



NEIGHBOURHOODS

ENVIRONMENT AND REGULATORY SERVICES

FOOD LAW ENFORCEMENT PLAN 2010/2011

C O N T E N T S

Section	Page
1 Introduction	1
2 Service Aims and Objectives	2
3 Background	3
4 Service Delivery	8
5 Resources	13
6 Quality Assessment	13
7 Review	14
APPENDIX	15

1. INTRODUCTION

This Food Law Enforcement Plan is dedicated to the food law enforcement functions carried out by the Regulatory Services personnel under the provisions of the Food Safety Act 1990. The Food Hygiene (England) Regulations 2006 and the Official Feed and Food Controls (England) Regulations 2006.

The Food Standards Agency requires this Food Law Enforcement Plan to be submitted to members for approval to ensure local transparency and accountability.

The stated aim of the Food Standards Agency is to ensure that food law enforcement is undertaken by the various agencies in a more cost effective, comprehensive and collaborative manner. This Food Law Enforcement Plan sets out to achieve these objectives.

Once approved it is intended that the plan will be published on the Council's website.

2. SERVICE AIMS AND OBJECTIVES

2.1 Aims and Objectives

The general aims and objectives of Environment and Regulatory Services are given in the Departments Service Plan for 2010/2011 in the form of the mission statement “Environment and Regulatory Services will work to the best of our ability to protect and improve the quality of life for the people of the City of Derby”.

Specific aims and objectives for food and agriculture law enforcement are listed below.

2.1.1 Food Standards - Composition and Labelling

Aim To ensure traders conform to legal standards

Objective Food in the city of Derby meets UK and European quality standards and is adequately and honestly described.

2.1.2 Food Hygiene

Aim To ensure traders comply with legal standards for hygiene in food premises.

Objective Food in the city of Derby is safe to eat.

2.1.3 Infectious Disease Control

Aim To ensure appropriate action is taken, in conjunction with the Consultant in Communicable Disease Control, to control or prevent the spread of notifiable diseases in the community.

Objective The public is protected from the spread of notifiable diseases.

2.1.4 Animal Feeding Stuffs

Aim To ensure traders conform to legal standards.

Objective UK and European quality standards and feed legislation includes European and national rules on feed composition including additives and medication, feed hygiene, labelling and contaminants in feed. It covers not only feed for food producing animals, but also companion animals.

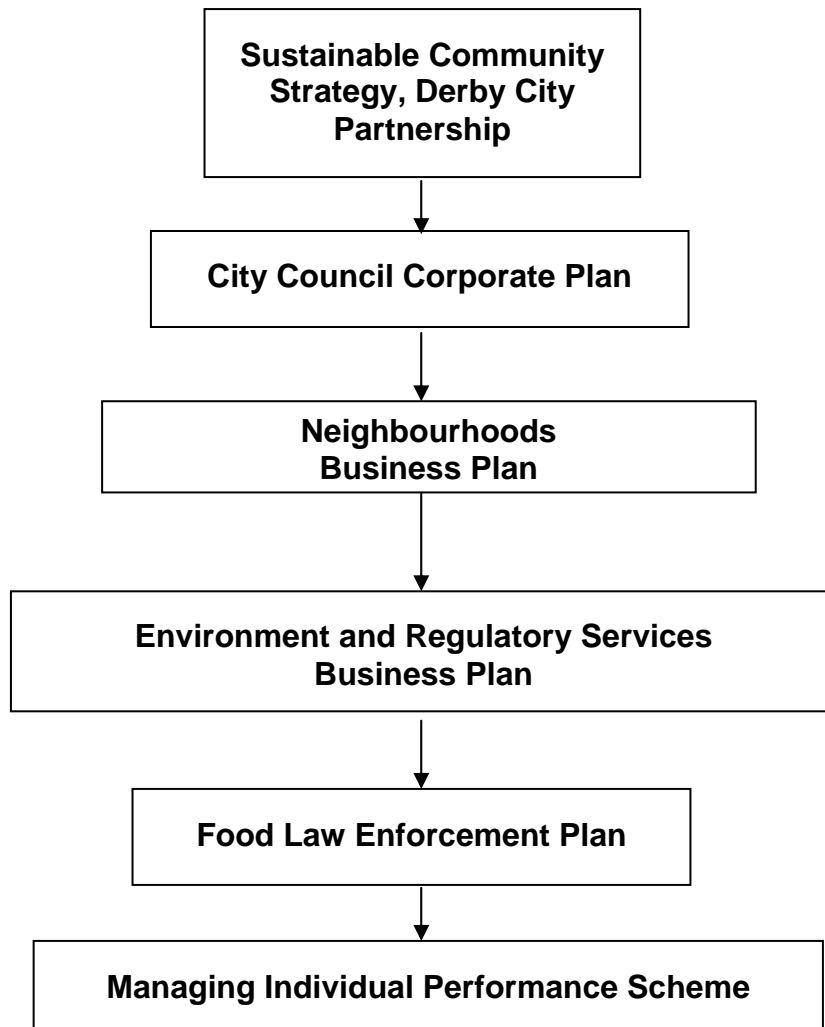
2.1.5 Animal Health and Welfare

Aim To ensure traders conform to legal requirements.

Objective Livestock at farms, markets or in transit are healthy. To continue to work with Animal Health, DEFRA and other partners to ensure readiness for any suspected animal disease in Derby City boundaries.

2.2 Links to Corporate Objectives and Plans

In the diagram below the relationship between the Food Law Enforcement Plan and other Departmental plans can be seen. The City Council's Corporate Plan sets out the Council's vision and values together with targets for the forthcoming year. These feed through the service plans to targets and eventually to Managing Individual Performance plans for individual officers.



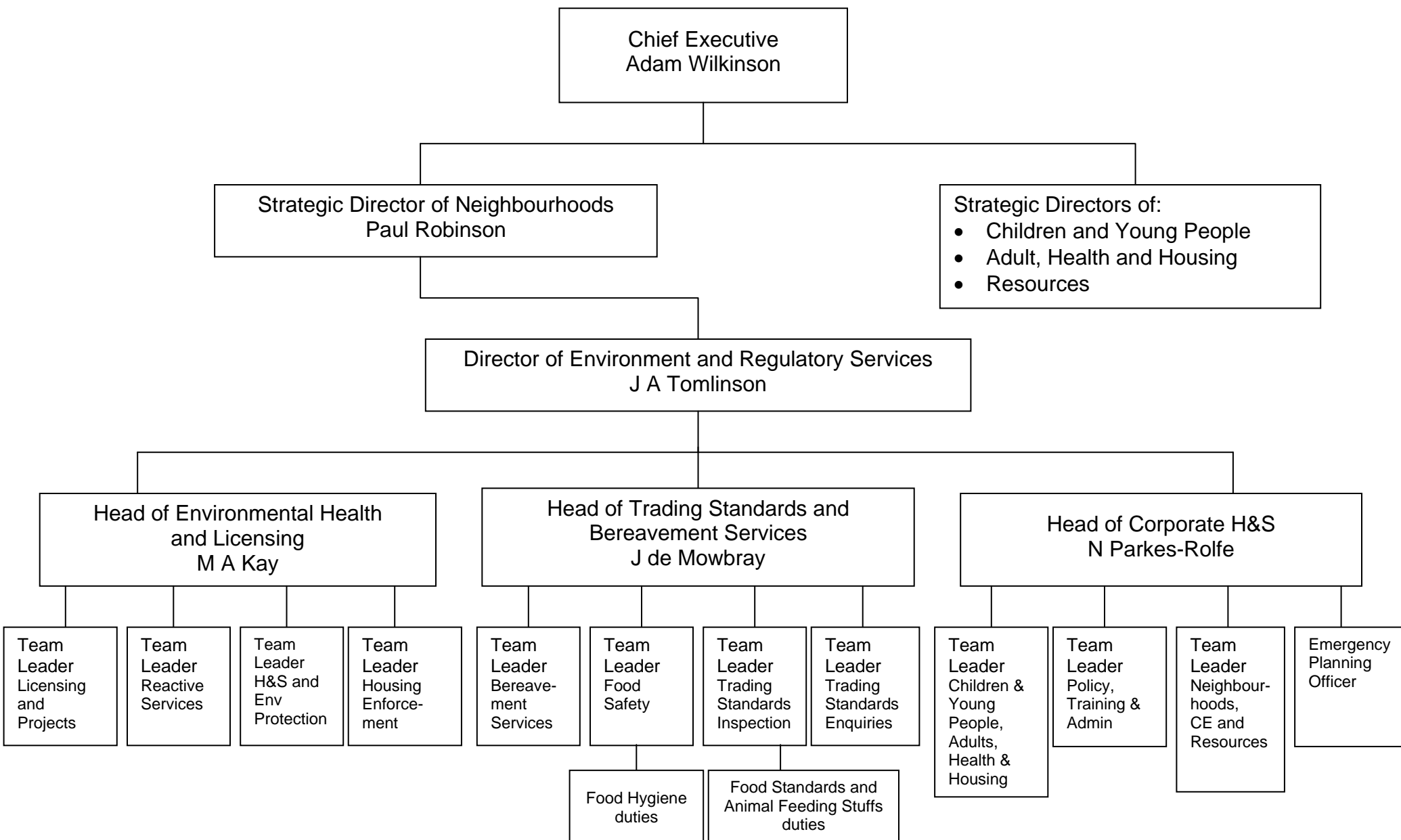
3. Background

3.1 Profile

Derby is a compact city with a clearly defined centre and district neighbourhoods; it achieved city status in 1977. It has a strong identity, clear boundaries and is surrounded by attractive countryside. This environment includes over 800 hectares of municipal parks and the river Derwent flows through it.

According to the 2009 Office for National Statistics the population of Derby was 244,100. The city has a multicultural community. At Census 2001, BME groups accounted for 15.6% of the population in Derby and mid year estimates are that BME groups account for 18.1% of the population of Derby. The main ethnic minority population comes from India and Pakistan with asylum seekers from Eastern Europe being the most recent arrivals.

3.2 Organisation Structure



3.3 Scope of the Service

3.3.1 Food Safety

- Inspection of food premises to enforce the requirements of Food Safety legislation and code of practice
- Provision of information to consumers on the hygiene standards of food premises, using a scheme known as “Scores on the Doors”
- Inspection of food premises to enforce Health and Safety at Work legislation
- Investigation of accidents at food premises
- Investigation of complaints about food and hygiene at food premises
- Sampling of foodstuffs for the purposes of microbiological examination
- Investigation of cases of infectious diseases and food poisoning outbreaks
- Food alerts, microbiological

3.3.2 Food Standards and Animal Feedingstuffs

- Inspection of food premises in accordance with the Food Safety Act 1990, associated regulations and codes of practice
- Introduction of an Alternative Enforcement Strategy (AES) – Low risk for 2010/11 in accordance with FSA and LACORS to reduce burdens on business
- Inspection of animal feedingstuffs premises in accordance with the Agriculture Act 1970, and associated regulations
- Sampling of food and animal feeding stuffs
- Investigation of complaints about food standards and animal feeding stuffs
- Advice to businesses
- Food Standards and Agriculture Act duties are provided alongside a broad range of other Trading Standards Services such as metrology, fair trading and product safety

- Animal health, livestock and welfare inspections at farms and the weekly livestock market
- Animal movement licensing
- Food Alerts, chemical compositional including undeclared allergens
- Feed Alerts - Compositional

3.3.3 Use of Contractors

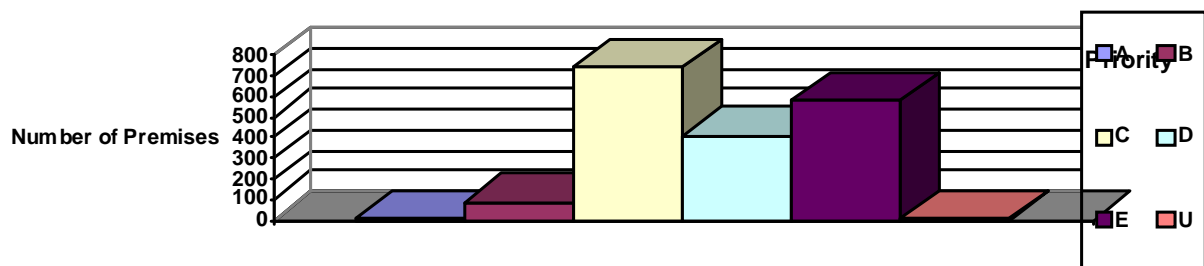
The Council may engage the services of outside contractors to assist in programmed food inspections subject to:

- There being a backlog of inspections which cannot be completed in-house
- The contractor meeting the requirements of the Food Safety Act Code of Practice and meeting the quality standard expected by the Group Leader
- The cost of the work being met within existing budgets

3.4 Demands on the Service

3.4.1 Food Safety Premises Profile as of 1 April 2010

The food business profile mainly includes premises legally required to register with the Department. However certain premises are exempt from registration eg certain agricultural premises, tents and marquees, some domestic premises and some village halls. These premises still have legal obligations to comply with relevant food safety legislation and although exempt from registration are sometimes inspected by food safety officers and are included in the total number of premises.



Total Number of Premises

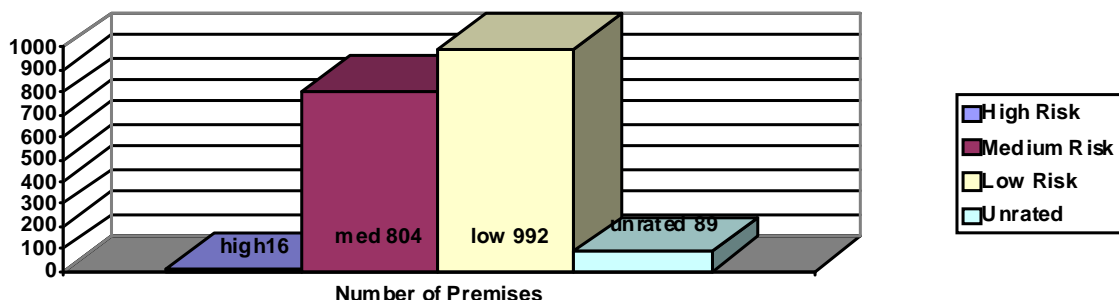
Note:

The risk that a premises presents to food safety is used to determine its priority rating. It is awarded points for various factors such as the type and method of food processing, number of consumers at risk, level of compliance, confidence in management control systems and significance of the risk. Premises are categorised from A to E, with A rated premises presenting the highest risk and thus subjected to inspections every 6 months. E rated premises present the lowest risk and would only be inspected every 3 years or may be subject to an alternative inspection strategy. Unrated premises are food businesses that have not yet been given a risk rating.

The Food Law Code of Practice has been revised to allow more flexibility so local authorities can choose the type of intervention to monitor, support and increase food law compliance within a food premises. It is planned to implement some of these changes in the current financial year.

On 1 April 2008, the Food Standards Agency (FSA) simplified the procedures for local authorities to report data on their performance. There is now a greater focus on inspection outcomes, which provide more detailed information on local authority performance. Further details of the Department's performance figures can be found in Appendix 1.

3.4.2 Food Standards Premises Profile as of 23 June 2010



Total Number of Premises with Inspectable Risk

Note:

Risk categories relate to inspection periods. These periods take into account management systems, previous history, turnover and size of premises. By scoring each of these it can be converted into inspection periods of high - yearly, medium - 2 years, low - 5 years.

3.5 Service Delivery Points

The service is available from the offices of the Environment and Regulatory Services at Celtic House, Friary Street, Derby. The office hours for the public reception are Monday to Friday 9am to 4pm. There is a direct line available for food complaints: Derby 01332 641555 and Consumer Direct 08454 040506 for Trading Standards enquiries including Food Standards.

Answer phones are available when the offices are closed. We can also accept complaints by electronic mail: environmental.services@derby.gov.uk.

There is also a business advice line on 01332 641222 for enquiries from businesses within the city.

3.5.1 Enforcement Policy

In April 2008 the Legislative Regulatory Reform Act 2006 introduced the Compliance Code. The Council follows this Code in order to promote efficient and effective approaches to regulatory inspection. Environment and Regulatory Services also works to an enforcement policy which embraces the principles of the Compliance Code and which has regard to the Crown Prosecution guidelines.

4. Service Delivery



Food Hygiene Inspection
checking the temperature of food



Food Standard Inspection
checking the labelling of food

- 4.1 Food Safety inspections are carried out in accordance with the Code of Practice made under the Food Safety Act 1990, the Food Hygiene (England) Regulations 2006 and the Official Food & Food Controls (England) Regulations 2006. Premises are risk rated in line with Food Standards Agency and LACORS, Local Authority Co-ordinators of Regulatory Services, guidance. The risk rating process determines the inspection frequency for the premises.

Premises are inspected at times when they are open for business. Food businesses which are open during the night and at weekends will, on occasions, be inspected at these times, even if they are also open for business during the day.

The Food Standards Agency has recognised the importance of concentrating resources on high and medium risk rated premises. To that end food businesses that present little or no risk to food safety for food hygiene purposes can be inspected by an alternative method.

The Food Safety Team carry out an alternative enforcement strategy (AES) for some low risk premises by the use of questionnaires. The AES allows an officer to confirm the level of food safety risk at the premises, monitor compliance with legal requirements and written information will be provided to the proprietor.

The Council is continuing with the 'Scores on the Doors' scheme which was launched in June 2007. The scheme includes restaurants, take-aways, cafes and public houses serving meals. Following the EColi 0157 outbreak, which occurred in South Wales, the scheme has now been extended to include butchers' shops. The premises are awarded a star rating ranging from 0 to 5 stars. The information is displayed on the Council's website and certificates are issued for display at the premises. To date over 1477 premises have been inspected. The Food Standards Agency have recommended a single national scheme which is in the process of consultation. Once a final scheme is put forward the Council may transfer to the nationally preferred scheme and then extend the scheme to all food businesses throughout the city.

Revisits are made where there are concerns about food safety. The Environmental Health Food Safety Section has structured risk based criteria to enable revisits to be prioritised. We anticipate that we will revisit 20% of premises inspected.

Food Safety		
Total Number Of Premises	Number of Inspections Programmed	Estimated Number of Revisits (20%)
1907	1059*	212

Food Standards		
Total Number Of Premises	Number of Inspections Programmed	Estimated Number of Revisits (10%)
1901	922	92

* includes backlog of 96 inspections from 2009/10.

There are 10.2 FTE staff whose duties include food hygiene inspections. There are 3.2 full time equivalent staff involved with food standards duties.

4.2 Complaints

All complaints received are reviewed. If the nature of the complaint indicates that there may be a risk to Public Health it will be investigated as part of normal officer duties. It is the aim of the service to respond to all complaints within 3 working days. Food hygiene complaints require 2 FTE staff to carry out the work.

4.3 Primary Authority Scheme

The Primary Authority scheme – which commenced on 6 April 2009, builds on the foundation created by the voluntary home and lead authority initiatives. For the first time, businesses will be able to form a statutory partnership with a single local authority to provide robust and reliable advice that other Councils must take into account when carrying out inspections or dealing with non compliance.

The change from a voluntary to a compulsory scheme could have serious resource implications for the Department. However, at present the Department has received no requests for primary authority agreements.

4.4 Advice to Businesses

The authority is committed to good liaison arrangements with food businesses to provide information on legislation and good practice.

All requests for advice will be responded to either by telephone, letter or site visits. Advice is given during inspection activities and where necessary confirmed in writing.

4.5 Food and Feedingstuffs Inspection and Sampling

4.5.1 Food Safety

Microbiological sampling is undertaken and samples are examined by the Public Health Laboratory at Leeds. Approximately 235 samples will be taken throughout the year. Samples are based on a sampling programme which is produced annually. The sampling programme takes account of the Local government Regulation sampling programme as well as local and national issues.



Food Complaint – piece of blue plaster in a cob

4.5.2 **Food Standards and Animal Feedingstuffs**

Approximately 250 food samples will be taken throughout the year. These will be concentrated on food produced within the city and non pre-packed food.

Samples will be analysed by the Public Analyst. Samples are based on sampling programmes, which are issued quarterly. Sampling programmes take account of local and national issues as well as regional and national surveys.

Food complaints items are submitted to the Public Analyst where compositional or quality issues are raised. Derby City Council's Public Analyst is Eurofin Laboratories Limited, Wergs Road, Woodthorne, Wolverhampton WV6 8TQ
Telephone: 01902 693314.

4.6 **Control and Investigation of Outbreaks and Food Related Infectious Disease**

It is the Council's Policy to investigate all incidents of infectious disease in an attempt to identify the cause of illness and any practical measures to control potential outbreaks. It is estimated there will be 619 cases this year. These cases will be dealt with by 0.5 FTE staff and additional officers will be available by diversion from other duties should the workload demand it.

4.7 **Food Safety Incidents**

Environment and Regulatory Services will respond as appropriate to any food alerts issued by the Food Standards Agency. Any action taken will be in accordance with the Food Safety Act Code of Practice and Practice Guidance Notes.

Food alerts are transmitted electronically via a national network called Environmental Health Communications Network, EHCnet and by fax if requested. On receipt of the warning, the responsible officer will ensure it is distributed and actioned as appropriate.

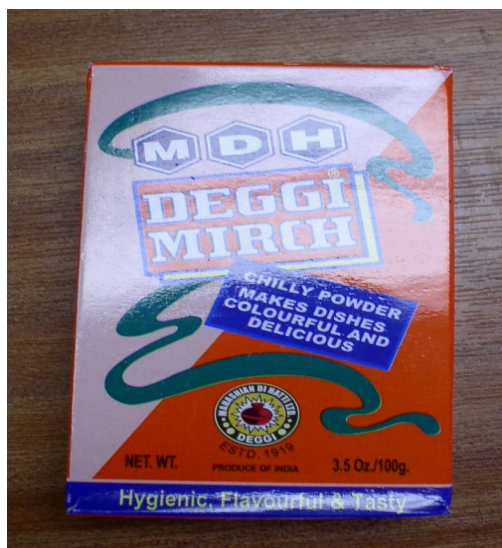
From June 2010, the FSA changed with way it issues information about product withdrawals and recalls. Product Withdrawal Information Notices and Product Recall Information Notices replace what was known under the previous system as the 'Food Alert for Information'.

The FSA issues a 'Product Withdrawal Information Notice' or a 'Product Recall Information Notice' to let local authorities and consumers know about problems associated with food. In some cases, a 'Food Alert for Action' is issued. This provides local authorities with details of specific action to be taken on behalf of consumers.

A Product Withdrawal Information Notice or a Product Recall Information Notice is issued where a solution to the problem has been put in place, the product has been, or is being withdrawn from sale, or recalled from consumers for example. A Food Alert for Action is issued where intervention by enforcement authorities is required. These Notices and Alerts are often issued in conjunction with a product withdrawal or recall by a manufacturer, retailer or distributor.

Details of the latest product withdrawals and recalls, including Food Alerts for Action, can be found on the Food Standards Agency website:

<http://www.food.gov.uk/enforcement/alerts>



Food Alert – Products destroyed due to high levels of Aflatoxin in Chilli Powder

The Group Leader of the Food Safety Team and Trading Standards Inspections Team liaise with the Food Standards Agency, DEFRA, Animal Health, DOH, Local Government Regulation, CIEH as appropriate to achieve up to date advice and information on matters of enforcement uncertainty or consistency.

4.8 Liaison with Other Organisations

Consistency with neighbouring local authorities is achieved by membership of TSEM (Trading Standards East Midlands), the Derbyshire Environmental Health Chief Officers Group, the Derbyshire Food Liaison Group, Derbyshire Food Sampling Roup and the Unitary Cities Group.

It is estimated that liaison arrangements require no more than 0.1 FTE officers.

4.9 Promotional Activities

4.9.1 Educational and promotional activities are considered to be important aspects in the delivery of a comprehensive food safety service and it is achieved in the following ways:

- Food information available directly from the Food Safety and Trading Standards Inspection Teams
- Targeted advice/information sent to relevant groups on issues of county, regional or national significance
- Active promotion of Food Safety Week, which is held in June every year
- Targeted training session are undertaken on subjects such as the 'Safer Food Better Business'
- In June 2007 the Council launched the 'Scores on the Doors' scheme which actively provides information on the inspections and risk rating of businesses on the Council web site. The Service works with businesses to help them improve their own 'star ratings'.

5. Resources

5.1 The revenue budgets for the sections of the department involved in food safety and animal feeding stuffs duties amount to £1,016,216 this year compared with £1,108,499 last year.

The figure indicated is for the service as a whole and includes other duties performed by the sections.

It provides adequately for staffing costs including travel and subsistence. The budget also provides for sampling and equipment. Information technology is partly funded from this budget and also from other budgets within the Department.

5.2 All staff within the Department have their training needs identified via Managing Individual Performance interviews. These training requirements are then included within the training plan and resources are allocated according to priority. The Neighbourhoods Directorate, of which Environment and Regulatory Services is a part, has achieved the Investors in People award.

6. Quality Assessment

- 6.1 Environment and Regulatory Services has achieved BSEN ISO 9001:2008. This includes the food hygiene, food standards and animal feedingstuffs services.

The Department also obtained the Environmental Management Standard ISO:14001 or FMAS in 2010.

- 6.2 In November 2007, our services were subject to an inter-authority audit along with neighbouring Derbyshire authorities.

The audit covered the following areas:

- Authorisation of officers
- Ongoing officer training

Positive feedback was received on the day of the audit, with only one minor issue requiring attention.

7. Review

- 7.1 This plan will be reviewed annually.
- 7.2 The annual review of the plan will be used to identify variances from targets or performance standards.
- 7.3 The annual review of the plan and inter-authority auditing will be used to identify service improvements needed.
- 7.4 Performance against last years targets are attached as an Appendix.

APPENDIX

REVIEW OF PERFORMANCE 2009/2010

1.1 Food Safety

Item	Target	Achieved	Comments
Number of Programmed Inspections	1177	1109 94.2%	Target not achieved due to post holders carrying out other duties and increases in number of new premises needing inspection.
Broadly compliant premises	92%	90.37%	The transient nature of businesses has had a marginal affect on meeting the target.
Number of re-visits	235	177 75.3%	To ensure better use of resources some proprietors are given the opportunity to self-certify the action they have taken during inspections. This has led to a marginal reduction in the numbers of re-visits carried out.
Alternative Enforcement surveys	N/A	7	Some low risk premises are not inspected, but asked to complete a questionnaire. That enables the level of food safety risk and compliance with legal requirements to be monitored.

1.2 Food Standards

Item	Target	Achieved	Comments
Number of Programmed Inspections, including non food	1271	1033 81%	This figure reflects a number of vacancies within the Team.
Number of re-visits	Not Known		Database not set up to record information accurately at present. Upgrades and staff training required. Due to ongoing staff issues it has not been possible to remedy database issues.

1.3 Complaints

Item	Food Hygiene	Food Standards	Animal Feeding Stuffs
Number of complaints received	222	153	0

2. Food and Feedingstuffs Inspection and Sampling

Item	Estimate	Achieved	Comments
Food Safety Samples	235	202	Target not achieved due to more credits being utilised for unsatisfactory re-samples.
Food Standards and Animal Feedingstuffs	250	342	Number of samples is controlled by budget and expenditure commitment to Public Analyst. Due to not meeting expenditure criteria for 2008/9 further samples were submitted.

3. Control and Investigation of Outbreaks and Food Related Infectious Disease

Item	Estimate	Actual	Comments
Number of Cases	665	619	None

Number of Food Alerts received	For Action	For information	Numbers of Food Allergy Alerts Received
76	11	65	55

4. Food and Feedingstuffs Safety and Standards Promotion

The Food Safety Team have continued to implement the “Safer Food Better Business” guide in food premises. This is a toolkit, which has been developed by the Food Standards Agency, to assist small catering businesses to prepare documented food safety management procedures.

Following on from the investigation of the EColi 0157 food poisoning outbreak in South Wales in 2005, Derby took part in a LACORS/HPA food sampling study focussing on butchers shops. This uncovered some cause for concern at the unexpectedly high results which led to an initiative to improve cross contamination controls in butchers shops. The initiative involved:

- a seminar attended by the catering butchers covering lessons learned from the outbreak and local microbiological sampling result outcomes
- incorporating butchers in the “Scores on the Doors” scheme so as to drive up compliance.

The initiative has been very successful as it led to a significant improvement in the health and hygiene standards at the premises.

5. Changes to the Monitoring System

The Local Authority Enforcement Monitoring System (LAEMS) is now used to report local authority food law enforcement activities to the Food Standards Agency.

It is a web-based system which local authorities are able to upload data generated locally on food law enforcement activities directly to the Food Standards Agency.

Due to change in software provider, there have been delays in installing the file to enable the data to be uploaded. It is anticipated by end of 2010/2011, the statistics can be sent to the Food Standards Agency in this required manner.

Trading Standards will implement the UKFSS (UK Food Surveillance system) during the year 2010/2011. This is a national database that centrally holds a record of all food samples submitted for food analysis by official control laboratories on behalf local authorities and port health authorities. The database will enable Trading Standards to target and manage sampling programmes more efficiently.