

Committee/Meeting: Cabinet	Date:	Classification: Unrestricted	Report No:
Report of: Corporate Director – Stephen Halsey – Communities Localities and Culture		Title: Food Law Enforcement Service Plan 20010/2011	
Originating officer(s) Head of Trading Standards & Environmental Health (Commercial) - Colin Perrins Environmental Health (Commercial) Service Manager – David Tolley		Ward(s) affected All	

Lead Member	Councillor Shahed Ali - Environment
Community Plan Theme	A Healthy Community
Strategic Priority	Reduce differences in people’s health and promote healthy lifestyles

1. **SUMMARY**

- 1.1 This report sets out the Council’s tenth annual plan for effective enforcement of food safety legislation. The aim of the plan is to ensure that food, in the Borough, is produced and sold under hygienic conditions, is without risk to health and is of the quality expected by consumers.
- 1.2 The Food Standards Agency requires local authorities to have in place a Food Law Enforcement Service Plan. The plan will form a significant part of the standard against which local authorities will be audited by the Agency to assess their effectiveness in ensuring food safety.
- 1.3 Accordingly the Cabinet is requested to consider the Food Law Enforcement Service Plan 2010/11 and Food Sampling Policy 2010/11 and make recommendations as appropriate and adopt this plan.

2. **DECISIONS REQUIRED**

Cabinet is recommended to:-

- 2.1 Approve the Tower Hamlets Food Law Enforcement Plan 2010/2011 and Food Sampling Policy attached at Appendix 1 to the report.

3. REASONS FOR THE DECISIONS

- 3.1 Under the powers given to it by the Food Standards Act 1999 The Food Standards Agency (FSA) oversees and monitors how Local Authorities enforce food safety legislation. The FSA require all Local Authorities to produce and approve an annual plan that sets out how it is going to discharge its responsibilities.

4. ALTERNATIVE OPTIONS

- 4.1 If the Council take no action the FSA have the power to remove food safety responsibilities and engage another authority to deliver the service. The likely scenario would be for a neighbouring Local Authority to be seconded to provide this service.
- 4.2 If this did happen the Council would still have to fund the service but would lose Member and management control of the service. This sanction has rarely been used but when it has been exercised the local authorities have been named and shamed and suffered reputational damage

5 THE PLAN

- 5.1 The Tower Hamlets Food Law Enforcement Service Plan is based on the recommended FSA template and is attached to this report (**Appendix 1**). The Plan incorporates the Council's objectives as set out in the Community Plan and the Trading Standards & Environmental Health (Commercial) Service Plan. In particular it impacts on the quality of life in Tower Hamlets and the health of residents and visitors. It helps to ensure that businesses maintain high standards. The standard format of the plan will allow easier comparisons with other authorities.
- 5.2 The Food Law Enforcement Service Plan incorporates the Trading Standards & Environmental Health (Commercial) services' positive commitment in valuing diversity.
- 5.3 The plan is divided between reactive and proactive work. Reactive work includes consumer complaints and requests for advice or information from the business community, residents, employees in the Borough and tourists. Proactive work comprises mainly the achievement of routine inspection targets. Tower Hamlets has 2591 (5% increase from 2009/10) food premises, requiring inspection. The frequency of such inspections is determined by a nationally agreed risk based inspection rating scheme.
- 5.4 Last year the Food Safety team achieved 97.6% of all food hygiene interventions due. The inspection rate for highest risk premises was 100%. This will place the authority in the top quartile of local authorities.

- 5.5 The plan also covers the wider remit of food safety work including complaints and enquiries, sampling, food hazard warnings, outbreak control, health promotion, training and publicity. These tasks remain relatively constant year on year.
- 5.6 During the course of 2010/11 along with all services in the Directorate of Communities, Localities and Culture the Food Safety Service will be subject to review. This will build upon the review that was carried out in September 2009 by Atlantic Solutions which demonstrated a second lowest FTE cost of a bench marking family of Southwark, Westminster, Islington and Hackney.
- 5.7 The plan also highlights some of the major successes during 2009/10. Some notable examples are
- Improving inspection performance
 - Continued production of Food and Drink an in house news letter for food business which advises food businesses how to comply with the law
 - Responding to 861 requests for service
 - Improving enforcement activity – 10 businesses or individuals were prosecuted as a result of either programmed inspections or complaint inspections. This resulted in total fines and costs awarded of £30,455.

6 PERFORMANCE AND ISSUES FOR 2010/11

- 6.1 The main indicator used to assess the Council's performance is National Indicator – NI 184. This indicator measures the proportion of food establishments in the Borough which are broadly compliant with food hygiene law. The performance trend for compliance is steadily improving in the Borough. The performance for the last three years is as follows:-
- 2007/8 57%
 - 2008/9 74%
 - 2009/10 81%
- 6.2 A range of interventions has been developed aimed at increasing and sustaining this compliance rate. There is a constant challenge to performance improvement by the high turnover rate of food businesses in the Borough and the age of the commercial stock.
- 6.3 We are continuing to receive funding of £126k from the Healthier Cities fund and also from the Primary Care Trust Obesity Strategy to continue to promote Food for Health Award. This award encourages caterers/restaurants to sell healthier food so enabling residents, visitors and workers to have healthier food choices within the within the Borough. 38 awards were granted during 2009/10. The target for 2010/11 is to increase this to 100. This funding stream is due to end on March 2011. The workstream will be evaluated during 2010/11. If the evaluation is positive options will be assessed to see if the activity in this programme can either be mainstreamed or alternatively funded (e.g. via the FSA)

- 6.4 A national “Scores on the Doors” scheme has been announced by the FSA. This scheme will allow Local Authorities to publish, using a star rating scheme, an assessment of the hygiene standards of food premises. It is hoped that during 2010-11 the system will go live enabling the public to access this information via the Council’s web site. The Council have applied for a £7k grant from the FSA to fund the IT development needed to implement the scheme. Once the scheme is implemented there are no significant resources or financial implications
- 6.5 The service is in the early stages for preparing for the Olympics. The service is linking with the Joint Local Authorities Regulatory Services (JLARS) who are the Olympic Development Agency (ODA) funded joint service that are dealing with regulatory issues inside the Olympic Park. We are also working with partners to develop the response for Food Safety enforcement in the lead up and during the Olympics. It is anticipated that there will be an increase in legal and illegal activity

7 FINANCIAL IMPLICATIONS

- 7.1 Resources have been prioritised within the Environmental Health (Commercial) budget to meet the plan outlined in this report.

8. COMMENTS OF THE CHIEF FINANCIAL OFFICER

- 8.1 As outlined in section 6.3 a review of activities funded via Healthier Cities Grant (which ends at 31/3/2011) will be undertaken during the course of this year, with a view to mainstreaming them within the Environmental Health services existing work programme and budget in future years, or identifying alternative funding sources from outside of the Council.

- 8.2 Section 7 of the report confirms that sufficient resources have been prioritised within the service to ensure that performance levels are maintained at a level as prescribed by the Foods Standards Agency

9. CONCURRENT REPORT OF THE ASSISTANT CHIEF EXECUTIVE (LEGAL SERVICES)

- 9.1 Cabinet is asked to consider and adopt the Food Law Enforcement Plan for 2010/2011. The Food Standards Agency (“FSA”) requires local authorities to produce such a plan. The FSA is responsible for auditing local authorities’ enforcement services as part of its obligations under article 14 of the Official Control of Foodstuffs Directive 89/397 to send to the European Commission annual returns on official food enforcement activities. The adoption of the Food Law Enforcement Plan for 2010/2011 is part of the auditing and reporting process.

- 9.2 The FSA also works closely with local authorities to ensure that adequate measures are in place to ensure safe food for all. In that regard, the Food Law Enforcement Plan is required to set out the minimum standards of performance expected from the authority across the full range of this authority's enforcement activities. The Food Law Enforcement Plan is based on a template recommended by the FSA and looks at both pro-active work (e.g. routine food hygiene inspections) and re-active work (e.g. responses to consumer complaints). In auditing this plan, the FSA will be able to in turn provide a report that outlines areas where the authority can focus its efforts on improvements, while also celebrating good practice within the authority.

10. ONE TOWER HAMLETS CONSIDERATIONS

- 10.1 As a result of targeted training the Food Safety function is approaching a workforce to reflect the community, which has led to a multi lingual capability.
- 10.2 The service has procedures and training programmes that promote and deliver equal treatment to all businesses
- 10.3 All high demand business advice is translated into minority languages
- 10.4 The Food Safety sampling programme has focussed on imported foods that are sold to local communities. This is to ensure imported foods are wholesome and safe.
- 10.5 Food Safety activity is focussed on raising the quality of food businesses in the Borough. Raising the quality of businesses will help customers obtain better value for money and help make businesses more profitable.
- 10.6 As part of the process of constructing the Food Law Enforcement Plan an Equality Impact Assessment was undertaken of the Food Safety activities and the affect that these activities have on stakeholders. The following actions are to be developed from this assessment.
- 10.7 Develop the database functionality to produce a profile of service users, this will inform future initiatives to ensure no unequal impact on target groups.
- 10.8 Develop training opportunities for woman who hold a larger proportion of lower graded positions within the Team,
- 10.9 Consider how to record business ethnicity to inform monitoring of advisory and enforcement action.
- 10.10 A programme of evaluation of the Healthy Eating Award needs to be undertaken to ensure that there has been opportunity for all to take place within the scheme. This evaluation will be carried out with the PCT and Community Dietician.

10.11 Develop a programme of raising the Teams profile targeted at groups where usage and service contact is low.

11. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

11.1 Food businesses are encouraged to reduce food waste and deal efficiently with the waste they do produce.

12. RISK MANAGEMENT IMPLICATIONS

12.1 The Council as a Food Authority is required to carry out statutory functions in relation to food safety. The Food Standards Agency are charged with overseeing the activities of Food Authorities and may carry out audits of the authority to ensure it is meeting the requirements of The Standard for Food Services set out in the Framework Agreement and its statutory functions.

12.2 Should the Council not fulfil its obligations as specified above, the Food Standards Agency may use its powers to take away the functions of the authority and place them with another authority to exercise them on its behalf.

12.3 Further, should the Council not exercise its duties and provide a food safety service there is the potential that both unsafe and unscrupulous activities would go unchecked and unenforced, which may lead to serious food borne illness or disadvantage to the residents, consumers and businesses within the borough.

13. CRIME AND DISORDER REDUCTION IMPLICATIONS

13.1 There are no crime and disorder reduction implications

14. EFFICIENCY STATEMENT

14.1 The completion and implementation of the Environmental Health (Commercial) service review has now addressed the over reliance on agency staff. The appointment of full time staff has led to more efficient use of resources. This has resulted in an increased level of pro-active performance in terms of inspections and audits of businesses.

15. APPENDICES

Appendix 1 – LBTH Food Law Enforcement Plan – 2010/11

**Local Government Act, 1972 Section 100D (As amended)
List of “Background Papers” used in the preparation of this report**

Brief description of "background papers"

Name and telephone number of holder
and address where open to inspection.

No background papers

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