

**Communities and Place**  
**Public Protection and Streetpride**

**FOOD AND FEED LAW**  
**ENFORCEMENT**  
**PLAN**  
**2018/19**

*In accordance with the Food Standards Agency Framework Agreement 2000 (As Amended)  
and Official Feed and Food Control Regulations 2006*

## Food and Feed Law Plan 2018/19 Contents

| <b><u>CONTENTS</u></b>  | <b><u>PAGE</u></b> |
|---|--------------------|
| Foreword  | 2                  |
| Introduction  | 4                  |
| <b>1. <u>Service Aims and Objectives</u></b>                        | <b>4</b>           |
| 1.1 Aims and objectives   |                    |
| 1.2 Links to corporate pledges and priority commitments             |                    |
| <b>2. <u>Background</u></b>   | <b>5</b>           |
| 2.1 Profile of the local authority                                  |                    |
| 2.2 Organisational structure  |                    |
| 2.3 Scope of the service  |                    |
| 2.4 Demands on the service  |                    |
| 2.5 Regulation policy   |                    |
| <b>3. <u>Service Delivery</u></b>                                   | <b>10</b>          |
| 3.1 Interventions at establishments (Food Hygiene)                  |                    |
| 3.2 Interventions at establishments (Food Standards)                |                    |
| 3.3 Interventions at establishments (Animal Feed)                   |                    |
| 3.4 Revisits for food hygiene and food standards                    |                    |
| 3.5 Projects  |                    |
| 3.6 Complaints  |                    |
| 3.7 Home Authority Principle and Primary Authority Scheme           |                    |
| 3.8 Advice to business  |                    |
| 3.9 Sampling  |                    |
| 3.10 Control and investigation of food related infectious disease   |                    |
| 3.11 Safety incidents   |                    |
| 3.12 Liaison with other organisations                               |                    |
| 3.13 Promotional work and other non-official controls interventions |                    |
| <b>4. <u>Resources</u></b>  | <b>17</b>          |
| 4.1 Financial allocation  |                    |
| 4.2 Staffing allocation   |                    |
| 4.3 Staff development plan  |                    |
| <b>5. <u>Quality Assessment</u></b>                                 | <b>18</b>          |
| 5.1 Quality assessment and internal monitoring                      |                    |
| <b>6. <u>Review</u></b>   | <b>19</b>          |
| 6.1 Review against the service plan                                 |                    |
| 6.2 Identification of variation from the service plan               |                    |
| 6.3 Areas of improvement – food standards                           |                    |
| 6.4 Areas of improvement – food hygiene                             |                    |
| Appendix 1: Additional Information                                  | 21                 |
| Appendix 2: Food Hygiene Rating Scheme                              | 24                 |
| Appendix 3: Media Coverage – Examples                               | 26                 |

## **Forward by Councillor Matthew Holmes**

As cabinet member for Regeneration and Public Protection for Derby City Council, one of my responsibilities is food safety, food standards and feed. Food safety and standards are a high priority for the council and play a vital role in supporting the pledges and priority commitments within the Council plan 2016-2019.

Every week, citizens, workers and visitors to Derby, buy and consume thousands of pounds worth of food, so much so that, food is at the heart of its thriving sustainable local economy. We have over 2000 food businesses in the city, contributing to our economy and providing jobs and employment. Food also forms a significant part of our cultural life in restaurants, cafes, bars and other food premises.

### **Food Safety**

Food safety and standards impact on the health of every person who lives in or visits the city. Good health and well-being cannot be sustained without maintaining food safety and standards. Food poisoning can cause severe illness and, occasionally, death especially in the case of our more vulnerable members of society, such as the very young and the elderly.

It is estimated that each year in the UK, around a million people suffer from food poisoning and around 20,000 people receive hospital treatment. Sadly around 500 deaths a year are caused by foodborne illness.

### **Food Standards**

In recent years, there have been some well publicised food industry problems that have highlighted the importance of having a robust food standards regulation framework in place. The 'horse meat' scandals and the concerns over quality of poultry at national meat processing plants have shown that effective regulation is a necessity in modern food processing, distribution and retailing chains. In Derby City, Trading Standards continues to work to ensure that none of our meat processors deal in adulterated meat as we must remain vigilant and work will continue to be carried out on the description and nature of meat for sale in the city.

The Food Information Regulations have fundamentally changed food labelling and nutritional requirements. Labelling now improves the nutrition and allergen information provided with food. Caterers, takeaways and restaurants now have to provide consumers with information on the presence of certain foods / ingredients that cause allergies. These changes have and will continue to be challenging to businesses, particularly small businesses, especially when the consequences of undeclared allergenic food products could be life threatening.

### **Animal Feed**

Animal feed plays an important part in the food chain and has implications for the composition and quality of the livestock products (milk, meat and eggs) that people consume. The main aim is to help protect consumers and animal health. Another aim is to ensure that those buying animal feed (including feed for pets) are provided with sufficient information to allow them to make informed choices.

***The City Council's Food and Feed Law Plan 2018/19, sets out how the council will protect and promote food safety and standards in the coming year.***

## **INTRODUCTION**

This is Derby City Council's Food Service Plan 2018-19, dedicated to the food safety enforcement function. It covers all the elements of food safety and standards for which this Council has enforcement responsibility.

The requirement to have a Service Plan is laid down by the Food Standards Agency (FSA) in its Framework Agreement on Official Feed and Food Law Controls by Local Authorities (Amendment 5 April 2010). The FSA was established in April 2000, as an independent monitoring and advisory body. One of the aims of the FSA is to make local authorities delivery of official controls effective, risk-based, proportionate and consistent.

## **1. SERVICE AIMS AND OBJECTIVES**

### **1.1 Aims and Objectives**

The service has four main aims, which ensure the council's statutory duties are met in relation to food safety, standards and feed law enforcement.

1. To regulate and achieve, through education and enforcement, the sale and/or production of food and feed which is safe and wholesome.
2. To protect the interests of consumers to allow them to make informed choices in relation to the food they consume, in particular prevent fraudulent or deceptive practises such as the adulteration of food, which may mislead the consumer.
3. To prevent and control the spread of reportable infectious disease (including foodborne illness) through education and enforcement.
4. To respond to complaints from consumers and other stakeholders relating to food safety and food standards, if food products have been sold or produced in the borough.

To achieve these aims, the following objectives have been set for 2018 – 2019:

1. To undertake a risk-based programme of food and feed safety interventions in premises in accordance with Food Standards, Food and Feed Law Code of Practice and Practice Guidance.
2. To register food businesses in accordance with EC Regulation 852/2004.
3. To provide a risk-based response to all notifications of food related illness or suspected illness in order to minimise the effects on the community.
4. To carry out food sampling in accordance with nationally and locally set programmes.
5. To provide information, advice and education on food safety and standards issues.
6. To respond in line with service priorities to complaints concerning food and feed safety standards.
7. Initiate and respond to food and feed alerts.
8. Increase the number of premises with a food hygiene rating of 4 and above to 90%.
9. To tackle illegal importation of foods into the City and to monitor the composition and labelling.
10. To provide clear accessible information about compliance with hygiene legislation.

## **1.2 Links to Corporate Pledges and Priority Commitments**

### **1.2.1 Council's Pledges**

Derby City Council is committed to Derby being a safe, strong and ambitious City.

In addition to food and feed regulations, Communities, Environment and Regulatory Services (CEaRS) delivers a number of other regulatory roles that contribute to Derby's key priorities. These include the regulation of health and safety, smoke free, public health, infectious diseases and animal health and welfare.

The Council continues respond to delivering its services despite ongoing financial challenges. The service will continue to do its best to meet the needs of customers by working efficiently and continually reviewing how services are delivered. However, it is recognised that meeting national priorities and standards laid out in the Food Law Code of Practice (England) (FLCOP), in the context of this plan continues to also be a significant challenge.

## **2. BACKGROUND**

### **2.1 Profile of the Local Authority**

#### **2.1.1 Geography**

Derby is a unitary authority, with a clearly defined centre and district neighbourhoods. It has a strong identity, clear boundaries and is surrounded by attractive countryside. With Leicester and Nottingham, it forms part of the 'three cities' sub-region of the East Midlands. It is essentially an urban area with green areas of open land that help to maintain separate community identities and boundaries within its 17 electoral wards.

#### **2.1.2 Population**

In March 2011, Derby's population was 248,752. At this time, Black, Minority Ethnic (BME) groups accounted for 24.7% of the population. The main ethnic minority population comes from India and Pakistan, with asylum seekers from Eastern Europe being the most recent arrivals. 34, 600 Derby residents (or 13.9% of the total population) were born outside the United Kingdom

#### **2.1.3 Deprivation**

Like any UK city, Derby suffers from pockets of deprivation and subsequent concentrations of high worklessness. According to the 2007 Index of Multiple Deprivation, Derby is ranked 69<sup>th</sup> out of 354 local authorities in the country placing it just inside the 20% most deprived areas. This compares favourably to other cities in the region, with areas generally becoming less deprived towards the outskirts of the city.

## **2.1.4 Economy**

The local economy has been growing in recent years but unemployment remains higher than the national and regional averages. House prices in Derby are generally cheaper than elsewhere in the region and the rest of the country. People who work in the city generally have higher wage levels than those who actually live in the city. People's health differs across the city between male and females and different nationalities.

## **2.1.5 Health**

The health of people in Derby is generally worse than the England average. Life expectancy for both men and women is lower than the England average. Life expectancy is 12.4 years lower for men and 8.9 years lower for women in the most deprived areas of Derby

## **2.2 Organisational Structure**

As mentioned, previously, CEaRS has a wide range of duties covering a broad spectrum, but responsibility for the regulation of food hygiene, food standards and feed is split between the Trading Standards and the Food and Safety Teams (FAST). These are under the remit of the Head of Service for Trading Standards, Food Safety, Bereavement Services and Building Consultancy. Both Teams are led by full time managers who are responsible for the yearly planning of the activities and the management of their associated work functions.

## **2.3 Scope of the Food Service**

### **2.3.1 Hygiene and Infectious Diseases**

The Food and Safety Team (FAST) is responsible for all food hygiene and infectious disease services set out in this plan. The scope of this work is as follows

- Inspection, revisits, and interventions at food premises.
- Home Authority/Primary authority advice.
- Provision of advice and guidance.
- Provision of information to consumers on the hygiene standards of food premises, using the Food Hygiene Rating Scheme (FHRS).
- Investigation of complaints about food and hygiene at food premises.
- Sampling of foodstuffs for microbiological examination.
- Investigation of cases of infectious diseases and food poisoning outbreaks.
- Respond to food alerts (microbiological).
- Issue of food export certificates.
- Enforcement action, as appropriate.
- Ensure staff maintain professional competence in authorised activities.

FAST is a comprehensive Environmental Health Service carrying responsibility for enforcement of both food hygiene and health and safety legislation. Reference should be made to the Health and Safety Enforcement Service Plan 2018/19 for further details.

### **2.3.2 Food Standards and Feed**

Trading Standards is responsible for all food standards and animal feed work set out in this plan. The scope of this work includes:

- Inspection, revisits, and other interventions at food standards and feed at premises.
- Targeted projects.
- Home Authority/Primary Authority advice.
- Sampling of food and feeding stuffs for composition and labelling and feed hygiene.
- Investigation of complaints about food standards and animal feeding stuffs.
- General advice to businesses.
- Contingency Planning for animal borne diseases which include –
  - Avian Influenza
  - Foot and Mouth
  - Classical Swine Fever
  - Rabies
- Food Alerts, chemical compositional including undeclared allergens.
- Enforcement action as appropriate.

Food duties are provided alongside a full range of other Trading Standards services such as metrology, fair-trading, intellectual property, animal health and welfare, product safety, including the licensing/registration of explosives and petroleum spirit as well as other regulation and enforcement activities.

Interventions at food premises are part of comprehensive trading standards activities. Inspections are carried out in accordance with a risk-rating scheme approved by the National Trading Standards Board (NTS) and the FSA.

### **2.3.3 Use of Contractors**

The Council may engage the services of outside contractors to assist in the delivery of work set out in this plan. It is recognised that during the Councils work plan 2017/18 the FAST used contractors on an ad-hoc basis for eight months, due staffing issues within the team including the secondment of the Team Leader to the FSA.

Using contractors does present additional difficulties, in terms of training, quality checks and coordination of the work programme. It is recognised that an overarching council review of use of contractors is ongoing, and the current / historic need for the FAST team to call upon this resource will therefore be scrutinised.

## 2.4 Demands on the Service

### 2.4.1 Premise Profile

There are currently 2018 registered food businesses in Derby, many of these businesses frequently change ownership (although the number is expected to remain in the same region). Identifying these changes in ownership is an ongoing challenge for the tea,

### 2.4.2 Food Hygiene Profile

The profile of food hygiene premises by risk is set out below:

| <b>Risk</b>  | <b>Number of Premises</b> |
|--------------|---------------------------|
| A            | 2                         |
| B            | 58                        |
| C            | 329                       |
| D            | 778                       |
| E            | 824                       |
| Unrated      | 27                        |
| <b>Total</b> | <b>2018</b>               |

### 2.4.3 Additional Service Demands

- The cultural diversity and language variations of food business operators in Derby enriches the local community, but provides additional communication challenges when driving forward food regulatory compliance.
- In addition to Derby registered food businesses, there are many food traders who operate at markets and events within the City that may be registered with other Councils. Whilst not part of the statutory inspection plans, some of these businesses will require inspection input to ensure regulatory compliance.
- Freedom of Information Act information requests continue to increase. These are often time consuming to collate and require a time sensitive response.
- Maintaining the FHRS places demands of additional unplanned visits, revisits, appeals, monthly verifications checks etc.
- Many food businesses operate outside conventional offices hours. The teams work flexibility to observe these businesses, during trading periods.

#### 2.4.4 Trading Standards Profile

The profile of food standards premises by risk is set out below:

| <b>Risk</b>  | <b>Number of Premises</b> |
|--------------|---------------------------|
| High         | 18                        |
| Upper Medium | 32                        |
| Lower Medium | 68                        |
| Low          | 1038                      |
| Unrated      | 434                       |
| <b>Total</b> | <b>1590</b>               |

Note:

- 1. All premises are also inspected concurrently for compliance with other TS legislation e.g. weights and measures, product safety, fair trading, age-restricted products etc.*
- 2. Totals are at variance with food hygiene due to a number of premises that fall under the Trading Standards remit only.*

#### 2.4.5 Visits to New Premises - Food Hygiene

There is a high turnover in food businesses in the City; this is a significant issue for the service as it impacts on the ability to complete the planned inspection programme. Most new premises are visited and entered onto the database system within 28 days of registration or opening for trade. In 2017/18, a total of 234 new premises were visited and rated. All team members are encouraged to identify new premises and report details to the APP system administrators. Intelligence on new premises is also acquired from other departments and colleagues in other teams (e.g. Licensing, Planning and Building Control), as well as formal new food business registrations.

#### 2.4.6 Visits to New premises – Food Standards

The turnover of food businesses in the city is at a level that causes concern that visits to them within 28 days would seriously disrupt the planned activities of the service, to the overall detriment of food standards in the city. Many premises that fall within the definition of a new business turn out to be low risk or an actual inspection to the physical premises is already planned.

The Trading Standards service will review visits to new premises during the year to establish the most effective approach to dealing with this work. For the year 2018/19 we will carry out work on unrated / un-risked premises (new premises) and apply the appropriate risk rating. The aim is to reduce the number of unrated premises on the departments database (APP).

## 2.4.7 Service Delivery Points

The food hygiene service can be contacted in the following ways:

- **Email:** [FoodandSafety.Duty@derby.gcsx.gov.uk](mailto:FoodandSafety.Duty@derby.gcsx.gov.uk).
- **Via the councils website:** <https://www.derby.gov.uk/environment-and-planning/environmental-health/>.
- **Telephone:** 01332 640779 between the hours 10.00am and 4.00pm, Monday to Friday.
- **In person:** at the Council House, Corporation Street, Derby, between the hours 10.00am and 4.00pm, Monday to Friday.

The trading standards service can be contacted in the following ways:

- Citizens Advice Consumer Service (Tel. 03454 040506) take first-time calls for Food Standards issues. Business users seeking advice can contact us via DCC's Contact Support Team (01332 641333).

## 2.5 Regulation Policy

The services are bound by the Departmental Enforcement Policy, which embraces the principals of the Regulators' Code, pays regard to the Crown Prosecution Guidelines and human rights issues. The policy directs officers in enforcement to ensure consistency, openness and proportionate actions to the risk involved.

Authorised officers will carry out proportionate enforcement in line with the FLCOP and the Council's Enforcement policy. Enforcement may involve one or more of the following actions:

- Formal Written Warnings.
- Enforcement Notices.
- Emergency Prohibition.
- Seizure and Detention of Foods.
- Simple Cautions.
- Prosecutions.

## 3. SERVICE DELIVERY

### 3.1 Interventions at Premises (Food Hygiene)

The FLCOP contains a mechanism for risk-rating each business based on factors such as standards of hygiene; the structural condition of the premises and confidence in management. By scoring each of these factors, an overall risk rating of A to E is arrived at. Category A premises are the highest risk and thus subject to the most frequent inspection (every 6 months), with E being the lowest risk (subject to inspections on a 3 yearly basis). The food hygiene interventions due in 2018/19 by risk rating are set out overleaf

## Interventions by Risk Rating and Due Interventions:

| <b>Risk Category</b> | <b>Number Due</b> | <b>Number Planned to Achieve</b> |
|----------------------|-------------------|----------------------------------|
| A                    | 2                 | 2                                |
| B                    | 58                | 58                               |
| C                    | 229               | 229                              |
| D                    | 376               | 300                              |
| E                    | 176               | 100                              |
| Unrated              | 27                | 27                               |
| Back log             | 261               | 261                              |
| <b>Total</b>         | <b>1119</b>       | <b>977</b>                       |

This year the service will aim to complete 90% of its high risk (A-C rated) and unrated premises interventions.

The FLCOP (updated March 2017) gives local authorities flexibility to introduce a mixture of types of interventions. Implementation of an intervention-based programme enables services to reduce the level of burden on compliant businesses, and focus more resources on those with poorer standards.

### **3.1.1 Alternative Enforcement Strategy (Food Hygiene)**

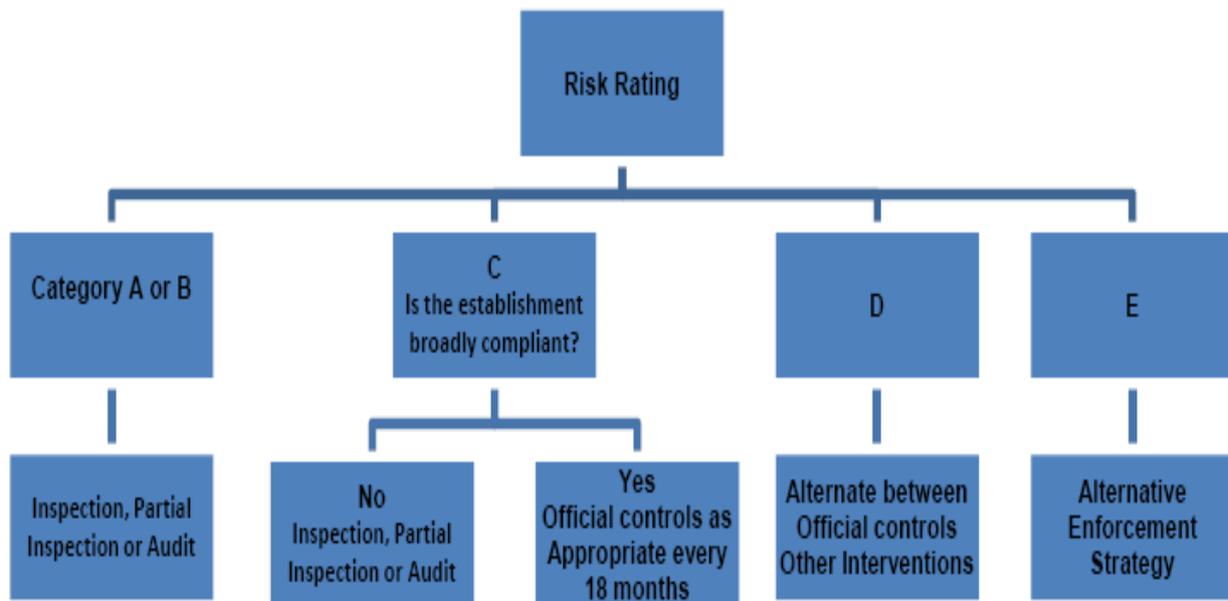
As category E premises tend to present a minimal risk due to the limited types of food they deal with and/or they cater for a limited number of people. An alternative enforcement strategy can be used to maintain surveillance of this group of premises, which enables the service to provide greater focus on higher risk (category A to D) premises.

The alternative method of regulating low-risk businesses follows a structured, documented procedure. The strategy employs postal questionnaires; sample inspections to check the validity of the information gained and follow-up inspections, where either the information returned leads to the conclusion that an intervention is necessary, or no information is returned.

Due to the large majority of businesses falling within the scope of FHRS, on most occasions visits will be undertaken, rather than the use of questionnaires under this strategy.

### 3.1.2 Food Hygiene Risk Rating Model

The model below is used to select the appropriate category of interventions at premises.



### 3.1.3 Food Hygiene Rating Scheme

The type of intervention employed is heavily influenced by the FHRS. Please see Appendix 2 for further details about the scheme.

Businesses included within the scheme must be given the opportunity to improve their score. However, in accordance with the FLCOP, establishments may only be re-scored if the intervention used is an audit, inspection or part audit/inspection. This places an extra growing demand on the service as the number of requests for a re-score in 2017/18 was 37.

However, as can be seen in Appendix 2, the move to charge for FHRS inspections from 1<sup>st</sup> April 2018 will alleviate some pressure on other parts of the service.

### 3.1.4 Outcome Based Targets (Food Hygiene)

The FLCOP encourages food enforcement services to provide greater focus on the outcomes of activities rather than the traditional approach of reporting on activity alone. Local authority performance is monitored by the FSA through the Local Authority Enforcement Monitoring System (LAEMS). Additional information is provided in Appendix 1.

The percentage of food businesses in Derby, which were classed as broadly compliant on the 1<sup>st</sup> April 2018 was 95.8% (1934 out of 2018 premises). Compared to 95.7% (1936 out of 2024 premises) in April 2017.

### 3.2. Interventions at Premises (Food Standards)

The premises inspection/intervention/project programme for 2017/18 is:

| Premises Risk | No. of interventions | Intervention Type                          |
|---------------|----------------------|--|
| High Risk     | 18                   | Visits.                                    |
| Upper Medium  | 32                   | Some visits for Market Surveillance.       |
| Lower Medium  | 68                   | No planned work in this area               |
| Low Risk      | 1038                 | No planned work in this area.              |
| Unrated       | 434                  | Visits/alternative enforcement strategies. |

This year the service will complete 100% of its high risk premises interventions. There are a large number of unrated premises and we plan to substantially reduce the number of these. It is important that we make further enquiries into the nature of these businesses to ensure they are not high risk importers, packers or manufacturers.

The model used to select the appropriate category of interventions at premises is set out below.

| Risk Rating  | Risk Category | Activity Frequency       |
|--------------|---------------|--------------------------|
| High         | A             | Annually                 |
| Upper Medium | B1            | Two-yearly               |
| Lower Medium | B2            | Five-yearly              |
| Low          | C             | No recommended frequency |
| Unrated      | X             | Assessment Required      |

### 3.3 Interventions at Establishments – Animal Feed

As a City Authority, feed interventions focus on businesses disposing of surplus food into the animal feed chain.

Such interventions play a role in helping to maintain overall quality of animal feeds and prevention of feed-borne animal diseases. Nationally, animal feed work features as a priority for the FSA and Trading Standards contributes to this through a programme of planned interventions at feed premises as outlined overleaf:

| <b>Premise Type</b>                     | <b>Number of Inspections</b> |
|---|------------------------------|
| Supplier of Feed Materials/Surplus Food | 10                           |
| Co-Product Producer                     | 2                            |
| Distributor                             | 2                            |
| Pet Food Manufacturer                   | 2                            |
| <b>Total</b>                            | <b>16</b>                    |

### **3.4 Revisits Food Hygiene and Food Standards**

Revisits are made to non-compliant premises where there are concerns about standards. Both the FAST and Trading Standards operate structured, risk-based criteria to determine revisits. It is anticipated that 15% of premises inspected will be revisited for food hygiene issues; 10% for food standards and feed issues.

### **3.5 Projects**

#### **3.5.1 Trading Standards - Food Standards Projects**

The service will deliver the following projects as part of its sampling programme:

- Sampling/testing alcohol at 'off-licences'.
- Updating businesses on the implications of the new Food Information Regulations.
- Online Food Project.
- Sampling of food for allergens.
- Meat species in restaurants and takeaways.
- Home Authority businesses auditing.
- Manufacturers placing surplus food into the feed chain.

#### **3.5.2 Food Safety- Food Hygiene Projects**

During the year 2017/18, FAST delivered the following projects:

- Participation in FSA Food Safety Week – hygiene promotion targeted at consumers.
- Complete overhaul of the relevant food safety information on the Councils website.
- Production of new documented procedures to support businesses meeting their statutory obligations.
- Awareness raising talks in conjunction with Fire Authority to businesses whose first language was not English. This will continue in 2018/19.

### **3.6 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. It is estimated that food hygiene complaints require 1 FTE officer to carry out the duties.

We expect to receive in the region of 500 service requests of all types concerning food and food premises.

### **3.7 Home Authority Principle and the Primary Authority Scheme**

The service recognises the value of the Primary/Home Authority Principle in securing and improving food hygiene and food standards practices. The principle is that the local authority provides guidance to businesses and acts as a central point for other local authorities queries.

The Authority currently has one formal Primary Authority partnership with Georges Tradition and other pending potential partnership agreements.

### **3.8 Advice to Business**

Environmental Health and Trading Standards support local food businesses by assisting them to comply with the law and by encouraging best practice. This is achieved through the following range of actions:

- Responding to service requests from business.
- On inspections.
- Home Authority and Primary Authority Advice.
- Via projects.
- Via the council's website.

Advice and support is provided in line with the FLCOP and clear distinctions are made between statutory requirements and good practice. Additional information is provided in Appendix 1.

### **3.9 Sampling**

All sampling undertaken by officers is in accordance with relevant legislation and FLCOP.

#### ***Sampling - Microbiological***

Microbiological sampling is undertaken at food businesses to detect micro-organisms that can cause food poisoning. By taking these samples, we are seeking to confirm high standards of food safety and to detect contaminated food and correct any problems with regard to manufacture, handling or storage before any illness is caused.

Due to the reduction in staff resources, microbiological sampling is unlikely to be undertaken on a proactive basis unless additional funding becomes available. Samples will be taken as part of investigations into food safety incidents, food poisoning outbreaks or where local intelligence suggests that there is a risk to public health. These samples are examined by the Public Health Laboratory at York.

## ***Sampling Food Standards and Feed***

The Local Authority has a duty to appoint a Public Analyst for Food and Agricultural Standards.

During the year food/feed samples will be taken for composition and labelling. These will be taken as part of:

- Planned project work.
- Inspections.
- Home Authority sampling.
- Food sampled from local producers within the city.
- Regional or national initiatives.
- Samples requiring testing as a result of complaints.

Food complaints items are submitted to the Public Analyst, where compositional or quality issues are examined. The Council's Public Analysts the Public Analyst Service, Wergs Road, Woodthorne, Wolverhampton WV6 8TQ Telephone: 01902 693314.

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

The service investigates and seeks to control incidents of foodborne disease. All formal and informal notifications are recorded on the databases. We can expect 250 notifications in 2018/2019.

Investigations can be contained within the existing resource allocation. However, in the case if a major food poisoning outbreak, resources will need to be diverted away from the food hygiene inspection programme and elsewhere with the division to support the investigation and action as required.

### **3.11 Safety Incidents**

CEaRS will respond, as appropriate, to any withdrawal and product recalls issued by the FSA. Any action taken will be in accordance with the FLCOP.

Food alerts are transmitted electronically via the FSA. On receipt of the warning, the responsible officer will ensure it is distributed and dealt with, as appropriate. Details of the latest product withdrawals and recalls, including Food Alerts for Action, can be found on the FSA website: <http://www.food.gov.uk/enforcement/alerts>.

### **3.12 Liaison with Other Organisations**

We work closely with the following organisations to aid consistency and provide a joined up service:

- Derbyshire Chef Officers Group via Head of Service.
- Participation in Derbyshire Food Safety Liaison Group.
- FSA update seminars.
- Health and Safety Executive.
- DEFRA.

- Animal Health.
- Trading Standards East Midlands.
- East Midlands Bench Marking Group.
- OFSTED.

### 3.13 Promotional Work and other Non - Official Controls Interventions

The service promotes awareness within the food and feed trade and the local populations via a targeted education / information program and are achieved in the following ways:

- Food information available directly from the teams.
- Targeted advice/information sent to relevant groups on issues of county, regional or national significance.
- The participation in the national FHRS, which provides information to consumers on the standards found during a food hygiene inspection. The service works with businesses to help them improve their hygiene rating.

## 4. RESOURCES

### 4.1 Financial Allocation

A total budget of £382, 347, has been allocated to FAST. This resource however, is not solely for food safety, but includes responsibility for infectious disease control and health and safety enforcement.

### 4.2 Staffing Allocation

#### ***Food and Safety Team***

The staffing allocation in relation to food is outlined below (changes in resources – expressed as FTE)

| Number of Staff Expressed as % of time spent on food safety work | 13/14 | 14/15 | 15/16 | 16/17 | 17/18 | 18/19 |
|--|-------|-------|-------|-------|-------|-------|
| Team Leader  | 0.5   | 0.5   | 0.5   | 0.5   | 0.5   | 0.5*  |
| Senior EHOs  | 1.4   | 1.8   | 1.3   | 1.3   | 1.3   | 1.3   |
| EHOs   | 1.6   | 1.8   | 2.0   | 1.5   | 1.5   | 1#    |
| Specialist TO  | 1.0   | 1.0   | 1.0   | 1.0   | 1     | 1     |
| Total:   | 4.6   | 5.1   | 4.8   | 4.3   | 4.3   | 3.8   |

*\*current Team Leader on secondment to Food Standards Agency (refer to Appendix 1 for additional information). SEHO acting up.*

*# 0.5 reduction due to 1 FTE EHO Acting Up as SEHO.*

## **Trading Standards**

The following FTEs will carry out food standards, feed and animal health duties alongside other trading standards duties in 2017/18:

|                       |     |                        |
|-----------------------|-----|------------------------|
| Team Leader           | 0.0 | Management             |
| Principal TSO         | 0.5 | Management/Operational |
| TSOs                  | 1.5 | Operational            |
| Fair Trading Officers | 0.5 | Operational            |

Note:

*Trading Standards operates a multi-disciplinary team and all officers now have a wider role in delivering the trading standards service and none of those listed above will carry out food work exclusively.*

### **4.3 Staff Development Plan and Competency Maintenance**

Staff are supported by a system of performance appraisal (Mi-People) and regular 1-1 meetings, team meetings, staff events and internal online training. The appraisal process aims to support and develop staff to continuously improve and built a work force that is fit for purpose.

Staff will renew their FSA competencies assessments annually. If it is determined the authorised officer does not meet the competency requirements a action plan will be devised to ensure their development needs are addressed and they are deemed competent to perform their duties over a short period.

CPD is a requirement on all officers' development plans. 20 hours CPD type training is required to enable them to comply with the requirements of the FLCOP.

## **5. QUALITY ASSESSMENT**

### **5.1 Quality Assessment and Internal Monitoring**

The following monitoring arrangements are in place to assess the quality of food enforcement work and ensure expected standards are maintained:

- Daily support provided by Team Managers and Senior Officers.
- Allocation of premises requiring inspection according to risk, from the EH Civica APP system.
- Documentation audits.
- Team Leader review and approve recommendation for legal proceedings.
- Senior Officer / Team Leader to review and approve the service of notices.
- Use of standard phrases for Schedules of Contraventions.
- Ongoing appraisal and regular 1 to 1 meetings.
- Procedures for investigating complaints against the service.
- Subscription to RIAMS (Regulating Information Management System).
- Group meetings to discuss matters of professional and technical interest.

## 6. REVIEW

### 6.1 Review against the Service Plan

Senior Environmental Health Officers and the Principal Trading Standards Officer (Food Standards and Metrology) hold quarterly performance reviews to monitor performance against this plan. The monthly review and remedial action required will be reported and agreed with the Team Leaders.

Service Plans are reviewed on a quarterly basis by senior management and performance figures are reported on DORIS and scrutiny is undertaken by Chief Officer Group and Scrutiny Boards.

An annual review will be carried out which will identify variances from targets or performance standards. A summary of the annual review is set out in the appendix to the report.

#### 6.1.1 Food Safety Performance Review 2017/18

| Item  | Target | Achieved                 | Comments  |
|---|--------|--------------------------|---|
| Number of Interventions achieved (The FLCOP requires all A-E rated premises to be inspected ) | 100%*  | 75.3%**                  | Target not achieved due to staffing issues. This includes ill health absence, secondment of team member to FSA. Contractors have been used to ensure all high risk inspections have been achieved (as seen in row below). |
| Number of interventions achieved (A-C rated)  | 100%   | 100%**                   |   |
| Broadly compliant premises  | 92%    | 95.8% **                 | FHRS and LAEMs data demonstrated that the number of compliant businesses (> 3) rose to 97.8%  |
| Premises rated 4 or 5 under the FHRS  | 90%    | 91.1%                    |   |
| Number of re-visits   | 10%    | 14.9% **<br>(136 visits) |   |
| Alternative enforcement surveys   | N/A    | 0                        | Due to the number of premises falling under the FHRS, where a business can only be rated after an inspection.   |
| New business inspections  | N/A    | 234                      |   |

\* NB. The Food Law ACOP requires all A-E rated premises to be inspected.

\*\* NB. Statistics are taken from the 2017/18 LAEMS Return.

### 6.1.2 Complaints

| Item                          | Food and Hygiene of premises               |
|-------------------------------|--|
| Number of complaints received | 226<br>92% responded to within target time |

### 6.1.3 Control and Investigation of Outbreaks and Food Related Infectious Disease

| Item            | Estimate | Actual                       | Comments |
|-----------------|----------|------------------------------|----------|
| Number of Cases | 300      | 245 (189 were campylobacter) |          |

### 6.1.4 Food Standards Performance Review 2017/18

| Item                                   | Food Standards |
|--|----------------|
| Number of High Risk Inspections        | 37             |
| Number of complaints received          | 54             |
| Number of Written Warnings             | 4              |
| Number of Food Standards Interventions | 1063           |

## 6.2 Identification of any Variation from the Service Plan

### ***Food Standards***

The service carried out 1063 interventions that included inspections of all of its high risk businesses.

### ***Food Hygiene***

The Team was reduced by 1 FTE in September 2018 (due to the Team Leader being seconded to the FSA). Although additional information is provided in Appendix 1, this was an unmissable opportunity for Derby to be prepared for the radical changes to food safety enforcement in the UK. To cope with these pressures, work has been prioritised on the high risk food safety intervention programme and response to higher risk reactive issues. This has meant that some lower risk inspections were not carried out. In addition, funding by the FSA has meant contractors are being used to ensure all high risk inspections are achieved in 2018/19.

In the year 2017/2018, 75.3% of the food safety interventions that were due were achieved and in addition, a total of 234 new food businesses were inspected and rated.

### 6.3 Areas of Improvement

#### ***Food Standards***

Food fraud seems to be a growing area and this will be the focus for the region in 18/19. There will also be an attempt to bring down the unrated premises.

#### ***Food Hygiene***

Areas for Improvement identified for 2018/19:

- Continue to raise compliance levels and increase the number of premises with a FHRS > 4 to above 90%.
- Continue to raise compliance levels by focussing on robust enforcement in line with departmental enforcement policy.
- Continue to develop smarter working techniques to improve efficiency and hence value for money.

## APPENDIX 1 – ADDITIONAL INFORMATION

### **Promotion, Advice and Support**

- The FAST has continued to promote the ‘Safer Food Better Business’ pack 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.
- Going forward into 2018/19, to ensure businesses have easy access to this document (as only available as a PDF document – which needs to be printed at home). It can be purchased via the Councils website at non-profit.
- The Team continued to inform consumers on the hygiene standards found in food businesses throughout the city, by ensuring the regular upload of FHRS results onto the FSA Website and use of media coverage on recent ratings in the Derby Telegraph.

### **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 onto which local authorities are able to upload local data on food enforcement activities.
- Data for the return for 2016/17 has now been completed and submitted to the FSA.

### **Regulating for the Future**

- The current system of regulation in the UK has been in place for more than 30 years and has served consumers well, but it hasn't kept pace with technological change in the food industry, and is not flexible enough to adapt to the changing environment.
- The FSA is looking at improving the way regulatory controls for food are delivered, to create a modern, risk-based, proportionate, robust and resilient system. The existing ‘one size fits all’ approach to regulating food businesses is ill-suited to the incredibly diverse nature of the industry.
- Leaving the EU will change patterns of food production, trade and consumption, emphasising the need for a flexible and responsive regulatory system.
- ROF has been established to develop and implement a new delivery model across the whole range of the FSA activities. The programme is critical to the delivery of the FSA strategy, it is a wide ranging and substantial programme that will have impact across the whole of the food system.
- The Team Leader of Food and Safety has been seconded to the position of LA Policy/Technical adviser for a period of 12-24 months, to assist the FSA in developing the new Target Operating Model, working specifically on the Enhanced Registration work stream.

- The Enhanced Registration work stream is developing a new digitally enabled approach to provide an on line registration service, at the point of EU exit, which will make it easier for food businesses to get information and guidance to help them comply with the food safety requirements at the point of start-up and provide the FSA with a unified view of all food businesses across England, Wales and Northern Ireland.
- The one line registration service will improve the overall effectiveness, efficiency and consistency of registering food business establishments. The information obtained through the newly developed online registration service is fundamental to the success of the other workstreams and the overall ROF Programme. Capturing more in-depth data on the businesses activities will allow for a more accurate assessment of risk to be determined, using a “risk engine”, to enable an appropriate intervention strategy to be identified, improve incident handling and inform future policy.
- The use of sanctions, such as FPNs, is being considered within the wider ROF Programme but due to other legislative priorities such provisions will not be introduced pre-EU exit. In addition, the introduction of a PPT/licensing system could take several years to bring forward and therefore the FSA recognises the need to carry out further research to provide a robust evidence base before these changes can be considered and potentially introduced. By enhancing the current registration system, one of the aims is to obtain further evidence to demonstrate that the introduction of FPNs/PTT licensing system in England, Wales and Northern Ireland are necessary measures to protect public health.

## APPENDIX 2 – FOOD HYGIENE RATING SCHEME

### **Food Hygiene Rating Scheme (FHRS)**

- FHRS is a FSA/Local Authority partnership initiative designed to help consumers make an informed choice about where to eat out or shop for food. It does this by giving them information about the hygiene standards in food outlets at the time they were last inspected for compliance with legal requirements.
- The purpose of the FHRS is to allow consumers to make informed choices about where to eat or shop for food. Through these, encourage businesses to improve their hygiene standards. The overarching objective is to reduce the incidence of food-borne illness.
- Under the scheme, food businesses are rated on a numerical scale ranging from zero (meaning 'urgent improvement necessary') to a top rating of five ('very good'). The FHRSs are published on-line at <http://ratings.food.gov.uk/>. Each business is also encouraged to display its ratings sticker at their premises. The FHRS incorporates safeguards to ensure fairness to businesses, which includes an appeal procedure and a right to reply for publication and a mechanism for requesting a re-inspection/re-visit for the purposes of a re-rating when improvements have been made.
- In the year 2017/18 the service received:
  - 3 Right to reply forms
  - 1 Appeals against a rating awarded
  - 37 Re-score requests

### **Food Hygiene Rating Scheme Rescore Inspection Charging 2018/19**

- Going forward into 2018/19, FAST will introduce a charge for FHRS re-rating inspections using powers contained in the Localism Act 2011. Charging was previously prevented in the FSA agreement with local authorities to deliver the scheme. However, they have recently reconsidered this position and are advising that local authorities may charge for the service under general powers contained within the Act.
- Section 1 of the Localism Act 2011 gives LAs the power to charge for a service which is not a statutory function; this would include providing a re-inspection in response to a request by a food business operator. These re-inspections are additional visits (over and above those we carry out as follow-up enforcement action) and are in line with the FSA guidance on the implementation and operation of the FHRS.
- The proposed charge will only apply to re-rating inspections and not when we conduct an official control revisit to check on essential work/improvements are required.
- A proposed flat fee of £150 has been calculated for Derby City. This is based on local data on current average time taken for a re-rating inspection (Officer time for inspection, travel, administration and management etc.).

- Charging for re-inspections allows a service to be provided where there is a need, without an additional cost to the Authority. The re- inspection provides commercial benefit to the food business by recognising the improvements they have made.
- Businesses are under no obligation to request a re-inspection, and thus cost recovery would only occur where they make a decision and choose to request a re-rating inspection.

## An exclusive behind-the-scenes look at a surprise food-hygiene inspection in Derby

BY TOM BOKROS – 30 DEC 2017

Have ever wondered what happens when a takeaway, restaurant or school canteen gets a visit from a food hygiene inspector? If so, you are in luck as we can give you an exclusive, behind-the-scenes look into the process that council officers follow to grade the city's restaurants, bars and takeaways.

We were invited to witness the hygiene inspection of MK'z Fast Food, in Pickering Rise, Breadsall Hilltop, by senior environmental health officer Sarah O'Reilly, charged with ensuring that the city's eateries are up to scratch. The restaurant had previously been given a score of four out of five for food hygiene, so hopes were high for MK'z.

Mrs O'Reilly explained the situation first: "We are performing an unannounced visit to the premises to ensure that food handling and serving standards are met. By visiting unannounced, it gives us a snapshot of how they operate day-by-day. "We're not here to catch anyone out, we just want to ensure the safety of the public."



After entering the premises, the inspector showed their council identification to the owners. The pair then donned what the reporter described as "fashionable whites", washed their hands and began inspecting. First, Mrs O'Reilly had to check MK'z suppliers and invoices to make sure that their supply links were visible.

Then, she checked the restaurant's antibacterial spray that they used to clean work surfaces. Though it was a well-known brand, it was not quite up to scratch. The officer said: "The problem with this cleaning chemical is we were not quite sure that it meets the required British Standard that businesses should be using."

"I'm happy at the moment because it's better than nothing and it's got something to reduce germs down to a safe level, but in the long term if it is not on the list then the gentleman will have to change the sanitiser to something that meets one of the two British Standards." Then, Mrs O'Reilly inspected the fridge that MK'z used to store raw meats and found it to be in excellent condition.

The inspector said: "This is good practice; the business is generally trying to separate out its storage of its raw and ready-to-eat foods. "As you can see the majority of the fridge is full of meat and there are three bags of cheese on the top. "The cheese is above the raw meat which is good practice, but the cheese in this case is going to be used on pizzas which are ultimately going to be cooked anyway, so there's very little risk to food safety." After this, she inspected the fridge that stored ready-to-eat food.

Mrs O'Reilly said: "I'm just checking the temperature of the food here. I need to make sure that MK'z are storing foods at the right temperature. "Legally, something that is high risk - meaning potentially ready-to-eat - must measure below eight degrees centigrade, and as you can see here the rice that is being stored in this fridge is at three point six and dropping slowly." The inspector then checked under and behind the kitchen's tables and installations to make sure that they were regularly cleaned and free of food debris.

Finally, chef Mr Atwal was asked to perform an example clean of the sink area. After Mr Atwal completed the clean, the officer said: "The gentleman did quite a good clean, as you can see it looks visibly clean. He used the sanitiser and blue roll which he then threw in the bin. "Unfortunately he only did a one-stage clean, although when I did probe him further he did say that he was aware that surfaces and sinks and things like that do need a two-stage clean. This is because the first stage is to get rid of any visible dirt and grease and then the second stage is to get rid of the germs and bacteria that you can't see."

The inspector did a thorough job of investigating the remaining parts of the restaurant over the visit that took approximately two hours. After this, Mrs O'Reilly and the reporter left the premises.

Owner Shames Nawaz, 31, lives in Pear Tree. He said: "I've owned MK'z since May 2016 and I think we're doing alright. "There are lots of little things, like having separate boards for food or having the fridge temperature right. I think we've done a good job."

MK'z Fast Food's food hygiene score will not be available for a few weeks. After the restaurant is graded by the officer, they have 30 days to appeal the decision. After that, the score needs to be processed, and only then can a freedom of information request be sent in for the score to be published.

The information then normally takes around 20 days to be released.

<https://www.derbytelegraph.co.uk/news/derby-news/food-hygiene-inspection-derby-864581>

# Wetherspoon steak scare: meat firm at heart of recall is based in Derby and is now under investigation

BY ROBIN JOHNSON – 25 JAN 2018

A meat firm headquartered in Derby is being investigated by food safety inspectors over non-compliance with hygiene regulations. The FSA has confirmed that it has launched a probe into meat wholesaler Russell Hume, which has its head office in Pinnacle Way, on [Pride Park](#).

Earlier this week, pub chain Wetherspoon, which receives some of its meat from Russell Hume, was forced to cut steak from its menu due to a product recall which affected its steak night on Tuesday. The FSA has now revealed that is investigating Russell Hume, which has sites across the UK.

It said it had become aware of instances of “serious non-compliance with food hygiene regulations” at the business on January 12, which led to inspectors investigating all sites.



The FSA said in a statement: “Following an unannounced inspection of Russell Hume’s Birmingham site on January 12, we became aware of instances of serious non-compliance with food hygiene regulations. “This has led us and Food Standards Scotland to investigate all Russell Hume sites, and other locations where their product is stored, in England, Scotland and Wales.

“Russell Hume were unable to demonstrate compliance with food hygiene rules at its locations, so we have stopped any product from leaving their sites until the business can provide assurances that they are complying with the relevant legislation, and that they are producing safe food.

“All unused meat supplied by Russell Hume has been withdrawn from the businesses that they supply until they can provide assurances. The company is co-operating with our investigation and is currently reviewing its procedures and retraining its staff. Our investigations are ongoing.”

The FSA said Russell Hume distributed meat to a range of outlets, including hospitality and catering businesses and care homes and schools. As well as Wetherspoon, other businesses Russell Hume supplies to includes Jamie’s Italian, Tiger Tiger, Marston’s pubs and Butlins.

In a statement, Russell Hume said: “The product recall was a precautionary measure because of mislabelling. We have no reason to believe that the product was unsafe to eat.”

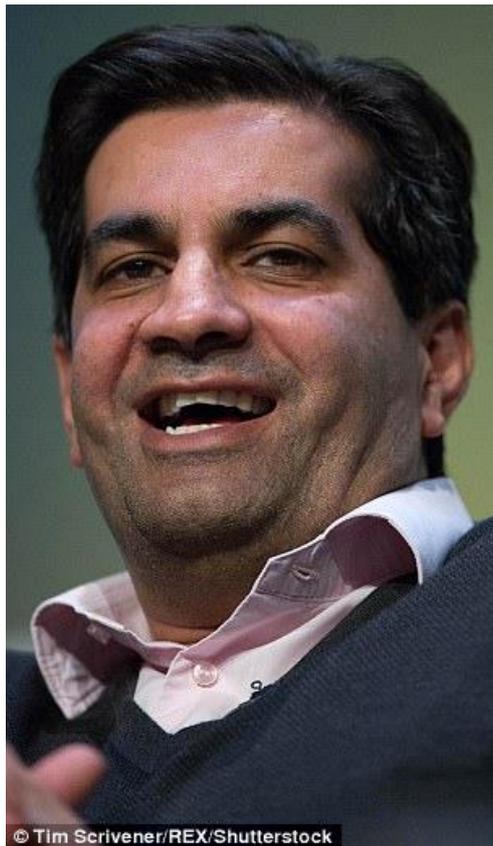
<https://www.derbytelegraph.co.uk/news/business/wetherspoons-steak-shortage-derby-firm-1115657>

# **Chicken King is grilled by MPs over 'food safety failings': Head of 2 Sisters Group claims his factories have 'high standards' despite meat that fell on the floor being reused**

- Under-fire boss of chicken packing plant insists his factory has 'high standards'
- Standards at 2 Sisters Food Group were exposed by undercover journalists
- It included chicken dropped on the floor being picked up and re-used
- But boss Ranjit Singh Bupara denied his company had 'low standards'

BY COLIN FERNANDEZ – 26 OCT 2017

The under-fire boss of a chicken packing plant where raw chicken was picked up off the floor and re-used claimed his factories had 'high standards' yesterday. 'Chicken King' Ranjit Singh Bupara, the chief executive of 2 Sisters Food Group, appeared before MPs to answer allegations of food safety failings at one of his chicken plants.



'Chicken King' Ranjit Singh Bupara, pictured, the chief executive of 2 Sisters Food Group, appeared before MPs to answer allegations of food safety failings at one of his chicken plants

Undercover journalists revealed practices including chicken dropped on the floor being picked up and re-used, and date labels being swapped on boxes of chicken at a huge factory in Smethwick, West Midlands. But asked by panel member Paul Flynn MP why his company had 'low standards', Mr Singh Bupara denied it.

The boss - whose firm is the biggest supplier of chicken to UK supermarkets - told MPs: 'I don't understand that we have low standards. We do not have low standards. 'We've high standards with our farmers, high standards with our suppliers and high standards with our staff.'

Mr Singh Bupara told the panel that he and colleagues carried out an independent investigation into the allegations and offered 3,000 hours of CCTV footage to the Food Standards Agency. Mr Singh Bupara said that an accusation labels were switched on boxes of chicken to make it look they were a day fresher 'were very misleading'.

Earlier MPs lambasted food safety bosses involved in food standards at Britain's chicken factories – including Richard Griffiths, Chief Executive of the British Poultry Council, and Jim Moseley, chief executive of the Red Tractor food quality scheme, and Mark Proctor, the chief executive of British Retail Consortium Global standards.

Sandy Martin, Conservative MP for Ipswich, a member of the Commons Environment, Food and Rural Affairs Committee, warned them the public will lose faith in the 'Red Tractor' scheme which indicates the chicken is of a high standard.

Mr Martin said: 'The consumer will not be able to rely on the quality of the product, and the quality of the regime, and supermarkets will not bother with the Red Tractor scheme, and it will not be worth the ink its printed on. People will stop employing you to do these things.'

The FSA at the time that it had found no evidence of breaches during an inspection of the plant but that it was still reviewing evidence. The allegations led to Tesco, Marks & Spencer, Aldi and Lidl suspending buying chicken from the company. Jason Feeney, chief executive of the FSA, told MPs: 'We had no intelligence at this site that would give us concerns.' Committee chairman Neil Parish MP asked Mr Feeney: 'Why was FSA intelligence so poor on this occasion?' Mr Feeney replied: 'We had no intelligence on this particular site that gave us concerns prior to these allegations, only a number of minor non-compliances.'

Mr Parish said: 'It seems to us quite surreal that this was the situation. 'It is not just 2 Sisters that is as fault here, it's the regulatory system as well.

<http://www.dailymail.co.uk/news/article-5018449/Chicken-King-grilled-MPs-food-safety-failings.html#ixzz5AOkZezZb>