

| <b>COMMITTEE</b>   | <b>DATE</b> | <b>CLASSIFICATION</b>  | <b>REPORT NO</b> | <b>AGENDA ITEM NO</b> |
|--|-------------|--|------------------|-----------------------|
| Cabinet  | 02/07/08    | Unrestricted   |                  |                       |
| <b>REPORT OF</b><br>Head of Trading Standards & Environmental Health<br>(Commercial)<br>Colin Perrins<br><b>(Originating Officer)</b><br>David Tolley – Environmental Health Commercial Services Manager |             | <b>TITLE</b><br>Food Law Enforcement Service Plan 2008//2009<br><br><b>Ward(s) affected</b><br>All |                  |                       |

**1. SUMMARY:**

- 1.1 This report sets out the Council's eighth annual plan for effective enforcement of food safety legislation. The aim of the plan is to ensure that food 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 2008/09 and make recommendations as appropriate and adopt this plan.

**2. RECOMMENDATION:**

- 2.1 Cabinet is recommended to approve the Tower Hamlets Food Law Enforcement Plan 2008/2009 attached at Appendix 1 to the report.

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**LOCAL GOVERNMENT ACT 1972 (AS AMENDED) SECTION 100D  
LIST OF "BACKGROUND PAPERS" USED IN THE PREPARATION OF THIS REPORT**

| Brief description of "background papers". | Tick if copy supplied for register. | Name and telephone number of holder and address where open to inspection. |
|---|-------------------------------------|---|
|   |                                     | Name: David Tolley  |
|   |                                     | Telephone No: x6724   |

### **3. BACKGROUND:**

- 3.1 The Food Standards Agency (FSA) is a non-ministerial government department, which came into existence on 3 April 2000 with the aim of protecting the interests of consumers. One of the key roles of the Agency is to oversee Local Authority enforcement activities in respect of food safety. The Food Standards Act 1999 empowers the Agency to monitor and audit local authorities.
- 3.2 Given the importance of the service plan, particularly in the context of the local authority monitoring and audit role of the FSA, it was recognised that central guidance on the content of the service plan for food law enforcement would be helpful. The Agency therefore issued a template for a service plan, as part of its Framework Agreement on Local Authority Food Law Enforcement, in September 2000 and recommended the adoption of the model.
- 3.3 Tower Hamlets' commercial profile incorporates shops, offices, hotels, pubs, restaurants and cafes, schools, markets, food manufacturers and processors, university colleges, halls of residence, hospitals, poultry slaughterhouses, public entertainment venues and tourist attractions.
- 3.4 The Environmental Health (Commercial) service has responsibility for food hygiene, food standards, health and safety and public health issues in respect to premises in the Borough. In short they make an important contribution to protecting the well being of Tower Hamlets' residents and visitors.
- 3.5 The Council's Food Safety function has made significant improvements over the last three years. The service review and reorganisation have produced increased stability and performance. The programme of activity proposed in the plan will fulfil the Borough's statutory obligations and help minimise food related illness in the Borough.

### **4 NEW ISSUES FOR 2008/9**

- 4.1 The landscape for food safety will change significantly this year. Monitoring of our food safety service is carried out by the FSA. The method of performance assessment has changed and our performance will be measured against the fulfilment of this plan (30% weighting) and the percentage of broadly compliant premises (70% weighting) we have within the Borough.
- 4.2 The broadly compliant requirement is also a new National Performance Indicator – NI184, which measures food establishments in the Borough which are broadly compliant with food hygiene law. We currently have 57% of food premises broadly compliant with an aspiration to increase this by 5% to 62% during this performance year.

- 4.3 A range of interventions has been developed aimed at increasing this compliance rate. We are we are hampered by the turnover of businesses in the Borough and the age of the commercial stock.
- 4.4 The FSA are in the process of implementing a new Code of Practice and auditing arrangements for Local Authorities, the impact of which will be reviewed during this year.
- 4.5 A national “Scores on the Doors” scheme is likely to be announced by the FSA at the end of the year. This scheme will allow Local Authorities to publish a food premises risk rating in line with national criteria. We will report back with recommendations when the national scheme is announced.
- 4.6 We are also developing systems so that we can report back on National Performance Indicator 182 – Satisfaction of businesses with local authority regulation services. We are developing the mechanisms to measure our interaction with businesses that we come into contact with.
- 4.7 A review by central government (Rogers Review) into priorities for environmental health and trading standards within local government placed food safety/standards and health and safety within the top 5 priorities within the scope of environmental health. This priority rating will form the basis of further work within the Local Better Regulation Office. It is expected that guidance will be issued to local authorities on how these priority areas should be resourced and managed. Such guidance is not likely to be issued for at least 6 months.
- 4.8 Following on from the Hampton review into local regulation we have reviewed our services to determine if the inspection burden can be lifted on local businesses but ensuring that risks are controlled to ensure public health is not at risk. We have done this where the risk rating indicates that the business is broadly compliant
- 4.9 The impact on the food safety service with regards to the above changes has been significant and we have now moved away from inspection for inspection sake and allowing those premises that are broadly compliant to have a lighter touch and those that are not broadly compliant to be advised/enforced against. This has resulted in more resources going to the higher risk premises.

## **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**). It outlines the action the Council will take to ensure food safety. The Plan incorporates the Council’s objectives as set out in the Community Plan and 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 plan advocates an Enforcement Concordat approach and commits the Environmental Health Commercial Team to continuous improvement, specifically making reference to meeting Best Value criteria. The standard format of the plan will facilitate 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 split between reactive and proactive work. The former includes handling consumer complaints and requests for advice or information, not least from the business community, residents, employees in the Borough and tourists. The latter comprises mainly the achievement of routine inspection targets. Tower Hamlets has 2,339 food premises, all of which require inspection. The frequency of such inspections is determined by a nationally agreed risk based inspection rating scheme. Thus some high-risk premises are subject to twice yearly visits, whereas some low risk premises are only visited every five years, or may even receive a self audit questionnaire.
- 5.4 Last year the Food Safety team achieved 99.6% of all food hygiene interventions due. The inspection rate for highest risk premises was 100%. This should have placed the authority in the top quartile of local authorities, based on the national performance Indicator.
- 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 The plan also highlights some of the major successes during 2007/8. Some notable examples are
  - Improving inspection performance
  - Production of Food and Drink an in house news letter for food business
  - Responding to 146 national food alerts regarding unsafe food products that entered the retail chain
  - Improving enforcement activity – 13 premises were closed for pest infestation with resulting prosecutions

## **6 Monitoring the Plan**

- 6.1 Tower Hamlets is required to review the plan annually, and under current arrangements the review will be reported to Cabinet. Accordingly performance against last year's plan is included in Section 6 of this years' plan.

- 6.2 To ensure quality, apart from the checks built into the plan, the Environmental Health Commercial Team participates in peer review audits and in actively developing the service with other London Boroughs through the North East Sector Food Liaison Group and Association of London Environment Health Managers. The Food Standards Agency is very active in providing seminars, training, advice and support.

## **7 Financial Implications**

- 7.1 The Food Service is the only enforcement service within the Directorate of Communities Localities and Culture where this level of prescription for service standards exists. This prescription has led to proportionately higher levels of resourcing being devoted to the provision of the food service. The Directorate must keep a balance to ensure that resourcing is directed to services so that there is adequate overall service performance across all services.
- 7.2 The objectives of the Food Safety service are to ensure the best possible service will be provided within current resourcing. Our aims are that we will address all of the high-risk areas to ensure that food supplied and consumed in the Borough is safe.
- 7.3 The Food Standards Agency has powers of audit and review of the Food Safety services in local authorities. Their ultimate sanction is to relieve the local authorities of their responsibilities.

## **8. Comments of the Chief Financial Officer**

- 8.1 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. No other specific Financial Implications emanate from this report which seeks Cabinet's agreement to the Food Law Enforcement Plan for 2008/2009.

## **9. Concurrent Report of the Assistant Chief Executive (Legal)**

- 9.1 Local Authorities are audited regularly by the Food Standards Agency (FSA) and as part of that audit the council is required to provide its Food Law Enforcement Service Plan. The plan, which is based on a template recommended by the FSA, should set out the minimum standards of performance expected from the Council across the full range of their food law enforcement activities.

## **10 Equal Opportunities Implications**

- 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.

## **11 Anti Poverty Implications**

- 11.1 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.

## **12 Sustainable Action for a Greener Environment**

- 12.1 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.
- 12.4 The risks above which were significant have now been ameliorated now the review of Environmental Health (Commercial) has been completed. The last round of recruitment has been completed and vacancies have been filled. Before the Service Review took place there was a vacancy rate of 40%

### **13. Efficiency Statement**

- 13.1 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 to increased levels of pro-active performance in terms of inspections and audits of businesses

### **14. Appendices**

- 14.1 The following appendices are attached to this report:-

Appendix 1 – LBTH Food Law Enforcement Plan – 2008/9