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| <b>Committee:</b>   | <b>Date:</b>        | <b>Item no.</b> |
| Port Health & Environmental Services Committee  | 21 May 2019         |                 |
| <b>Subject:</b><br>Approval of the 2019-2020 Food Service Enforcement Plans for the City and the London Port Health Authority | <b>Public</b>       |                 |
| <b>Report of:</b><br>Interim Director of Consumer Protection & Market Operations  | <b>For Decision</b> |                 |
| <b>Authors:</b><br>Tony Macklin, Assistant Director (Public Protection)<br>Gavin Stedman, Assistant Director (Port Health)    |                     |                 |

### Summary

This report seeks your Committee's approval for two Food Service Enforcement Plans; one for the City of London and one for the London Port Health Authority.

The Food Standards Agency (FSA) is the central competent authority for the administration of Regulation EC 882/2004 on official food and feed control in the UK and they have powers in the Food Standards Act 1999 to set standards of performance and audit and monitor local authorities. The FSA have set up a Framework Agreement with local authorities in England which we are obliged to follow when developing our food and feed services and planning our enforcement activity.

Under this agreement, the FSA also requires each local food authority to publish an annual Food Service Enforcement Plan for their food safety work and due to the City Corporation being the competent authority for both the City and the London Port Health Authority, we are required to produce such a plan for each service.

### **Recommendations**

We recommend that your Committee approves:

- a) The specific food safety activities set out in Appendix 1 (City Food Safety Enforcement Plan 2019-2020) of the Commercial Environmental Health Team Plan 2019-20, as well as the associated, more cross-cutting activities such as Primary Authority that are that are also contained therein; and
- b) The London Port Health Authority Food Service Enforcement Plan 2019-2020 both of which have been previously circulated electronically and are available in the Members' Reading Room.

## Main Report

### Background

1. Notwithstanding the UK's impending EU exit, currently set for 31<sup>st</sup> October 2019, the approach to Official Food and Feed Controls currently remains set from Europe with EC Regulation 882/2004 providing the principal framework.
2. The Food Standards Agency (FSA), as the UK central competent authority, has also embarked on a review program, **Regulating Our Future**, with a new operational model scheduled for 2020. As this change program develops and with it the overall regulatory landscape, local authorities have pledged to continue to support the current regulatory delivery model in the interim to ensure that a clear focus on risk-based priorities remains in place.
3. The City Corporation must ensure that the services we provide to support and achieve business compliance with food safety law address the 'whole package' set out by the FSA and that we deliver this in line with the Government's better regulation agenda.
4. The City Corporation publishes its Food Service Enforcement Plans as the FSA expects as an expression of its commitment to the development of food safety in the Port and City of London and it is our intention to continue to make these plans available to our stakeholders including publishing them on the City of London website.

### Current Position

5. This year's plans consider the best ways to use legislative and non-legislative tools most effectively with more being explored so as to keep consumer interests at the heart of what we do and where it is required, influencing business behaviour in the interests of those consumers.
6. We must also however, continue to meet the local needs of City businesses, residents, workers and visitors as set out in the Outcomes of the City of London Corporate Plan 2018-2023; specifically

***Outcome 1: People are safe and feel safe***

***Outcome 2: People enjoy good health and wellbeing; and***

***Outcome 5: Businesses are trusted and socially and environmentally responsible.***

***Outcome 6: We have the world's best regulatory framework and access to global markets.***

7. Both plans set out the direction of future enforcement work in support of these Outcomes and we aim to:-
  - target poor performing food businesses appropriately to secure improvements; and

- work with better performing businesses to ensure they maintain full compliance.

but there are continuing challenges which we face, and these are set out below.

### ***The national Food Hygiene Rating Scheme, FHRs***

8. We remain an advocate of FHRs ensuring that we promote display of rating stickers in premises as well as publishing all ratings on the national [website](#) so that the public can make informed choices on where to eat or purchase food. We believe this helps to push overall food hygiene standards towards improvement and we support mandatory display of rating information in England.<sup>1</sup>

### ***Compliance and dealing with poor performing food businesses***

9. There has been an upward trend in the total number of food businesses trading in our area year on year and hidden behind that there is also the 'churn' of premises of 10-15% but this appears to have now plateaued. The vast majority of our businesses are broadly compliant gradually improving from a baseline figure on 31st March 2013 of 88% to 93% in 2017-18 and at the end of 2018-2019, it was 95.7%, with 71% currently achieving the highest 5 rating.
10. Unfortunately, 76 premises<sup>2</sup> of our current businesses are rated as a zero, 1 or 2 and whilst this is an improvement on previous years, we will continue to concentrate time and resources on these particular businesses to improve their levels of food hygiene compliance and our Key Performance Indicator remains:-

***“To continue to secure a positive improvement in the overall Food Hygiene Rating Scheme profile for City of London food establishments from a baseline profile as at 31<sup>st</sup> March 2013”***

### ***The inspection programmes***

11. The City now has circa 1829 food premises and the total number of inspections due each year has hovered around the 1,000 mark since 2012-2013 and as the FSA previously commented on us in 2015<sup>3</sup>:-

***“The (City Corporation) demonstrated consistent high performance with regard to meeting planned inspection targets of food businesses due an intervention”.***

and this coming year, 979 food hygiene inspections are due. New premises should be inspected within 28 days of opening and if the nature of business alters sufficiently, it too should be inspected.

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1 In October 2016 Northern Ireland joined Wales in making the display of a business' green FHRs score sticker compulsory.

2 As at 25th April 2019

3 [Report on the Audit of Food Law Service Delivery and Food Business Compliance on the City of London](#)

12. The Commercial Environmental Health Team continues to work closely the FSA and other London local authorities on Less Than Thoroughly Cooked (LTTC) foods or “rare burgers” which have become extremely fashionable and popular but which if not prepared correctly according to [the FSA's advice and guidance](#), can be the source of food poisoning and we continue to ensure that those who wish to market, produce and serve such food to the public do it safely and with minimal risks.
13. Finally, we will continue to develop our regulatory influence through our Primary Authority Partnerships with **Virgin Active, Harbour & Jones, Wasabi, Churchill Services Group** and **Shepherd Neame**, providing advice on food safety management systems whilst generating income.

### **Port Health Service**

14. In its capacity as the London Port Health Authority (LPHA), the City of London is responsible for a district extending for 94 miles along the River Thames from Teddington to the outer Estuary. The area includes the London Gateway port together with the ports of Tilbury, Purfleet, Thamesport and Sheerness. The area also includes London City Airport as well as the various docks and dockland areas which have now been redeveloped.
15. In 2018, 241,149 consignments of food arrived at the ports of London Gateway and Tilbury. 231,437 of these were Products Not of Animal Origin (NAO) with the remaining 9,712 being Products of Animal Origin (POAO). The overall numbers of imported food consignments compared to the previous year have increased by over 30% due to the growth in trade at London Gateway. Despite this significant increase in trade, the Port Health Service has marginally improved its turnaround times (the time from arrival of a consignment in the port until cleared by Port Health) from 3.52days in 2017 to 3.33days in 2018.
16. The trade through the ports fluctuates throughout the year depending on the season, weather and demand. However, it is important to note that for NAO products the throughput plateaued in the second half of 2018; but remains over 30% greater than 2017. This is indicative of the ports (mainly London Gateway) attracting new trade in early 2018 and it stabilising as the trade becomes regularised. Trade in the first part of 2019 remains strong, showing an increase of 15% when compared to the same period in 2018.
17. POAO had a significant increase in throughput at the beginning of 2018 and a similar fall in throughput at the end of the year. Although this results in a stable year overall, the last six months are below the levels experienced in 2017. This fluctuation is mainly due to increased vessel divers from Felixstowe in early 2018, which were the result of bad weather and IT system issues. Uncertainty around Brexit may have also encouraged trade to stockpile and/or import directly into the EU. Current trade still remains below that of 2017 when considered over the same period (January to March), with the trade appearing to stabilise to these levels. This will be monitored closely by Port Health.

18. The Port Health service is in discussions with the Food Standards Agency to secure funding for its Brexit preparations; the funding will be used to increase staff resource to meet future demands. The service has been awarded up to £281k for 2018/19 and is in negotiations for 2019/20. As the service operates on a cost recovery basis, it is important that it secures appropriate funding for 2019/20 to ensure that it does not pick up the staffing legacy costs, as it is uncertain whether trade will be displaced to the LPHA.

### **Corporate and Strategic Implications**

19. The two plans reflect the detailed operational work undertaken by our regulatory enforcement teams in support of the strategic aims of the City and through:-
  - ensuring by advice and enforcement that the City's business community is legally compliant and that it continues to produce food hygienically and which is safe to eat; and
  - ensuring that food products entering the country through our ports meet the food safety requirements of the whole of the UK.
20. The plans are linked into our Departmental High Level Business Plan through setting out detailed activities which support our Key Performance Indicators.
21. Approval of these Plans will ensure that the City Corporation as a both a Food Safety Authority and a Port Health authority meets its fundamental obligations under the requirements of the FSA's Official Controls Framework Agreement.
22. Finally, it is my intention to make these plans available to all stakeholder businesses including publication on the City of London's website. In accordance with the stated intentions of the FSA, this will make the City's intentions transparent and accountable to all relevant parties and also enables any comments received on the documents to be taken into account at the next revision for 2020-2021.

### **Other Implications**

23. There are no other implications that would result from approval of this report.

### **Proposals**

24. It is recommended that your Committee approves:
  - the specific food safety activities set out in Appendix 1 (City Food Safety Enforcement Plan 2019-2020) of the Commercial Environmental Health Team Plan 2019-20, as well as the associated, more cross-cutting activities such as Primary Authority that are that are also contained therein;

and

  - The London Port Health Authority Food Service Enforcement Plan 2019-2020

both of which have been previously circulated electronically and are available in the Members' Reading Room.

## **Conclusion**

25. The attached two service plans are linked to the overall Corporate Plan 2018-2023 and the Markets & Consumer Protection High Level Business Plan 2019-2020 and set a clear and transparent standard for our food safety regulatory work for the year, subject to your approval

## **Background Documents:**

The following documents have been made available in the Members' Reading Room and have also been sent electronically to all Members on this Committee:-

- The Commercial Environmental Health Team Plan 2019-2020
- The London Port Health Authority Food Service Enforcement Plan 2019-2020

## **Contacts:**

Tony Macklin, Assistant Director (Public Protection)  
020 7332 3377      [tony.macklin@cityoflondon.gov.uk](mailto:tony.macklin@cityoflondon.gov.uk)

Gavin Stedman, Assistant Director (Port Health)  
020 7332 3438      [gavin.stedman@cityoflondon.gov.uk](mailto:gavin.stedman@cityoflondon.gov.uk)