

EXETER CITY COUNCIL

**SCRUTINY COMMITTEE – COMMUNITY
1 JUNE 2010**

**EXECUTIVE
15 JUNE 2010**

**COUNCIL
13 JULY 2010**

FOOD LAW ENFORCEMENT PLAN 2010-2011

1. PURPOSE OF REPORT

- 1.1 To inform Members of the Council's performance against the previous year's Food Law Enforcement Plan.
- 1.2 To seek approval for the adoption of the Food Law Enforcement Plan 2010/11, which sets out the Council's regulatory function in respect of food safety over the forthcoming year. A draft copy of this is available in the Members' Room, on the Council's website or available on request.

2. BACKGROUND

- 2.1 The Food Standards Agency Framework Agreement requires the Council to produce a Food Law Enforcement Plan (referred to as the Enforcement Plan). The key aim of the plan is to demonstrate how the Council will fulfil its regulatory obligations in respect of its food safety service.
- 2.2 The Enforcement Plan incorporates:
 - the service aims and objectives;
 - information about the food safety enforcement and related services provided by the Council;
 - details of the service's performance management systems;
 - comprehensive information to compare the current and past performance of the food safety service;
 - the Food Service Delivery Plan 2010/11 detailing the actions and improvements for the service in an effective, risk based, proportionate & consistent way over the forthcoming year;
 - a revision of the Council's Food Safety Enforcement Policy; and
 - the annual food sampling programme which embodies the aims of the Council's Food Sampling Policy which is also posted on the Council's website and subject to periodic review.

3. KEY OUTCOMES OF THE FOOD SAFETY SERVICE 2009/10

Programmed Inspections

- 3.1 The service inspected 505 (631)¹ food businesses of a targeted 442 (506) food businesses, and used self-inspection questionnaires (SIQ's) as an alternative regulation strategy for low risk businesses and to ensure resources are directed towards high-risk activities. SIQ's are a cost-effective means of maintaining contact with this group as well as providing the business with a useful means of keeping up to date with changes in law and other related issues affecting their business.

Service Requests

- 3.2 The food safety team dealt with 229 (331) service requests during the year, representing 58% (64%) of the 396 (519) service requests handled by the Commercial Section, which also includes health and safety regulation, infectious disease control, and provision of health promotion and training activities for businesses.

Food Sampling

- 3.3 The authority participates in national and local food-sampling initiatives to monitor the quality of food on sale in the City which is classified as satisfactory, unsatisfactory or unacceptable. Additional samples are taken in response to food complaints and where it is alleged a premises or foodstuff is implicated in a food poisoning incident. During the last year, 174 (168) food samples were analysed, and investigations followed in respect of 35 unsatisfactory samples; there were no unacceptable samples.
- 3.4 Fewer samples were taken than the previous year due to a suspension in testing whilst the laboratory was transferred from Exeter to Bristol.

Control and Investigation of Outbreaks and Food Related Infectious Diseases

- 3.5 A total of 190 (189) cases of possible food-related infectious diseases were officially notified to the service. On investigation, no cases were conclusively linked to food from establishments in the city or elsewhere.

Enforcement Action

- 3.6 A total of 217 (293) formal written warnings, and 167 (113) informal written warnings were issued to secure satisfactory standards in food businesses in the city. These figures are comparable to the number of warnings issued in recent years, and reflect a more targeted approach to non-compliant businesses.
- 3.7 Two businesses were successfully prosecuted following a history of non-compliance. Proceedings have also been commenced for the prosecution of one further business, but this is yet to be concluded.

¹ Figures in brackets relate to 2008/9

Food Safety Training

- 3.8 A key component of the Government's drive on better regulation is assisting business compliance through advice, information and training. In total, 385 staff from local food businesses gained a nationally recognised food safety qualification last year, through courses organised by the Council.

4. BETTER REGULATION

- 4.1 Regulatory Services have been the subject of considerable review in recent years. The conclusions of influential reports are now being interpreted and applied to regulatory services by their respective governing bodies overseen by the Local Better Regulation Office (LBRO).
- 4.2 In respect of food safety, the Food Standards Agency reflected these changes through amendments to the Food Law (Code of Practice) England.
- 4.3 The Enforcement Plan embraces the principles of better regulation and will continue to safeguard the health of the local population and contribute to the economic vitality of Exeter by targeting resources effectively and innovatively to assist food businesses in compliance.

5. PROPOSED KEY ACTIVITIES FOR 2010/11

- 5.1 In addition to the traditional intervention methods the following key activities will shape the food service for the forthcoming year:

Intervention Strategy

- 5.2 The strategy to improve compliance with food law and maintain a high level of compliance will be further developed following release of the Food Law (Code of Practice) England, and include:
- programmed inspections or interventions of 492 food premises, based upon risk;
 - targeting non-compliant business with effective use of appropriate enforcement tools;
 - implementing the national facility of "Scores on the Doors" as an early adopter, which allows consumers to access information on the standards of hygiene in any food business in the City, with the hygiene rated as a visual score;
 - collaborating with forums/focus groups to target specific businesses to enable an exchange of information and gain an understanding of the obstacles some businesses face in complying with food law;
 - running management of food safety workshops as a recognised intervention tool to support compliance in non-compliant, and smaller businesses;
 - examining the implications of regulating wider food standards following the recent decision on unitary status (this is in relation to trading standards).
- 5.3 The Food Safety Enforcement Policy has been revised to reflect new government guidance.

Better Regulation

- 5.4 As a regulator of businesses in the City, it will be important to recognise the impact of the current economic downturn on businesses' capacity to comply, and to work with businesses to ensure that compliance is achieved through a wide range of intervention strategies. These will include greater engagement with business representatives and the joint development of advice/education interventions.

6. RESOURCE IMPLICATIONS

- 6.1 The Food Law Enforcement Plan will be carried out within the existing resource allocation for 2010/11.

7. RECOMMENDED

- 1) That Scrutiny Committee - Community comment on the report.
- 2) That Executive note the views of the Scrutiny Committee and recommend Council to approve:
 - a) the Food Law Enforcement Plan 2010/11, which includes the revised Food Safety Enforcement Policy;
 - b) the Head of Environmental Health Services being authorised to change the Enforcement Plan in the light of centrally issued guidance and/or to meet operational needs.

HEAD OF ENVIRONMENTAL HEALTH SERVICES

S:LP/Committee/610SCC4
18.5.10

COMMUNITY AND ENVIRONMENT DIRECTORATE

Local Government (Access to Information) Act 1985 (as amended)

Background papers used in compiling this report:-

- 1) Service Plan for Food Law Enforcement 2009/10