

**PUBLIC PROTECTION COMMITTEE: 3<sup>rd</sup> June 2014**

**REPORT OF THE CORPORATE DIRECTOR - ENVIRONMENT**

**FOOD AND FEED LAW ENFORCEMENT SERVICE PLAN 2014 / 15**

### **1. Background**

Cardiff Council has a duty to enforce the Food Safety Act 1990; the Official Food and Feed Controls (Wales) Regulations 2009 and a wide variety of other food / feed legislation including the Food Hygiene (Wales) Regulations 2006.

As part of the Food Standards Agency's Framework agreement the Council is required to produce a Food Safety Service Plan setting out the arrangements it has in place to discharge these duties. This Food and Feed Law Enforcement Service Plan is produced in response to that requirement and is designed to inform residents, the business community of Cardiff and the wider audience of the arrangements Cardiff Council has in place to regulate food safety. A copy of the draft Food & Feed Law Service Plan 2014/15 has been attached to this report as **Appendix 1.**

The Service Plan details how the Regulatory Commercial Service (Public Protection and Trading Standards) and Public Analyst will fulfil the major purpose of ensuring the safety and quality of the food chain to minimise risk to human and animal health. To achieve this, the Council will provide advice, education and guidance on what the law requires, conduct inspections, investigations, sampling and take enforcement action where appropriate.

The plan details the demands on the service, the risk based work programme and the resources available to deliver the required work. As with many other Council services the service faces increasing demands with reducing resource.

The plan explains the Food Standards Agency expectations of Local Authorities, some of the achievements in 2013/14 and the challenges for the year ahead. Some of the key elements of the plan are set out below.

### **2. The Framework Agreement on Official Feed and Food Controls by Local Authorities**

The Framework Agreement sets out what the Food Standards Agency expects from local authorities in their delivery of official controls on feed and food law. The Agreement sets out the planning and delivery requirements of feed and food official controls, based on the existing statutory Codes of Practice.

One of the requirements within the framework is that local authorities carry out interventions/inspections at all food hygiene, food standards and feeding stuffs establishments in their area, at specified frequencies. These are shown in

**Table 1.** The Food Standards Agency has the power to inspect local authorities to determine the Council’s performance against the standard. Cardiff Council was audited in 2013/14 on their arrangement for managing the risks in businesses preparing and/or selling shellfish and are expecting the results very shortly.

**Table 1 - Food hygiene & Trading Standards Food Standards intervention frequencies**

<b>Category</b>	<b>Food hygiene minimum intervention frequency</b>	<b>T S Food standards minimum intervention frequency</b>
<b>A</b>	At least every six months	At least every 12 months
<b>B</b>	At least every 12 months	At least every 24 months
<b>C</b>	At least every 18 months	Alternative enforcement strategy or intervention every five years
<b>D</b>	at least every 24 months	N/A
<b>E</b>	A programme of alternative enforcement strategies or interventions every three years	N/A

It should be noted that a new food business which falls under the terms of food safety legislation must be inspected within 28 days of notification to the Council.

### **3. Performance Review 2013/14**

#### **Planned High Risk Food Hygiene Inspections (Risk Category A-C)**

An overall high risk inspection rate of 85.98% was attained against a target of 100%. It was recognised at the time of plan adoption that resources were insufficient to deliver the full requirements of the Food Law Code of Practice. In year budget management strategies compounded the resource issue. However, in light of the reduced resource available decisions were made regarding new priorities which included inspection of all A, B and non broadly compliant C premises. All these premises were inspected. Any high risk premises due for inspection but not inspected as part of the programme for 2013/14 have been included in the programme for 2014/15.

#### **Other Planned Food Hygiene Interventions (Risk Category D-E)**

An overall intervention rate of 41.17% was achieved for category D and E premises.

#### **Food Hygiene Unrated Premises**

100% of premises which were unrated new businesses on the 1 April 2013 were inspected during the year. The number of new businesses being carried forward has reduced from 224 in April 2013 to 56 in April 2014 demonstrating significant in year

progress. However, the requirement to inspect new businesses within 28 days has not been achieved.

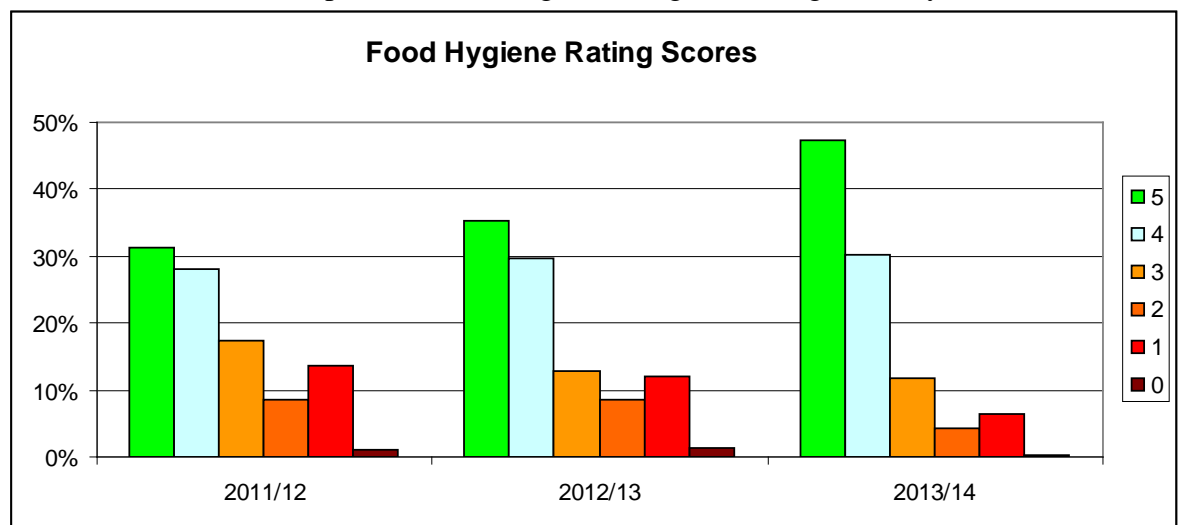
### Food Standards Inspections

99.5% of high risk food standard businesses were inspected (against a target of 100%). Outstanding premises will be inspected by the end of May 2014.

#### 4. Significant achievements during 2013/ 14 included:

**Successful bids for funding:** Successful bids for funding were made to deliver sampling programmes, translating the Council’s Food Safety Management System into 6 languages and to hold two food business forums to provide information on the new statutory food hygiene rating scheme.

**Food Hygiene Rating Scheme (FHRS):** On 1<sup>st</sup> October 2010 the FHRS was introduced in Cardiff. As premises have been inspected they have received a hygiene rating. In November 2013 a statutory scheme was introduced throughout Wales. Since the Scheme was launched 85.60% of premises have been assessed under the Food Hygiene Rating Scheme. The Scheme has had a positive impact in improving standards in food businesses with improvements in “Broad Compliance” on an upward trend and the number of premises securing a 5 rating increasing annually.



#### Food, Safety & Health Business Forum:

In April 2013, a Business Forum was held in County Hall, nurseries and child-minders across the City attended. Two further forums were held at City Hall in November 2013 to explain the new legislation relating to the Food Hygiene Rating Scheme.

#### Food Business Newsletter:

In 2013-14 one issue of the food business newsletter was produced and officers distributed it by hand at routine inspections. It was also emailed where email addresses of businesses were available.

### **Managing E.coli risk within the Council:**

In 2014/15 the Council adopted a Corporate Food Safety Management System. The system has been supported by a comprehensive training programme during the year and an E-learning package is being developed which will allow ongoing training needs to be met. Significant progress has been made to address the E.coli risk to the Council, however, there is a need to maintain this momentum to embed new corporate procedures to ensure full compliance.

### **The Horsemeat Scandal:**

This high profile, wide-reaching food incident was discovered in January 2013 and has rarely been out of the headlines since. Trading Standards were one of only two Welsh authorities asked to take formal samples on behalf of the FSA – one of which has proved positive for horsemeat. Trading Standards were also tasked by members to sample across the authority's premises including schools and leisure centres. Over 250 samples were taken in a period of less than four weeks but no problems were found. Conducting regular checks into meat speciation has become one of Trading Standards priorities. In 2014/15 the Council will again participate in the European Union survey into horsemeat substitution.

### **Broadly Compliant Premises**

The percentage of food premises which were deemed to be broadly compliant with food hygiene law i.e. rated a 3 or above, increased during the year to 87.27% (excluding unrated premises) or 85.71% (including unrated premises). This is in part the positive impact of the implementation of the Food Hygiene Rating Scheme which encourages many businesses to strive for a better rating.

Two projects trialling an alternative approach to improving food hygiene standards in poor performing food businesses were undertaken between May 2012 and February 2013. Food businesses were recruited and they received on-site practical, interactive food hygiene training in relation to cross contamination, temperature control, cleaning and hand washing. These projects were evaluated during 2013 /14 and results showed marked improvements in knowledge and practices in the 4 food safety areas assessed.. This approach is essential in securing improvement in some poor performing premises.

## **5. Challenges for 2014/15**

**Events** - Capital City status brings with it extra demands and challenges. The City hosts many outdoor events across a wide range of venues. The time spent planning, organising, monitoring events and inspecting and sampling at food premises during events each year should not be underestimated. These are additional commitments above the planned inspection programme, often not experienced by other Councils

**Collaboration** -During 2014/15 Cardiff Council intends to consider the benefits of Regulatory Services across three council areas (Cardiff, Bridgend and the Vale) being delivered under a single management structure. *(The term Regulatory Service embraces the Trading Standards, Environmental Health and Licensing functions).*

If approved the move to a single management structure will be incremental over a

three year period.

**Financial** - The continuing financial difficulties faced by all local authorities has required implementation of remedial measures to offset budgetary deficits. This has had an impact on the delivery of food services over the last 2 years. This pressure will continue in the year to come.

**Food Hygiene Rating (Wales) Act 2013** –During 2014/15 the Council is required to migrate premises that had a rating under the non-statutory scheme across to the mandatory scheme. This will involve either giving a rating following a full inspection or giving a new rating based on the non-statutory rating. There will be a number of lower risk premises that will need to be inspected, not included in the inspection programme for the year, funding from Welsh Government will be sought to cover some of this additional burden.

**Food Information Regulations** – These Regulations are coming into force during the year and will have a substantial effect on all food businesses. Takeaways for example, will now have to declare all allergens in their food. The Regulations will also have a impact on caterers who hitherto have been exempt from many labelling requirements so there will be a considerable resource issue in educating and enforcing the new requirements.

## **Resources**

A summary of the resources available across the Regulatory Service for dealing with safety (Food Hygiene, Trading Standards & Public Analyst) is detailed in the attached plan. To deliver the full requirements of the Framework Agreement would require additional resource. Prioritisation is undertaken to ensure that resources are deployed as effectively as possible.

## **6. Financial Implications**

Approval of this FLESP does not directly result in any additional financial implications.

## **7. Legal Implications**

Under Section 41 of the Food Safety Act 1990, as amended by paragraph 18 of Schedule 5 to the Food Standards Act 1999, the Food Standards Agency can require Food Authorities to provide them with reports and information regarding the Authorities' enforcement of the Act. Local Authorities are required to supply them with statistical information on inspections, prosecutions, official samples, and informal samples.

## **8. Recommendations**

Committee is asked to:-

1. Approve the 2014/15 Food Law Enforcement Service Plan

2. Authorise the Corporate Director to make administrative amendments to the 2014 /15 Food Law Enforcement Service Plan should the need arise.

**JANE FORSHAW  
CORPORATE DIRECTOR – ENVIRONMENT  
MAY 2014**

This report has been prepared in accordance with procedures approved by the Corporate Management Team

**Appendices:**

Food Law Enforcement Service Plan 2014/15