

<b>Committee(s):</b>	<b>Date(s):</b>
Markets Committee	4 March 2015
<b>Subject:</b> Enforcement Activity at Smithfield Market	<b>Public</b>
<b>Report of:</b> Director of Markets & Consumer Protection	<b>For Information</b>

### **Summary**

This report advises your Committee of Enforcement Activity carried out by the Smithfield Enforcement Team within my Department during the four month period 1 October 2014 to 31 January 2015.

It provides information on two successful funding bids to the Food Standards Agency (FSA) in respect of i) the FSA's National Co-ordinated Food Sampling Programme 2014/15 and ii) a food standards and traceability project.

An outline of the guidance and training developed for Smithfield traders to assist them in complying with their legal obligations in respect of the new Food Information Regulations 2014 has also been provided.

In respect of enforcement under the Health & Safety at Work etc Act 1974, it should be noted that there has been a reduction in the level of verbal advice given to traders, market customers and self-employed persons.

### **Recommendations**

I recommend that your Committee notes the content of this report.

## Main Report

### **Background**

1. This is the thirty fifth report submitted to your Committee detailing the activities of the Smithfield Enforcement team.
2. The table at Appendix 1 provides a breakdown of Health and Safety enforcement activity for the four month period 1<sup>st</sup> October 2014 to 31<sup>st</sup> January 2015. The names of tenants in respect of which warnings were issued have not been included. The table at Appendix 2 shows Health and Safety enforcement activity during the last sixteen months.

### **Current Position**

3. Members will be aware that following a successful bid, the FSA provided funding of £1,590 to the City of London Corporation for the purpose of food sampling at Smithfield Market as part of their 2014/15 National Co-ordinated Sampling Programme. The funding was provided to cover officer costs in obtaining samples. A total of 53 samples were submitted for analysis during the period August 2014 to December 2014 comprising minced meat (37 samples) and uncooked chicken (16 samples). Public analyst costs were funded directly by the FSA.
4. Minced meat samples were taken to determine whether the product had been correctly labelled in terms of its species (12 samples), fat content, connective tissue and collagen/meat protein ratio, descriptions and/or claims (25 samples).
5. In respect of uncooked chicken, the labelling declarations in terms of meat content, added water and hydrolysed proteins were checked.
6. Results have been provided to date by the Public Analyst in respect of 40 samples (27 minced meat and 13 uncooked chicken).
7. One minced meat sample was unsatisfactory in respect of species description. The product had been described as lamb mince which on analysis was found to contain traces of pork. This was thought to be a consequence of cross contamination during the mincing process. Ten further minced meat samples were found to be unsatisfactory due to labelling deficiencies in respect of the percentage values of fat and collagen content not being present on the label contrary to the requirements of The Food Information Regulations 2014.
8. Four chicken samples were unsatisfactory. One due to the price per unit weight not being present on the label contrary to the requirements of The Poultry Meat (England) Regulations 2011 and two because the font size on the label was too small (less than 6mm high) contrary to the requirements of The Weights and

Measures (Packed Goods) Regulations 2006. A further sample was found to be unsatisfactory because the label did not contain the statement 'packed in a protective atmosphere' contrary to the requirements of The Food Additives, Flavourings, Enzymes and Extraction Solvents (England) Regulations 2013.

9. The manufacturers of the unsatisfactory products, the Home Authorities i.e the local authorities that have enforcement responsibility for the producers, and the food business operators on Smithfield market have been advised of the unsatisfactory results.
10. Members should note that the results of all food samples taken by my officers at Smithfield are entered onto the Food Standards Agency's United Kingdom Food Surveillance System (UKFSS) National Food Sampling database.
11. Further results in respect of thirteen samples are awaited. A further update will be provided in the next report to Committee.
12. Members will recall that a further successful bid for funding was made to the FSA in August 2014 for £ 26,000. This was to undertake a 3 month project (October 2014 – January 2015) focusing on food standards and traceability at Smithfield market, and the development of guidance and training on new EU labelling rules to enable Smithfield traders to meet their legal obligations in respect of The Food Information Regulations 2014. Work on any other areas of specific concern to the City of London was also agreed, including continuation of the joint initiative assessing compliance by food delivery vehicles, food labelling compliance and animal by-product controls.
13. During the period October 2014 to January 2015, 43 establishments on Smithfield market were visited to inform the FSA funded project. Food Standards Agency officials accompanied City of London Corporation officers on visits to 10 of the establishments. The findings can be summarised as follows:-
  - Three establishments were found to be non-compliant in respect of Animal by- Product controls. At two of these, 1559 kilos and 1417 kilos respectively of product either unfit for human consumption or past its use-by date were found which had not been identified as Animal by-Product. At another establishment unfit product (5kg) was found in a display cabinet. All of this product was surrendered for disposal.
  - Food labelling contraventions were identified at thirty three establishments. The non-compliances had occurred as a consequence of i) traders splitting large boxes of product where boxes had been labelled but inner packs had not been, ii) the date of first freezing of the product not being applied, iii) product information in a foreign language and iv) product offered for sale beyond its indicated durability date.

- Traceability exercises were carried out at all 43 establishments. Generally, good traceability systems were being maintained with minor improvements required to commercial documentation in some cases.
  - All sixty two food delivery vehicles checked during the period were found to comply with food hygiene legislation.
14. A report will be submitted to the FSA concerning the outcome of the project and will seek guidance on the next steps in obtaining compliance by the traders.
  15. Where non compliances were identified food business operators were informed in writing.
  16. All market traders were provided with detailed guidance produced in conjunction with a consultant from Campden BRI Group to assist them in complying with the new Food Information Regulations 2014. Training is currently being developed to further assist traders which it is anticipated will take place in April 2015.
  17. The Committee should note that in November 2014 the Food Standards Agency issued a consultation document proposing amendments to the Food Law Code of Practice. The proposed amendments will:
    - Revise and clarify arrangements for food establishment registration and inspections of mobile food establishments, ships and aircrafts to remove unnecessary regulatory activity.
    - Revise competency and qualification requirements for local authority officers engaged in official controls and other regulatory activities to better target enforcement resources and ensure greater consistency.
  18. The impact of any amendments to the Code of Practice which are implemented will be reported to a future Committee as necessary.
  19. Members are advised that an Authorised Officer from the Smithfield Enforcement team retired in December 2014. A temporary officer has been employed on a six month fixed term contract pending the outcome of the final stages of the Service Based Review for Markets and Consumer Protection.
  20. Regular liaison meetings continue to take place between City of London Corporation officers and the FSA. Further, City of London Corporation officers and FSA officials meet with the Smithfield Market Traders Association on a regular basis.
  21. During the four month period from October 2014 to January 2015 advice has continued to be provided to traders, customers and self-employed persons under

the Health and Safety at Work etc. Act 1974 with verbal advice being provided on 180 occasions for contraventions such as not wearing personal protective equipment. This is an improvement on the previous reporting period when advice was provided on 243 occasions. It should be noted that of the 180 occasions this period, 10 involved traders, the remainder involved customers (167) and self-employed persons (3).

22. Health and safety enforcement is delivered having regard to the Compliance Code for Regulators and the Port Health and Public Protection Service Enforcement Policy.

### **Conclusion**

23. My officers in the Smithfield Enforcement team continue to work collaboratively with the FSA. FSA funded project work is on target and over the last three reporting periods there has been a reduction in the number of occasions that verbal advice has been provided in respect of health and safety representing improved compliance.

### **Background Papers:**

- Appendix 1: Table showing breakdown of health and safety enforcement activity during the four month period 1 October 2014 – 31 January 2015.
- Appendix 2: Comparison table showing health and safety enforcement activity summary for the period 1 October 2013 – 31 January 2015.

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