also dealt with our backlog of work at the lowest risk E premises. We identified that more than half of these premises were either closed or of such low risk that they fell outside of the scope of an intervention e.g. church halls, community centres and shops selling small quantities of pre-packed foods only. In addition we continued to take firm enforcement action against the poorest performing businesses.

### 6.3. Areas for improvement in 2018-19.

- Further improvements to intelligence gathering and sharing
- Provide advice and information on the help and support available to growing businesses
- Give advice to businesses on the disposal of fats and oils
- Undertake horizon scanning on food related issues.
- Renew the public analyst and animal health and feed contract.
- Improve our Proceeds of Crime capability – particularly amongst Environmental Health staff.
- Continue to support the Food Standards Agencies ‘Regulating Our Futures’ review with the secondment of one of the service managers to the programme.