

COMMUNITIES AND NEIGHBOURHOODS DIRECTORATE
FOOD LAW ENFORCEMENT SERVICE PLAN 2011/12

FOREWORD

Under 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 2011/12, and also looks at what demands are placed on the team and what resources are available to meet those demands.

Variance between the 2010/11 planned and actual performance is highlighted. Where necessary, corrective action is recommended and incorporated into the 2011/12 plan.

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

1. SERVICE OBJECTIVES, AIMS AND POLICIES

1.1 **Our vision:**

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 Services (which include the Food and Safety Team) 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
- Reduce noise nuisance and make an effective contribution to reducing anti social behaviour in York

1.3 **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.

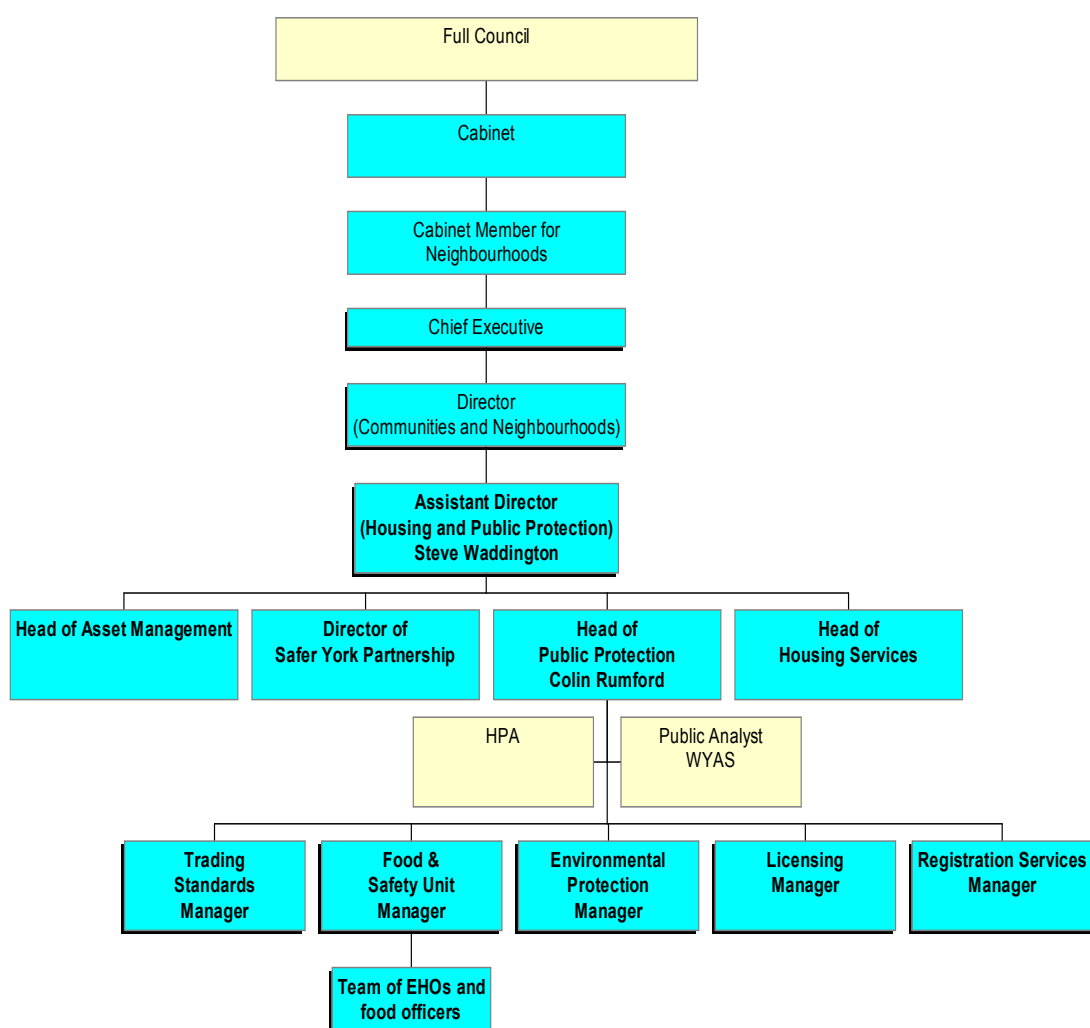
2. BACKGROUND

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, Morley, Leeds.
- Microbiological food examination is carried out under service level agreement with the Health Protection Agency (HPA) laboratory service, based in Leeds.

- 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 group of services, 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.
- Health improvement promotion (e.g. healthy eating awareness).
- 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.

Local customer consultations carried out in 2009, via the “Talk About” residents’ panel, indicate that food remains a concern for residents. Indeed, out of all the services provided by environmental health and trading standards services, respondents thought that inspecting food businesses was the most important function we perform.

This view echoes the findings of the FSA’s Food and You Survey 2010, which considered consumer attitudes. The survey found that 63% of consumers rated cleanliness and hygiene as the most important factors when considering where to eat out.

An earlier FSA survey in 2005 showed that the top 4 consumer concerns about food were the amount of salt in food, the amount of fat in food, food poisoning, and the amount of sugar in food respectively.

Consumers were found to be increasingly concerned about the accuracy of food labels, which appears to be part of an increasing awareness and concern about healthier eating. The level of comprehension of food labels by consumers has not improved and remains quite low.

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 2011.

FSA CATEGORY	Number
Primary Producer	8
Manufacturer & Packer	43
Importer/Exporter	2
Distributor/Transporter	18
Retailers Other	88
Restaurants/Cafe/Canteen	343
Supermarket/Hypermarket	46
Small Retailer	235

Hotel/Guesthouse	185
Pub/Club	233
Takeaway	166
Caring Establishment	166
School/College	91
Mobile Food Unit	45
Restaurant/Caterers – Other	196

2.7 Service delivery point

The service is delivered from an office based at 20 George Hudson Street, York. The council's hours of operation are 08:30 -17:00 Monday to Friday, although officers work outside of these hours as where necessary.

2.8 Review of interventions carried out from the 2010/11 Programme

2.8.1 Food hygiene interventions

Premises rating	A	B	C	D	E
No. of planned interventions at 1/4/2010	15	76	510	46	264
No. of interventions achieved	15	76	506	46	252
No. of interventions <u>not</u> achieved	0	0	4	0	12

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 99% of our category C premises (the Local Performance Indicator is 100%). These figures are very similar to our performance last year.

The lowest risk premises in category E do not receive physical visits, unless we receive intelligence, such as a complaint, that there may be problems at the premises. These premises are assessed using alternative approaches, such as the business owner completing a questionnaire (see section 2.8.4).

2.8.2 Food standards interventions

Premises Rating	High	Medium	Low
No. of planned interventions at 1/4/2010	5	576	549
No. of interventions achieved	4	-	-
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. This has led us to reconsider how we regulate the area of food standards; further details can be found later in this service plan.

2.8.3 Feeding stuffs/primary production interventions

During 2010/11, we outsourced this area of work to a neighbouring authority. The authority visited 34 of our registered animal feed premises that were due for an intervention that year (100% intervention rate). The authority also carried out primary production interventions at 21 premises. These primary production visits were combined with animal feed visits where possible.

2.8.4 Alternative Enforcement Strategies (AEA)

As mentioned, we do not have a programme of physical visits for our lowest risk premises.

A risk assessment framework determines the frequency at which food premises are visited. In order to direct our resources away from low risk premises, we do not include them in our annual programme of interventions. Instead, these businesses receive a questionnaire, which seeks to check that the businesses remains low risk, whilst providing information relevant to food law. There are a number of advantages to this arrangement, not least the fact that officers can concentrate on those premises which pose a greater risk or where the service can have a greater impact.

In 2010/11, the team issued 264 food safety AEAs. No food standards AEAs were issued as the teams resources are being used to focus on higher risk premises.

3. PLANNED ENFORCEMENT ACTIVITY 2011/12

3.1 Food safety interventions due 1 April 2011 - 31 March 2012

Premises rating	A	B	C	D	E	Unrated
No. of premises due an intervention	12	69	421	91	157	73*
No. of programmed interventions	12	69	421	91	157	73

* - 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 2011 - 31 March 2012

Premises rating	A	B	C	Unrated
No. of premises due an intervention	2	479	483	260
No. of programmed interventions	2	-*	-*	-*

* - For 2011/12 we are focusing our resources on intelligence led project work.

3.3 Feeding stuffs/primary production interventions due 1 April 2011 - 31 March 2012

A total of 22 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 HPA) 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 national Food Surveillance System.

3.4.1 Food and feeding stuffs sampling programme

	2010/11 Samples programmed	2010/11 Samples taken	2011/12 Samples programmed
Food standards samples	120	108	119
Feeding stuffs samples	5	1	5
Food safety samples	226	304	170

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 and food at large outdoor events.

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 seeking advice 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 'scores on the doors' star rating.

3.5.2 Promotional and project Work

The team continues to raise consumer and business awareness of food matters by way of talks, press releases and other promotional activity. However, due to demands on the service, we are having to cut back in this area so that we can fulfil our obligations in other areas, such as inspections.

4. ENFORCEMENT ACTIVITY

4.1 Formal action

The following tables summarise the level and types of formal enforcement action taken in 20010/11. 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 2009/2010	NUMBERS TAKEN/ISSUED 2010/11
Prosecution	2	0
Simple Caution	3	3
Prohibition Notice	0	0
Hygiene Improvement Notice	47	34
Formal written warning *	5	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 2009/2010	NUMBERS TAKEN/ISSUED 2010/11
Prosecution	0	1
Simple Caution	3	5
Formal Written Warnings	19	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 2010/11, 802 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 2010/11 the team received 11 referrals from other local authorities and a similar number can be expected in 2010/11.

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

4.4 Control and 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.

In 2010/11, the team received 361 formal notifications of infectious disease, although some of these related to mumps, rather than food poisoning.

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.

It is expected that a similar or greater number of food alerts will be received in 2011/12.

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 in Leeds, 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 2009/10 and 2010/11 is as follows:

	2010/11 Actual £k	2011/12 Estimate £k
Staffing costs	310.3	309.7
Support costs	96.1	96.1
Supplies & services (inc transport)	51.4	56.3
Analytical & sampling costs	8.5	12.6

Income	-36.9	-28.5
Overall Expenditure	429.4	446.2

7.2 Allocation of staff for 2011/12

Food Safety

- 3.5 Senior EHOs – fully competent to enforce food hygiene law.
- 1 Food Officer – holds environmental health degree, working towards EHORB registration.
- Contractors will be employed to undertake food safety interventions at low risk, broadly compliant and unrated premises.

Food Standards

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

Animal feed inspections and hygiene at primary production level will be carried out by officers from a neighbouring authority.

The team is managed by the food and safety unit manager, 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

8.1 North Yorkshire Food Quality Management System

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 Environmental Health and Trading Standards 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.

In 2008/09, National Indicator 184 (NI 184) was introduced – “Food establishments broadly compliant with food hygiene law”. At the end of 2008/09 our figure for this indicator was 88%, which is lower than we had anticipated. This dip in performance came about because premises that were unrated at the end of the year (eg new premises due an inspection), were counted as being not broadly compliant with food hygiene law.

By the end of 2010/11, our figure for NI 184 had improved to 92%, which was the target set in the department's service plan. This improvement was due to us focusing on poorer premises, and taking a graduated approach to enforcement where advice/education was not successful in improving standards.

Our food standards officers focused on high risk and unrated premises during 2010/11. We continue to have a back log of overdue inspections in this area due to limited resources.

10. Strategy for 2011/12

During 2011/12, our officers will continue inspecting our high risk businesses, and premises not broadly compliant with food law. We feel this makes the most effective use of our limited resources.

A member of the food safety team is on maternity leave. Due to a lack of resources we have not been able to back-fill this post. The absence is having a significant impact on the inspection performance of the team.

We had already considered not inspecting our D and E (lower risk) rated premises during 2011/12. However, it has become clear that we also do not have the capacity to inspect some of our medium/higher risk businesses.

To address this, instead of using agency staff to inspect existing medium risk premises, they will be used to inspect unrated premises. We feel these unrated premises should be inspected over our medium premises, as their level of risk is unknown (ie they could be high risk). This is not an ideal situation, but considering the position the team finds itself in, this would appear to be the most appropriate

approach. It should be noted that this approach puts the council at risk, as inspections carried out this year have shown standards in some medium risk premises have dropped significantly.

Our approach of using a graduated enforcement approach with poor performing premises is proving to be effective in improving standards.

We have also found that our scores on the doors scheme, launched in June 2009, has been an effective tool that has helped to encourage improvements. The FSA is keen for all local authorities to adopt its Food Hygiene Rating scheme, so that there is a single national scheme. We are considering moving to the FSA scheme in April 2012.

There continues to be a large number of unrated premises for us to deal with. We have struggled to inspect these premises within the timescales suggested by the FSA. As mentioned, we intend to use agency staff to inspect these premises and we will keep this approach under review.

We do not have sufficient resources to undertake all of our food standards inspections in accordance with the requirements of the Food Law Code of Practice. Therefore, for 2011/12 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 complaints or similar which indicate there is a problem.

In 2011/12 we are continuing with our version of the 'Retail Enforcement Pilot'. Food safety officers will take the lead for all REP inspections and will gather data for other regulatory teams as part of 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 2011/12. These will be delivered on our behalf by an appropriately qualified and experienced officer from a neighbouring authority.