

Annex 1

Food Enforcement Law

Service Plan

2004- 2005

1. SERVICE AIMS AND OBJECTIVES

1.1 Aims and Objectives

- To ensure compliance with food safety legislation and with other relevant public protection legislation in commercial premises in the District through enforcement and the exercise of licensing controls and by providing advice.
- To undertake greater surveillance and enforcement on illegally imported products of animal origin.
- To investigate and respond to complaints/requests for service from the public in respect of commercial premises.
- To provide access to education, training and advice to businesses on food related matters.
- To ensure compliance with food safety and other relevant public protection legislation in commercial premises.
- To reduce the number of incidents of food poisoning and food related infectious disease within SDDC.
- To fully implement the Food Standards Agency Agreement on food law enforcement by March 2005.
- To work with partners to improve the health and safety of residents and visitors to South Derbyshire District and in general throughout the country.

1.2 Links to Corporate Objective and Plans

The councils vision statement: -

"To promote and enhance the social, economic and environmental wellbeing of the community through the provision of cost effective, customer focused services"

Guiding Principles (applicable to service plan)

- Making decisions openly and with integrity
- Providing reliable and responsive services to our customers
- Working with partners in the public, private and voluntary sectors to achieve more than we can on our own.

Key Aims (applicable to service plan)

- To safeguard and enhance the natural and built environment.

- To promote the health and welfare of all sections of the community, including access to leisure and cultural activities.

BACKGROUND

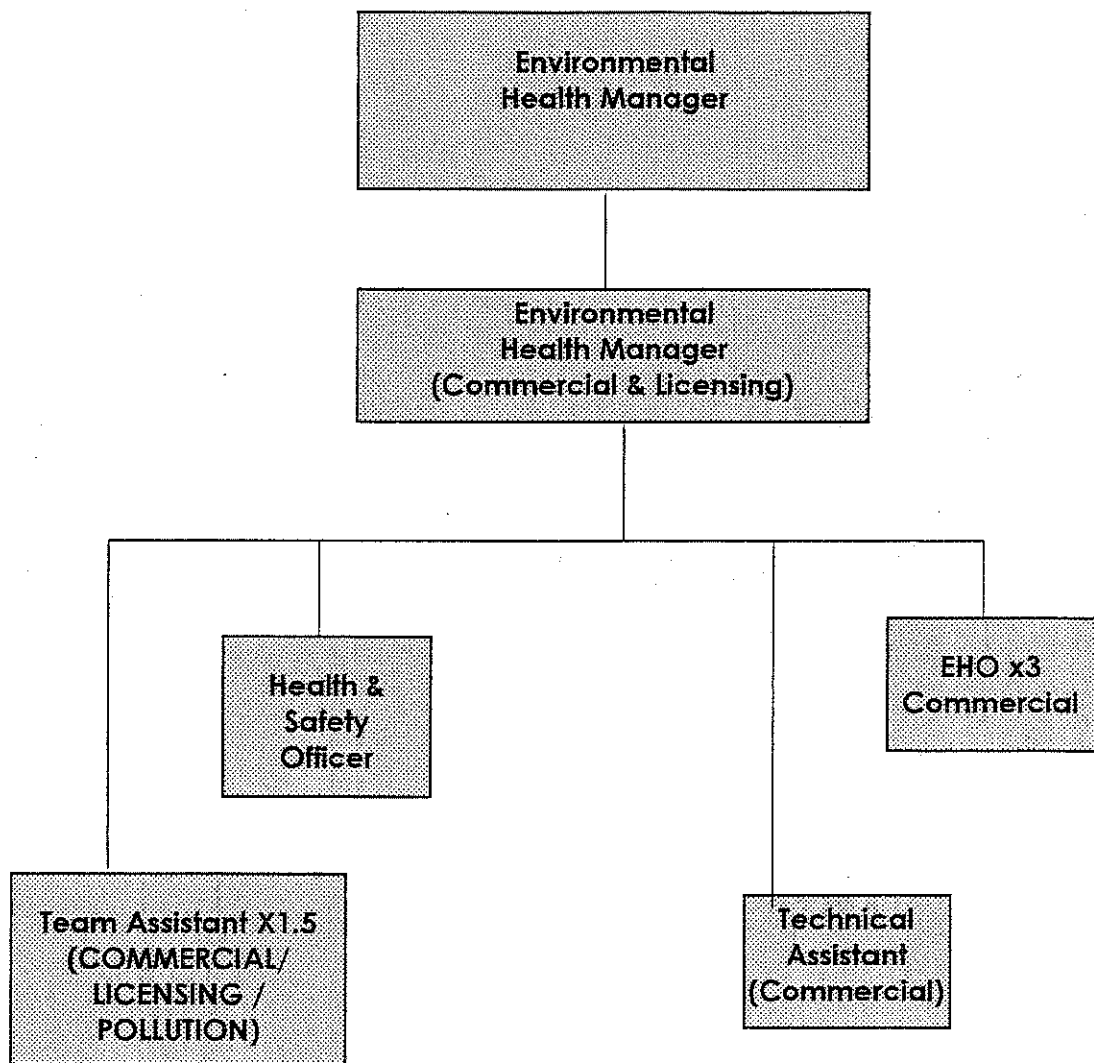
2.1 Profile of the Council

- South Derbyshire covers an area of about 34,000 hectares (340 sq.km) and has a population of 81,200 (Registrar General's 1999 Mid Year Estimate).
- The District is bounded by the City of Derby to the north, Burton upon Trent to the west and Ashby-de-la-Zouch to the east.
- The town of Swadlincote, comprising the communities of Castle Gresley, Church Gresley, Midway, Newhall, Swadlincote and Woodville, is the main focus of the area, serving as an employment, shopping and service centre. The rest of the district is mostly rural in character. Extensive tracts of countryside are interspersed with a number of villages and settlements, some of which, like Repton and Shardlow, are of historic value. Melbourne is the district's second largest centre with a population of about 4,500. Other larger villages include Etwall, Linton, Hatton and Willington. However, about 4,000 people now live at Stenson Fields on the edge of Derby.
- A large part of the district (Swadlincote and its rural hinterland) has been included within the designated area of the National Forest. This major environmental initiative is creating a new and attractive landscape for work, recreation and wildlife.
- At the last Census, some 1.6% of the district's population (about 1200 people) belonged to ethnic minority groups. This was the highest percentage in the reorganised county of Derbyshire, although it was well below the national average

Organisational Structure

**ENVIRONMENTAL HEALTH
(Commercial & Licensing)**

AS AT 1st April 2004



2.3 Scope of the Food Service

The food service is responsible for: -

- Undertaking an annual programme of planned food hygiene inspections.
- Licensing of Butchers Shops;
- Investigation of food complaints;
- Investigation of food poisoning cases and outbreaks;
- Routine food sampling.
- Food Safety Promotion
- Food Safety Incidents
- Advice to businesses
- Provision of food hygiene training
- Participating in Derbyshire Food Liaison Group.
- Investigation and seizure of foods illegally imported into the UK.

In meeting these responsibilities, the food service works in partnership with, and uses the services of: -

- Public Analyst - The Derbyshire County Council has stopped analysing all samples from District Councils. We have therefore had to transfer to Leicestershire County Council for the identification and analysis of foreign bodies and chemical sampling;
- Food Examiners – at I.L.S. Shardlow for microbiological analysis;
- Microbiology Laboratory, Derby Royal Infirmary. - for identification of food poisoning organisms in stool samples;
- The Consultant in Communicable Disease Control at Southern Derbyshire Health Authority for medical advice in relation to food poisoning.
- Food Standards Agency and LACORS (formally LACOTS)

In addition the officers providing the food service are also responsible for: -

- Undertaking an annual programme of planned Health & Safety Inspections
- Health & Safety Accident Investigations;
- Investigating Health and Safety Complaints;
- Communicable Disease Control;
- Home Safety Advice;
- Public Entertainment Licences consultation and Enforcement;
- Miscellaneous Licensing (Including Horse Riding Establishments, Pet Shops, Dangerous Wild Animals, Tattooing & Acupuncture, Ear piercing,
- Cover for the Abandoned Vehicle and Taxi Licensing Officer
- Welfare Funerals
- Private Water Supplies

2.4 Demands on the Food Service

2.4.1 **Premises Profile**

There are approximately 700 food premises in the District, two-thirds of these fall within the category "restaurants and other caterers", with the other third mainly food retailers. There are 12 licensed butchers.

2.4.2 **Service Delivery**

The service is based at the Civic Offices, Swadlincote and operates between the hours of 8.45 to 17.00 Monday to Thursday and 8.45 to 16.30 Hrs on Fridays. Where necessary for the service officers will work outside of these hours in order to undertake inspections of premises that do not operate within these time periods or to undertake enforcement action normally following complaints from the public.

2.5 Enforcement Policy

The Food Safety Enforcement Policy was approved by the Committee on the October 2000. The policy incorporated the principles contained in the Enforcement Concordat issued by the Cabinet Office, (which was adopted by this Authority in September 2000) and guidance issued by the Food Standards Agency. Guidance notes have been prepared highlighting the corporate strategy and enforcement policy. These are issued with all letters and statutory notices and other enforcement actions.

The policy can also be viewed on the Council Web site and comments regarding the policy are welcomed from members of the general public or business.

3.0 SERVICE DELIVERY

3.1 Food Premises Inspection

The service will inspect all food premises in the District at the frequency set down in the Food Standards Agency Code of Practice 9 "Food Hygiene Inspections".

The Food Enforcement officers, during their inspections will have regard to the relevant Industry Guides to good hygiene practice, centrally issued guidance and Food Standards Agency Codes of Practice.

3.1.1 Profile of Registered Food Premises

Risk Category	No. Of Premises	No. Of Inspections estimated 2004/05	Food Hygiene Inspections from 2003/2004 not achieved
A	18	36	0
B	79	79	1 (premises closed)
C	330	193	5
D	137	53	12
E	96	27	3
F	43	5	0
Un- classified	1	1	0
TOTAL	704	394	18

The service will revisit premises to assess compliance for significant areas of non-compliance. For minor areas of non-compliance, proprietors will be sent details of the works they are required to do and a self reporting form, which will be kept on file and referred to during subsequent visits.

The total number of inspections proposed for 2004 /2005 are 394 and the anticipated number of revisits is 180. The anticipated number of Full Time Equivalents (F.T.E.'s) to carry out the inspections and revisits is averaged out to be 2.0 officers.

This is an increase over previous years due to the need for more detailed record keeping arising from compliance with the Food Standards Agency framework agreement and the revised Codes of Practice:

- Code of Practice 7 - Sampling for Analysis or Examination
- Code of Practice 9 - Food Hygiene Inspections

There is also an increased management requirement to monitor inspections and audit the quality of the service as required by the Food Standards Agency. This will be achieved when the new Flare computer system is fully operational.

Considerable effort by officers has been undertaken in order to ensure that the computer system is operational as quickly as possible. This has resulted in the manual installation of all food premises for accuracy and we now have a fully working risk based food hygiene programme for 2004/5 and the production of standard letters. Modules already live on the system are Inspection Programme, Food Complaints.

New modules to go on line this year will be Sampling and Statutory Notices and General Enforcement

I am pleased to report that the installation of the Flare System has already shown improvement in management control of the Food Service and improvement in efficiency of officers.

3.2 Food Complaints

All Food Complaints will be investigated in accordance with our own Food Safety Policy and Food Complaint Procedure, which came before the Housing and Environment Committee on the 20 November 2000. These policies and procedures are based upon centrally issued guidance by the Local Authorities Co-ordinating Body on Food & Trading Standards (LACOTS) "Guidance on Food Complaints", and Food Standards Agency Codes of Practice and other relevant guidance. The service will investigate an estimated 100 food complaints and enquiries in 2004/5. The estimated resources required for complaint investigations is 0.25 F.T.E's.

3.3 Home Authority Principle

The Council fully supports the Home Authority Principle although it does not act as a Home Authority for any food businesses.

The service recognises the importance of the Home Authority Principle and will liaise with a food company's Home Authority where an offence has been identified or a complaint has been received and the matter has some bearing on the company's central policy or procedures.

3.4 Advice to Business

The service recognises its role in providing food safety advice to local food businesses within the District.

During inspections an inspecting officer will provide on the spot information or will supply further information as may be required.

The new computer system will include E-mail addresses of premises and we intend to keep businesses informed of new items via e-mail addresses.

We have also introduced during the latter part of last year a questionnaire, which will be forwarded to businesses on completion of inspections to determine satisfaction of officer's activities. It will also determine what additional information is required by businesses to undertake their food activities safely. It will also determine the best methods of distributing the information to businesses.

3.5 Sampling

The food sampling budget, which this year is £950, is used in four distinct areas

1. Food Complaints from members of the public
2. Food poisoning cases where analysis of food likely to have caused illness is undertaken.
3. Formal Samples from food premises where inspections have been undertaken and unfit food detected.
4. Routine Sampling programme devised by LACORS (Local Authority Co-ordinating Body on Regulatory services)
5. Routine sampling of premises that has to comply with the more stringent requirements of Meat Products (Hygiene) Regulations and the Dairy Product Hygiene Regulations.

Food sample analyses are presently undertaken at: -

International Laboratories Service at Shardlow

Samples taken here are normally routine bacteriological food samples or food complaints of an unfit or questionable bacteriological quality.

SDDC has to pay for these samples where they are free to many other Local Authorities. Other Local Authorities are able to use the services of the PHLS within their geographical areas. 4 years ago the PHLS at Derby Royal Infirmary stopped under taking the analysis of food samples, hence us and a Erewash BC, Derby City and Amber Valley have to use the private sector and pay for the analysis of samples.

Representations have been made by this Authority to the Health Protection Agency (HPA) and, the Food Standards Agency and LACORS regarding this imbalance.

The Food Standards Agency and the HPA have agreed that we have been allocated 1 sample for every 1000 population, making a total of 82 samples per year. We are presently awaiting the PHLS Laboratory at Lincoln to confirm that they have been given the go ahead from the PHA to commence.

The Public Analyst Leicester

The samples taken to this laboratory are in the majority food complaints from the public regarding foreign matter such as, metal fragments found within the substance of the food etc . Other samples taken here are water samples from the general supply or private water supplies.

We and other local Authorities have always had to pay for The samples taken to this laboratory. It is a statutory requirement that we employ a public analyst.

General

Food Samples can vary in cost from a simple swab costing £20 - £150 for a full bacteriological sample depending on the type of analysis. We could potentially run out of finance if we had a major food poisoning outbreak.

As a consequence of this we propose to priorities our food sampling programme for this year.

We will analyse all food samples in relation to Food poisoning, Food complaints from the public and undertake formal samples where there is a breach of the law by a trader.

We will where possible undertake the food samples in regards to the country wide LACORS request. As yet we do not know what products are to be sampled.

It is estimated that there will be 10 samples associated with food complaint analysis. These will cost on average £40 per sample leaving £550 in the Sampling budget.

The EEC target for bacteriological sampling budget is presently 2.5 samples per thousand population we therefore should be looking at taking approximately 200 samples per year. Even if we take simple Environmental Swabs costing approximately £20 it would cost £4000. However at present no guidance has been officially given by the FSA except to say they do not consider that Local Authorities in general are sampling enough.

3.6 Outbreaks of Food Related Illness and Food Poisoning Notifications

The service will investigate any outbreaks of food related infectious disease in accordance with the Department of Health Management of Outbreaks of Foodborne Illness and the advice of the Council's Proper Officer for Medical Advice (The Consultant in Communicable Disease at Southern Derbyshire Health Authority). It is estimated that there will be 3 outbreaks during the year.

Last year we had 2 confirmed outbreaks both of these were viral in nature and not microbiological.

The service receives an estimated 100 notifications of food poisoning cases each year. The service will give advice to all people notified and pursue investigations where the person is part of a larger group that is affected or if they fall within a high risk category as defined in The Guidance Notes on the Control of Gastro-enteritis and Food Poisoning (The Orange Book).

An outbreak of a food related illness would have significant resource implications on the service.

3.7 Food Safety Incidents

We have introduced this year a paging system that will allow us to receive Food Safety Incidents from the Food Standards Agency, 24 Hrs per day 365 days per year. It is estimated that 30 food safety incident reports will be received in the year. All incidents will be responded to in accordance with our own procedure which is based upon the Food Standards Agency Code of Practice 16 "Enforcement of the Food Safety Act 1990 in Relation to the Food Hazard Warning System" and other relevant guidance.

The resource implications when responding to an "A" (immediate action) or "B" (for action) rated report are significant. Such incidents require an immediate response involving all staff.

3.8 Liaison with Other Organisations

The Council recognises the importance of carrying out its enforcement functions consistent with neighbouring authorities and the rest of the U.K. South Derbyshire District Council fully supports and is a member of the Derbyshire Food Liaison Group on which all Derbyshire authorities are represented.

The Food Liaison Group has formal links with other agencies such as LACORS, Derbyshire County Council Trading Standards, Meat Hygiene Service, Public Health Laboratory Service and the Food Standards Agency.

There are formal links with Southern Derbyshire Health Authority and the State Veterinary Service through regular meetings and Severn Trent. There are also links with Severn Trent Water Company and South Staffordshire Water authority through the regular meetings with their Quality Assurance Team.

There is a procedure in place to ensure that consultation takes place on all planning and building control applications relating to food premises.

3.9 Food Safety Promotions

The Council recognises the importance of promoting food safety as a significant contribution to reducing food-related illness. During the Food Safety Week, which this year's theme is cross contamination in the kitchen. Officers in agreement with 2 local supermarkets have set up a refrigerator with spot the errors as part of a competition with prizes. Officers will be available at the supermarkets to give advice to the public on Food Hygiene.

We provide Basic Food Hygiene training courses via a correspondence course for employees in local food businesses.

4.0 RESOURCES

4.1 Financial Allocation

The direct cost of providing the service is: -

Direct Salaries / central support	£87,660
Equipment	£950
Bacteriological Sampling	£950

4.2 Staffing Allocation

The number of full time equivalent staff engaged on food law enforcement and related matters are 2 officers. All these staff hold qualifications and have appropriate experience and training to demonstrate the standards of competency in Annex 1 of Code of Practice 19 - "Qualifications and Experience of Authorised Officers".

4.3 Staff Development Plan

All staff undertake employee development reviews which are carried out each year. Any training identified as a result of that review will be programmed in during the year.

The Food Standards Agency guidance states that each food officer should undertake 10 Hrs core food training each year, much of this training is organised through the Environmental Chief Officers Food liaison group, which organises training events normally subsidised by the Institute of Environmental Health Officers.

5 QUALITY ASSESSMENT

The food service has taken part in three inter-authority audits organised by the Derbyshire Food Group. The Group won LACOTS' awards in 1998 and 2000.

The second of the Audits was undertaken in conjunction with the Food Standards Agency and other Derbyshire Authorities. In the second half of 2000 all Derbyshire Authorities piloted the Food Standards Agency audit against the framework agreement which has pinpointed areas of required improvements. The two main findings of the report highlighted the need for additional resources in order to achieve the level of service required by the Food Standards Agency and secondly that the present food computer system should not be maintained by an officer within the food team. The Derbyshire Chief Officers Food Safety Group is to undertake a limited Audit this financial year.

We await the final report of the last audit which was undertaken in November 2003.

6 REVIEW

6.1 Review against the Service Plan

We undertook inspections of all our High Risk premises in the last financial year. Sampling was a major area of concern last year because of the unfair allocation of free samples. We lobbied hard with Government bodies to achieve a change in the yearly allocation. As a consequence of the unfair allocation we did not achieve the correct number of samples for the population of the district.

We undertook a successful prosecution of one restaurant this year for 4 offences under the Food Safety Act 1990 which resulted in the magistrates imposing a fine of £1600 and costs of £683.35. We additionally enforced the voluntary closure of 2 premises and a formal caution of one premise for offences under the Act.

6.2 Identification of any Variation from the Service Plan

All enforcement activities were undertaken in accordance with the enforcement policy and there were no variations.

6.3 Areas of Improvement or Concerns for 2004/2005

The new flare computer is now in use in regard to the most critical food areas but there are additional modules which still need to be introduced. We hope to get all these relevant areas in operation within this financial year, but we need priorities these areas with the other needs of the service.

Liquor Licensing is being transferred from the Magistrates Court to Local Authorities. This may have considerable effect on the service as the information from the DCMS is yet fully clear and we may need to transfer some resources on a temporary basis from the Food Section to Licensing Section.

