



DERBY CITY COUNCIL

ENVIRONMENTAL SERVICES

ENVIRONMENTAL HEALTH & TRADING STANDARDS

FOOD LAW ENFORCEMENT PLAN 2009/2010

CONTENTS

Section		Page
1	Introduction	0
2	Service Aims and Objectives	1
3	Background	2
4	Service Delivery	5
5	Resources	8
6	Quality Assessment	8
7	Review	8
	APPENDIX	9

1. INTRODUCTION

This Food Law Enforcement Plan is dedicated to the food law enforcement functions carried out by the Environmental Health and Trading Standards 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.

FOOD LAW ENFORCEMENT PLAN

2. Service Aims and Objectives

2.1 Aims and Objectives

The general aims and objectives of Environmental Health and Trading Standards are given in the Division's Service Plan for 2009/2010 in the form of the mission statement "Environmental Health and Trading Standards 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 compositional and labelling requirements.

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 All animal feeding stuffs meet legal requirements.

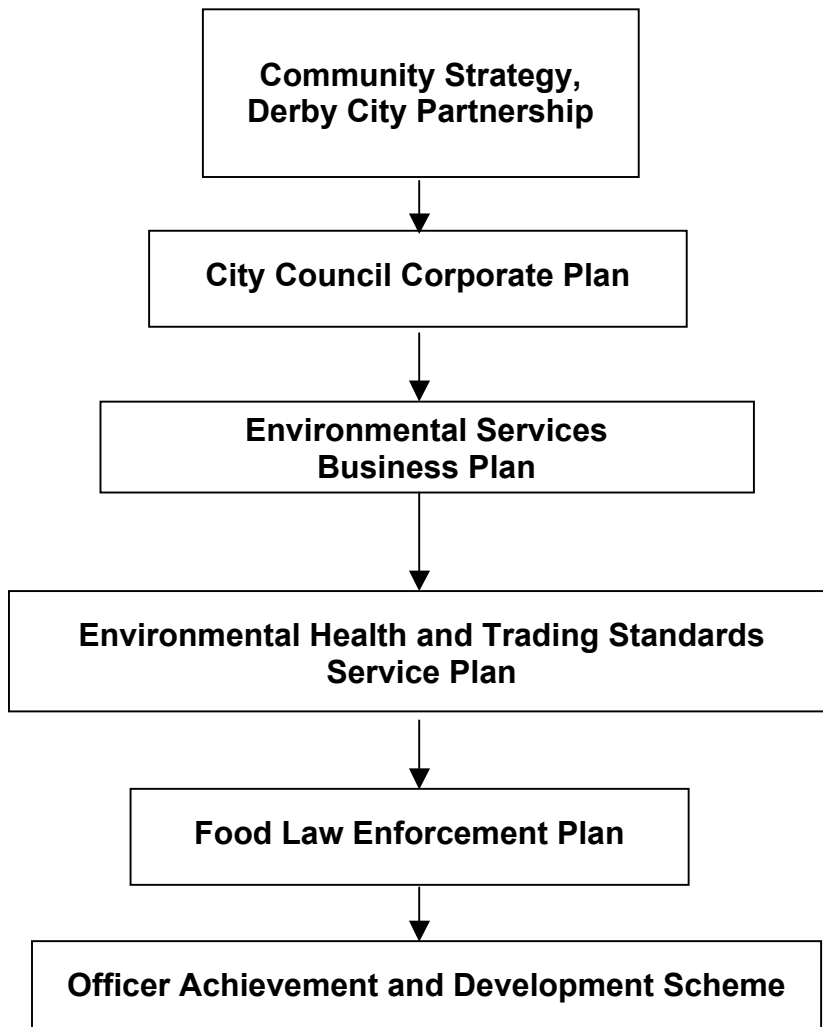
2.1.5 Animal Health and Welfare

Aim To ensure traders conform to legal requirements.

Objective Livestock at farms, markets or in transit are healthy.

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 achievement and development plans for individual officers.



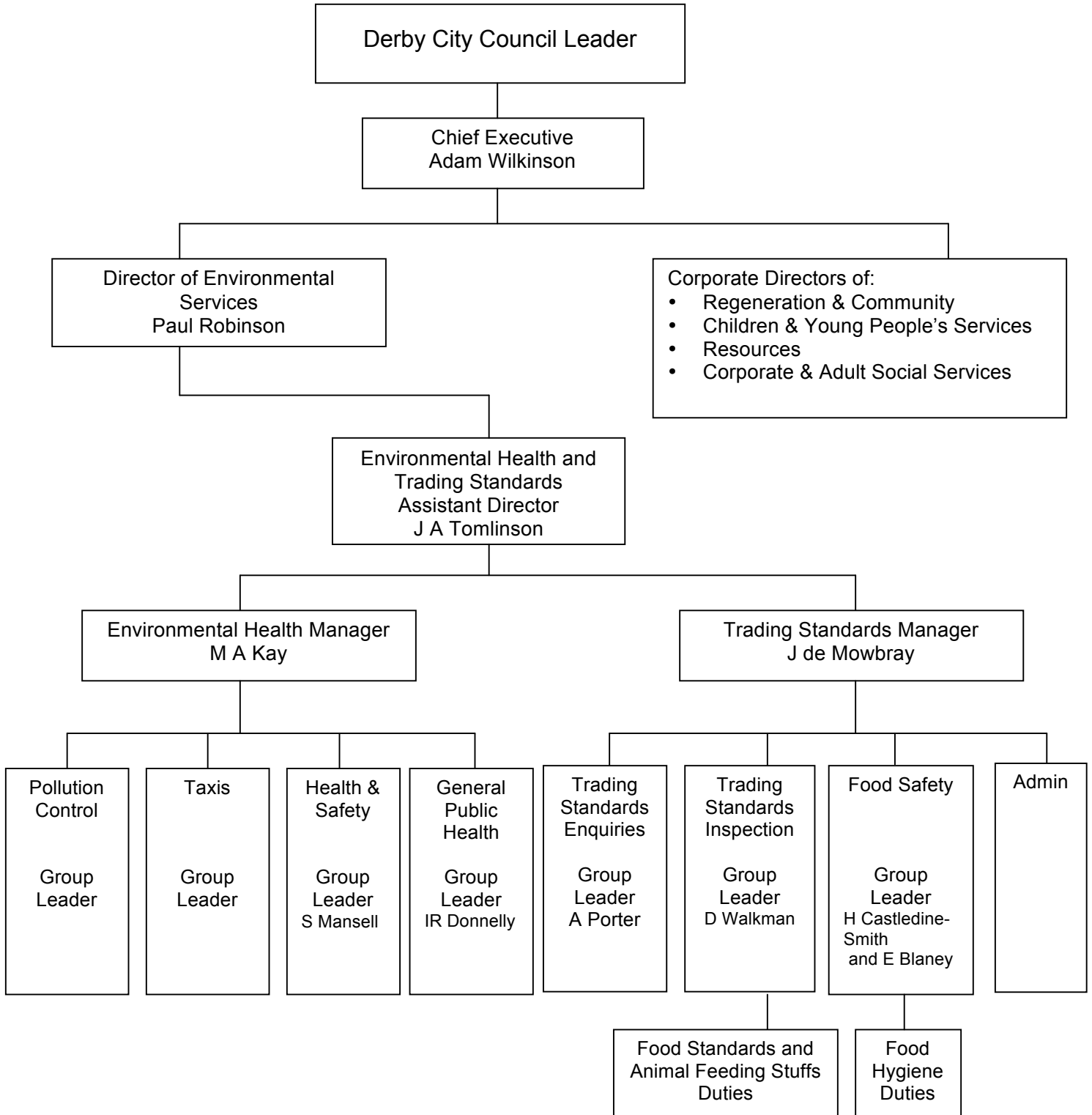
3. Background

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 2001 census returns Derby has a population of 233,200. The City has a multicultural community, 12.6% of people are from minority ethnic communities, asylum seekers from Eastern Europe being the most recent arrivals. The main ethnic minority population comes from India and Pakistan.

3.2 Organisation Structure



3.3 Scope of the Service

3.3.1 Food Safety

- Inspection of food premises to enforce the requirements of (in accordance with) the Food Safety legislation and code of practice.
- 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.
- Inspection of animal feedingstuffs premises in accordance with the Agriculture Act 1970, and associated regulations.
- Sampling of food and animal feedingstuffs.
- Investigation of complaints about food standards and animal feedingstuffs.
- 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 safety.
- Animal health and welfare inspections at farms and the livestock market.
- Animal movement licensing.
- Food Alerts (chemical).

3.3.3 Use of Contractors

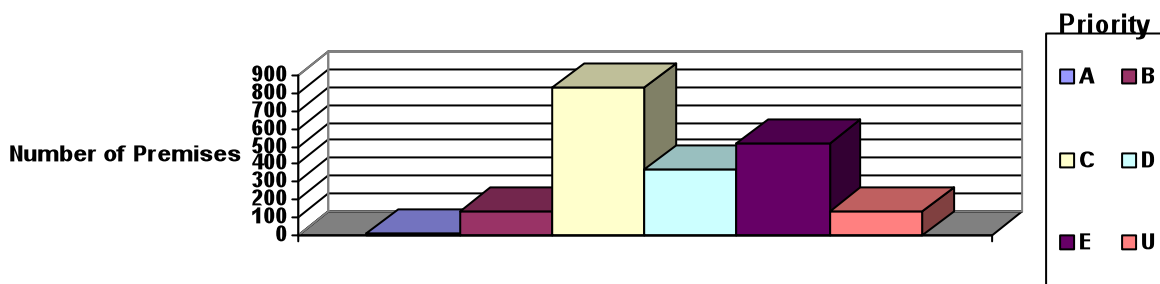
The Council may engage the services of outside contractors to assist in programmed food inspections subject to:

- 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

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 inspected by food safety officers and are included in the total number of premises.



Total Number of Premises

Note:

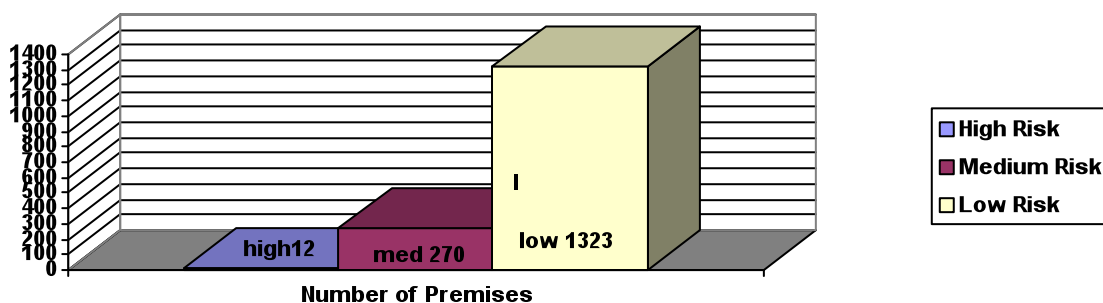
The risk that a premises presents to food safety is used to determine its priority rating. It is awarded points for various factors such as the type and method of food processing, number of consumers at risk, level of compliance, confidence in management control systems and significance of the risk. 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. This new enforcement monitoring requires local authorities to report their performance by looking at the improvement in hygiene standards in food premises, rather than figures in isolation. Further details of the Departments performance figures can be found in Appendix 1.

3.4.2 Food Standards Premises Profile (as of 6 August 2009)



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 Environmental Services and Trading Standards 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 complaints including Food Standards.

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

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. Environmental Health & Trading Standards 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 will be carrying out an alternative enforcement strategy (AES) for some low risk premises by the use of questionnaires. The AES will 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 included restaurants, take-aways, cafes and public houses serving meals. The premises are awarded a star rating ranging from 0 to 5 stars. The information is displayed in the Council's website and certificates are issued for display at the premises. To date over 1025 premises have been inspected and of those that have been re-visited since the scheme began, 86.4% have maintained or improved their star rating. 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 will follow the recommendations and 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%)
1902	1022*	204

Food Standards		
Total Number Of Premises	Number of Inspections Programmed	Estimated Number of Revisits (10%)
1842	1197	120

* includes backlog of 68 inspections from 2008/2009.

** includes the backlog of inspections and premises which have not been risk rated.

There are 10.6 FTE staff whose duties include food hygiene inspections and at present, there is a proposal with efficiency savings to delete one FTE post. There are 4.2 FTE 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. Food standards and animal feedingstuffs complaints require 0.5 FTE staff.

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 Division 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 Lincoln. 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 LACORS sampling programme as well as local and national issues.

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.



Food Complaint - Piece of plaster in a roll

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 833 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.

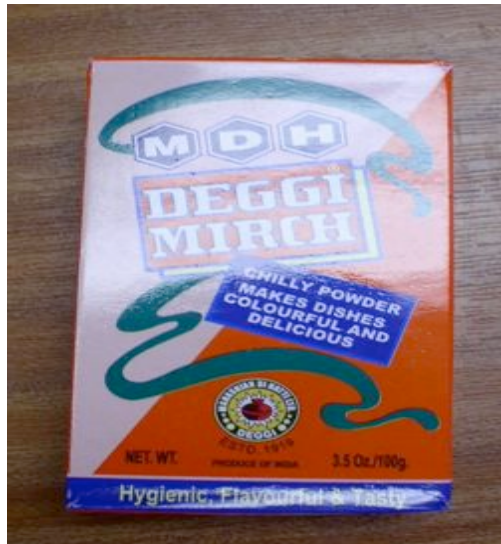
4.7 Food Safety Incidents

The Environmental Health & Trading Standards Division 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.

Food Alerts are the FSA's way of letting local authorities and consumers know about problems associated with food and, in some cases, provide details of specific action to be taken.

They are issued 'For Information' where a solution to the problem has been put in place or 'For Action' where intervention by enforcement authorities is required. They are often issued in conjunction with a product withdrawal or recall by a manufacturer, retailer or distributor.



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 liaises with the Food Standards Agency, DEFRA, DOH, LACORS, 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 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 or national significance
- Active promotion of Food Safety Week, which is held in June every year

- Targeted training sessions 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 £1,108,499 this year compared with £1,131,000.00 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 Division.

- 5.2 All staff within the City Council have their training needs identified via Achievement and Development interviews. These training requirements are then included within the training plan and resources are allocated according to priority. The Environmental Services Directorate, of which the Environmental Health and Trading Standards is a part, has achieved the Investors in People award.

6. Quality Assessment

- 6.1 The Environmental Health and Trading Standards Division has achieved BSEN ISO 9001:2008. This includes the food hygiene, food standards and animal feedingstuffs services.

The Department aims to achieve the Environmental Management Standard (ISO:14001 or FMAS) in 2010/11.

- 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 year's targets are attached as an appendix.

APPENDIX

REVIEW OF PERFORMANCE 2008/2009

1.1 Food Safety

	Target	Achieved	Comments
Number of Programmed Inspections	1177	1126 (95.6%)	Target not achieved due to post holders carrying out other duties and increases in number of new premises being inspected.
Broadly compliant figures	95%	91.2%	The transient nature of businesses has had a marginal affect on meeting the target.
Number of Revisits (20%)	235	224 (95.3%)	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 visit	N/A	59	-

1.2 Food Standards

	Target	Achieved	Comments
Number of Programmed Inspections	1190	333 (28%)	This figure reflects the lack of appropriately qualified staff and a number of long term staff absences.
Number of Revisits	Not Known		APP 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 APP issues.

1.3 Complaints

	Food Hygiene	Food Standards	Animal Feeding Stuffs
Number of complaints received	477	46	0

2. Food and Feedingstuffs Inspection and Sampling

	Estimate	Achieved	Comments
Food Safety Samples	235	210	Target not achieved due to more credits being utilised for unsatisfactory re-samples.
Food Standards and Animal Feedingstuffs	276	123	Number of samples is controlled by budget and expenditure commitment to Public Analyst. Carried Budget (50%) forward to 2009/10.

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

	Estimate	Actual	Comments
Number of Cases	665	677	Actual number of cases is higher than reported due to increased knowledge of reporting.

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.

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 data on food law enforcement activities.

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 2009/2010, the statistics can be sent to the Food Standards Agency in this required manner.