



**DIRECTORATE OF NEIGHBOURHOOD SERVICES**

**FOOD LAW ENFORCEMENT SERVICE PLAN 2007/2008**

## **FOREWORD**

Under the Food Standards Act 1999, the Food Standards Agency (FSA) requires City of York Council to produce an annual service plan for food safety and food standards law enforcement. The plan sets out the aims and objectives of the council's food team for 2007/2008. The food team, which is part of the food and safety unit, is responsible for food law enforcement and this plan sets out what demands are placed on the team and what resources are available to meet those demands.

Resources 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.

Variance between the 2006/2007 planned and actual performance is highlighted. Where necessary, corrective action is recommended and incorporated into the 2007/2008 plan.

### **1. SERVICE AND TEAM OBJECTIVES WITH LINKS TO CORPORATE OBJECTIVES**

#### **1.1 The vision of the Environmental Health and Trading Standards Service 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 Corporate priorities of the Service**

City of York Council has a corporate strategy for the period 2006 – 2009, which incorporates 13 priorities. In terms of these priorities, the food team contributes to:

- Improving the health and lifestyles of the people who live in York, in particular among groups whose levels of health are the poorest.
- Improve our focus on the needs of customers and residents in designing and providing services.
- Improve the way the council and its partners work together to deliver better services for the people who live in York.
- Improve efficiency and reduce waste to free-up more resources.

#### **1.3 The aims of the Food Team are:**

- To reduce the risk of food poisoning in York.
- To make a positive difference to the quality of life of residents and visitors to York.
- To raise standards of safe and fair-trading.
- To promote healthy living.
- To continuously improve our service through communication with our customers.

#### **1.4 The Objectives of the Food Team are:**

- To operate a comprehensive regime of inspection, sampling, advice and other methods as appropriate, to ensure the safety, correct composition, description and labelling of foods and animal feeding stuffs and 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 licence, approve and register for operation 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.

#### **1.5 Enforcement Policy and Customer Contract**

The team operates to a comprehensive documented enforcement policy that reflects the Cabinet Office Enforcement Concordat. In addition there is a "Customer Contract" which sets out service standards for environmental health and trading standards services.

#### **1.6 Links to Community Objectives**

York's Local Strategic Partnership, Without Walls, launched York's Local Area Agreement (LAA) in April 2007. Contained within the LAA are a number of priorities that form part of a delivery plan for the lifespan of the LAA (2007-2010). The food team expect to contribute to the following outcome priorities:

Children and young people  
Improving the eating habits and diet of young people  
Promote healthy lifestyles

Healthier communities and Older People  
Reduce obesity and improve nutrition

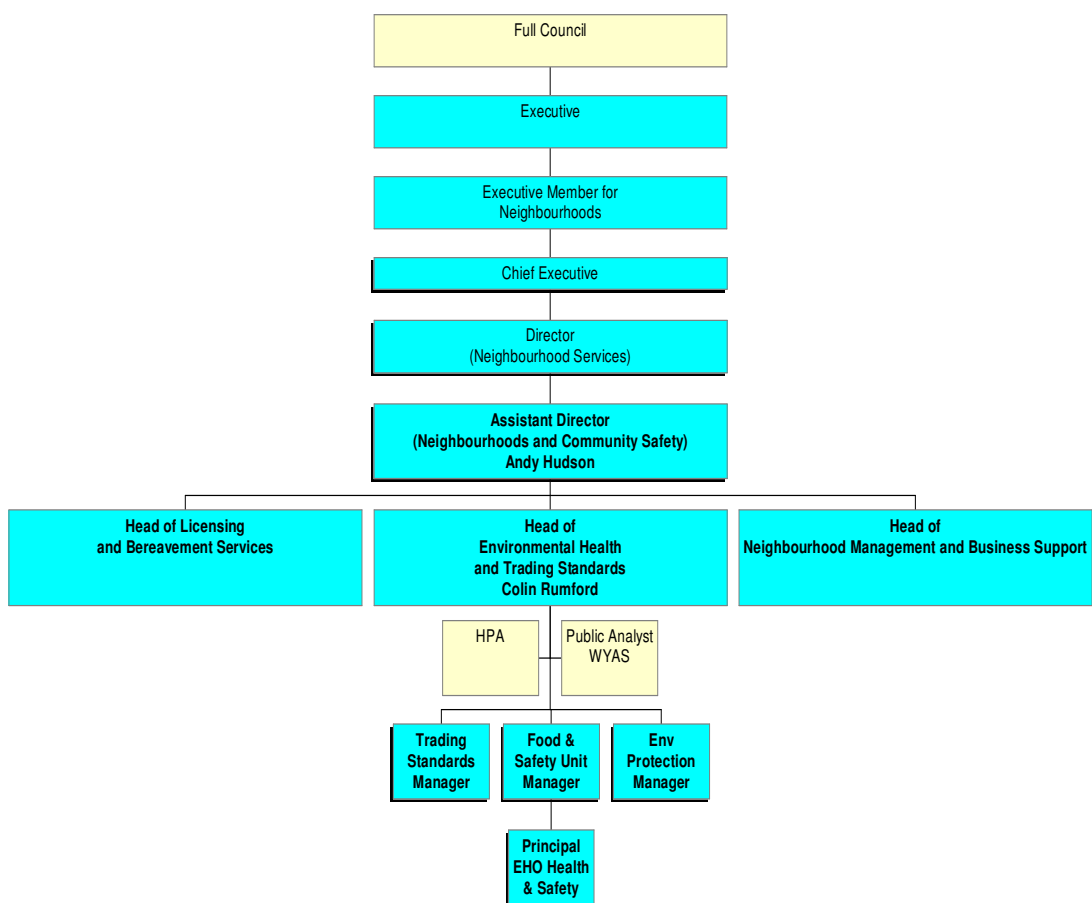
## 2. BACKGROUND

### 2.1 Profile of the Local Authority

City of York Council is a unitary authority, with a population of approximately 184,000 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**

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

### **2.4 Scope of the Food Team**

As a unitary authority, the council is responsible for the full range of duties under the Food Safety Act. It is also responsible for the provisions of the Agriculture Act 1970 in relation to animal feeding stuffs.

The food team carries out all of the food safety, standards and animal feeding stuffs activities on behalf of the council. The team is based within environmental health and trading standards services in the Neighbourhoods & Community Safety Group.

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

The service consists of:

- Programmed food/feeding stuffs premises inspections.
- Investigation of consumer complaints
- Investigations of food poisonings/infectious disease notifications
- Safe food promotion and education/advice
- Health improvement promotion (e.g. healthy eating awareness)
- Sampling of food and animal feeding stuffs according to annual targeted programmes.

### **2.5 Demands on the Food Team**

The authority's area contains a mix of manufacturing, retail and catering premises; hospitality and catering is the dominant sector within this mix. 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. There can be a rapid turnover of business ownership in this sector, which can place

a strain on the team in terms of premises inspection, advice provision and maintaining an accurate premises database.

Under the product specific or “vertical” EU Directives there are 2 approved premises that require 3 visits each year by the team.

A major project for the team in 2007/2008, will be to assist small caterers to comply with changes in the law, which require them to have a written food safety management system based on Hazard Analysis and Critical Control Points (HACCP).

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

Local customer consultations carried out in 2004, via the “Talk About” residents’ panel, indicate that food remains a concern for residents. Indeed, out of all the functions performed by environmental health and trading standards services, respondents thought that investigating dirty conditions in restaurants should be given the second highest priority.

This view echoes the findings of the FSA’s 2005 consumer attitudes survey that found that 60% of respondents were concerned about hygiene in catering outlets. The FSA survey 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.

The team will continue to respond in 2007/2008 to the issue of obesity/healthy eating. Samples of primary school meals will be analysed for nutritional values and healthy eating promotional activity will form part of the team’s work programme.

## **2.6 Premises Profile**

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

Breakdown of food premises in York by FSA category as at 1 April 2007.

Food safety:

<b>FSA CATEGORY</b>	<b>Description</b>	<b>Number</b>
<b>A</b>	<b>Producers</b>	<b>7</b>
<b>B</b>	<b>Slaughterhouse</b>	<b>0</b>
<b>C</b>	<b>Manufacturers</b>	<b>15</b>
<b>D</b>	<b>Packers</b>	<b>2</b>
<b>E</b>	<b>Importers</b>	<b>1</b>
<b>F</b>	<b>Distributors</b>	<b>21</b>
<b>G</b>	<b>Retailers</b>	<b>482</b>
<b>H</b>	<b>Restaurants/Caterers</b>	<b>1191</b>
<b>I</b>	<b>Material &amp; articles in contact with food manufacturer/ supplier</b>	<b>0</b>
<b>J</b>	<b>Manufacturer selling by retail</b>	<b>26</b>
	<b>Unrated premises</b>	<b>52</b>
	<b>Total:</b>	<b>1797</b>

Food standards:

<b>FSA CATEGORY</b>	<b>Description</b>	<b>Number</b>
<b>A</b>	<b>Producers</b>	<b>8</b>
<b>B</b>	<b>Slaughterhouse</b>	<b>1</b>
<b>C</b>	<b>Manufacturers</b>	<b>16</b>
<b>D</b>	<b>Packers</b>	<b>2</b>
<b>E</b>	<b>Importers</b>	<b>1</b>
<b>F</b>	<b>Distributors</b>	<b>23</b>
<b>G</b>	<b>Retailers</b>	<b>494</b>
<b>H</b>	<b>Restaurants/Caterers</b>	<b>1212</b>
<b>I</b>	<b>Material &amp; articles in contact with food manufacturer/ supplier</b>	<b>0</b>
<b>J</b>	<b>Manufacturer selling by retail</b>	<b>26</b>
	<b>Total:</b>	<b>1783</b>

## **2.7 Service Delivery Point**

The service is delivered from a single office based in De Grey House, Exhibition Square, York. The hours of operation are 08:30 -17:00 Monday to Friday, although officers work out of hours when necessary.



## 2.8 Review of inspections carried out from the 2006/2007 Programme

### 2.8.1 Food Safety Inspections

Premise Rating	A	B	C	D	E
No of planned inspections at 1/4/2006	46	89	492	63	0
No. premises capable of inspection <sup>1</sup>	22	76	466	57	0
No. of inspections achieved <sup>2</sup>	29	76	464	35	0

1. The number of premises capable of inspection includes the in-year adjustments, which have to be made to the start of year inspections plan. These are usually the result of businesses closing.

2. This figure is the number of actual inspections. It reflects the fact that some A rated premises either closed during the year, or were downgraded to a lower risk rating and therefore did not require inspecting twice in the year.

In addition, 59 unrated premises were inspected during the year. These represent newly registered food premises that are required to be inspected and risk-assessed. The lowest risk premises are category E and these are assessed by alternative approaches to physical inspection.

#### Summary

We inspected 100 % of our category A-B premises and 99.5% of our category C premises (the Local Performance Indicator is 100%). This is an improvement over our performance last year, where we inspected 94% of our category A risk premises.

### 2.8.2 Food Standards Inspections

Premises Rating	High	Medium	Low
No. of planned inspections at 1/4/2006	25	457	0
No. of premises capable of inspection	25	432	0
No. of inspections achieved	18	378	0

### Summary

We achieved 87 % of our High and Medium premises target, which is similar to the 88% we achieved last year (the Local Performance Indicator is 100%).

As with food safety inspections, the lowest risk premises are not programmed to receive physical inspections.

### **2.8.3 Feeding Stuffs Inspections**

During 2006/2007, we outsourced this area of work to a neighbouring authority. They inspected 22 of our registered animal feed operators that were due for inspection that year.

### **2.8.4 Alternative Enforcement Strategies (AEA)**

The frequency at which food premises are inspected is determined by a risk assessment framework. In order to direct our resources away from low risk premises, we do not include them in our annual programme of inspections. Instead, these businesses are approached by means of questionnaires, which seek both to check that the businesses remain 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 areas where the service has a greater impact.

In 2006/2007, the team carried out 96 food standards AEAs and 247 food safety AEAs. To reduce duplication, we trialled integrating food safety and food standards AEAs where appropriate.

### 3. PLANNED ENFORCEMENT ACTIVITY 2007/2008

#### 3.1 Food Safety Inspections

Premises rating	A	B	C	D	E	Unrated
No. of premises due an inspection	22	108	485	116	273	52
No. of programmed inspections	44	108	485	116	0 (273 AEs)	52

#### 3.2 Food Standards Inspections

Premises rating	High risk	Medium risk	Low risk
No. of premises due an inspection	26	498	268
No. of programmed inspections	26	498	0 (268 AEs)

#### 3.3 Feeding Stuffs Inspections

A total of 34 programmed inspections are to be carried out this year. As with last year, we intend to outsource this work. Where appropriate, we will incorporate primary production hygiene inspections to reduce the burden on farms in line with Hampton principles.

#### 3.4 Food and Feeding Stuffs Sampling

The team will sample foods and feeding stuffs in accordance with its documented policy. We will also participate in national LACORS/HPA sampling programmes and fulfil any requirements to sample for the premises approved under the product specific regulations.

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 coordinate some sampling initiatives, so as to avoid duplication and to optimise the statistical soundness of results data. Sampling results are submitted to national sampling initiatives where appropriate (eg: LACORS/FSA).

##### 3.4.1 Food and feeding stuffs sampling programme

	2006/2007 Samples Programmed	2006/2007 Samples Taken	2007/2008 Samples Programmed
Food Standards Samples	225	203	160
Feeding Stuffs Samples	10	10	10

Food Safety Samples	193	271	200
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### 3.4.2 Comments on sampling performance

Sampling is an important tool for both the food standards and food safety teams. The food safety team is primarily concerned with the microbiological contamination of food, but also samples food to establish the nature and likely harm arising from foreign bodies and the like.

The sampling programme focuses on areas of past non-compliance, and emerging priorities such as imported foods and school meals.

Of the 203 food standards samples taken 43 (21%) were unsatisfactory. Legal proceedings instituted as a consequence of these samples have included cases concerning the substitution of spirits.

Each year the Health Protection Agency undertakes microbiological analysis of samples we provide, most of which are done for free under a credits system. Of the 271 samples taken last year, 57 (21%) were unsatisfactory.

In 2007/2008 the team will take environmental swabs where necessary, in addition to the food safety samples. These environmental swabs are taken to assess the freedom from bacteria of, for example, food contact surfaces and kitchen equipment/utensils.

## 3.5 Education and Information Programme

### 3.5.1 Advice to Businesses/Customers

The team will provide all reasonable support and assistance to businesses operating or intending to operate in the area.

It is estimated that the team will receive over 300 requests for advice this year, some of which will require discussion on site at the business premises. This advice is often in relation to prospective businesses seeking advice before they commence trading.

During 2006/7 we were able to offer approximately 40 businesses training to help them implement the Safer Food Better Business(SFBB) initiative. We are also offering coaching visits to assist food businesses put SFBB in place.

### 3.5.2 Food Team Promotional and Project Work

The team will raise consumer and business awareness of food matters by means of a programme of talks, press releases and other promotional activity.

Through its links with the Selby and York Healthy Lifestyles and Obesity Strategy Group, and its sampling of primary school meals, the team will maintain its role in the promotion of healthy eating.

For the fourth year running, the team intend to take part in the York Food and Drink Festival, by giving advice and raising awareness on food safety and food standards issues (eg: food labelling for school children and highlighting the salt, sugar and fat contents of various foods).

#### 4. REACTIVE ENFORCEMENT ACTIVITY

##### 4.1 Formal Action Taken

The following tables summarise the level and types of formal enforcement action taken in 2006/2007.

##### 4.1.1 Food Safety

TYPE OF ACTION	NUMBERS TAKEN/ISSUED 2005/2006	NUMBERS TAKEN/ISSUED 2006/2007
Prosecution	1	6
Formal Caution	4	0
Prohibition Notice	0	0
Improvement Notice	20	17
Formal written warning <sup>1</sup>	9	5

1 – 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.

##### 4.1.2 Food Standards and Feeding Stuffs

TYPE OF ACTION	NUMBERS TAKEN/ISSUED 2005/2006	NUMBERS TAKEN/ISSUED 2006/2007
Prosecution	4	2
Formal Caution	9	4
Formal Written Warnings	23	20

##### Comments on statistics

The percentage of businesses which were compliant with food law and other trading standards legislation on first inspection, or were brought into compliance within the year (2006/7), was 99%. However, there remain instances where formal action has to be taken in line with the service's enforcement policy and in order to bring about compliance.

We have seen a small fall in the number of hygiene improvement notices being served by the team. This figure is expected to rise during 2007/8 as we tackle those businesses who have failed to implement adequate HACCP systems to comply with EU legislation.

Formal actions recorded against the food standards team are for premises that were falsely describing alcoholic drinks.

#### **4.2 Food Premises, Food and Feeding Stuffs Complaints**

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

In 2006/7, 797 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 increasing awareness of food issues amongst our customers.

#### **4.3 Home Authority Principle**

City of York Council subscribes fully to the LACORS home authority principle.

The team will liaise with other local authorities about our national and regional companies. We will support, in particular, small/medium and new companies through advice on matters such as changes in the law. In 2006/2007 the team received 27 referrals from other local authorities and a similar number can be expected in 2007/2008.

#### **4.4 Control and Investigation of Outbreaks of Food Related Infectious Disease**

The team will 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 2006/2007 the team received 416 formal notifications of infectious disease, although some of these related to mumps, rather than food poisoning.

It is very difficult to predict the level of enforcement activity required in the case of a food poisoning outbreak.

#### **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. During 2006/7, 69 food alerts were received (88 were received during the year before). Although alerts can be issued by the FSA for information only, some require some response, be it the issue of a local press release or contacting food businesses directly, which is more time consuming. It is estimated that a similar or greater number of food alerts will be received in 2007/8.

We are now also receiving allergen alerts from the FSA, which we process and respond to as required.

## **5. OTHER AGENCIES - REFERRALS TO AND LIAISON**

### **5.1 Liaison with Other Organisations**

The team will take steps to 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 adopted to facilitate this, including benchmarking, peer review and liaison with: -

#### North Yorkshire Food Liaison Group

This is a LACORS food liaison group working 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 9002.

This is discussed later in Section 8 – Quality Assessment.

#### Yorkshire and The Humber Trading Standards Group Quality Standards Technical Group

This is the LACORS food standards and feeding stuffs liaison group for the area. It meets on a quarterly basis and seeks to promote best practice and consistency in food enforcement in the region.

#### West Yorkshire Analytical Services

This is the public and agricultural analyst for the City of York Council.

#### Health Protection Agency

Bi-annual review meetings are held with the HPA food laboratory, based in Leeds, to promote co-ordination and good sampling practice.

#### 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.

#### Planning/Licensing Sections

The list of all planning applications is seen by the team and plans requested where necessary, so that recommendations/conditions can be supplied.



The team liaises with licensing to ensure that an integrated approach to enforcement is followed.

## 5.2 Referrals to Other Organisations

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

## 6. CONSULTATION

During 2005/2006, as in previous years, the team carried out a customer satisfaction survey of food businesses. This was done using questionnaires left with every business at the close of a programmed inspection. Instances of reported dissatisfaction and suggestions for improvement were investigated on an ongoing basis.

We did not survey food businesses during 2006/7 As we are currently reviewing our approach on this area. We intend to survey businesses during the 2007/8 period.

## 7. RESOURCES, THEIR USE AND DEVELOPMENT

### 7.1 Financial Allocation

The overall level of financial allocation to food safety and standards enforcement activity for the year 2006/2007 is as follows.

	2006/07 Actual £k	2007/08 Estimate £k
Staffing costs	317.7	253.2
Support costs	147.4	151.8
Supplies & services (inc transport)	80.2	68.0
Analytical & sampling costs	19.3	21.6
Income	-35.5	-26.7
Overall Expenditure	<b>529</b>	<b>467</b>

### 7.2 Allocation of staff 2007/8

#### Food Safety

3.5 Senior EHOs – fully competent to enforce food law

1 Technician – not yet competent

388 food safety inspections will be undertaken by contractors

#### Food Standards

0.8 Senior Officer – fully competent

1 Technician – fully competent

Animal feed inspections and hygiene at primary production level will be outsourced to 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 quality management system, and by annual Performance Development Reviews, where the training needs of individual officers will be identified. The identified training need will be met by: -

- Qualification training
- Attendance on ad-hoc technical seminars/courses
- In-house training on specific issues
- Cascade training by staff that have attended relevant courses.

## **8. QUALITY ASSESSMENT**

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

The QMS, which is independently accredited to ISO 9002 standards, includes a rigorous system of controlled documents that state the minimum standards for our food safety 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 other North Yorkshire authorities and in accordance with good practice. York's QMS was subject to external audits in 2002, 2004 and again in 2006. The auditor reported zero non-compliances following the latest audit.

## **9. OVERALL REVIEW OF PERFORMANCE AGAINST THE PLAN**

The team performed well in respect of its inspection targets for high and medium risk premises and improved on its performance in 2005/2006. At the same time, a well-balanced work programme, combining advice and promotional work with special projects and formal action, was maintained. Over and above the narrower issues contained in the plan, customer consultation results indicate high customer satisfaction with the work of the team. The team is also part of a Charter Mark-accredited service and emphasis is placed on the quality of the service provided to local people.