

Committee:	Date:	Item no.
Port Health & Environmental Services Committee	21 July 2020	
Subject: Approval of:- 1) The Commercial Environmental Health Team Service Plan 2020-2021 2) The London Port Health Authority Food Service Enforcement Plan 2020-2021	Public	
Report of: Director of Markets & Consumer Protection	For Decision	
Authors: Tony Macklin, Assistant Director (Public Protection) Gavin Stedman, Port Health & Public Protection Director		

Summary

This report sets out the key work that both the City's Commercial Environmental Health Team and the London Port Health Authority will be seeking to undertake in 2020-2021 in the wake of the COVID-19 pandemic.

For the both teams, it is not business as usual with many food businesses only recently re-opening after being shut down since mid-March and so their roles are now two-fold;

- a) to ensure businesses open safely and "COVID secure" through providing tailored advice and assistance; and
- b) commencing proactive inspections as soon as required by the Food Standards Agency and the Health & Safety Executive

and the plans reflect the stages they will be going through as we return to a new normal.

However for Port Health, parts of their plan are much more business as usual with the service continuing to sample imported food and feed, and shellfish harvested from the Thames, functions which have not been greatly affected by COVID-19.

Recommendations

It is recommended that your Committee approves:

- a) the specific food safety and health & safety activities set out in the Commercial Environmental Health Team Plan 2020-2021; and
- b) the London Port Health Authority Food Service Enforcement Plan 2020-2021

Main Report

Background

Commercial Environmental Health - Food Safety

1. Notwithstanding the UK's impending EU exit, the approach to Official Food and Feed Controls currently remains with the *status quo*; set from Europe with EC Regulation 882/2004 providing the principal framework.
2. The City Corporation publishes its Food Safety Enforcement Plans as the Food Standards Agency (FSA) expects, as an expression of its commitment to the development of food safety in the City of London.
3. The highlights of our City food safety work during the past year, 2019-2020, were that we:-
 - a) developed and launched an enhanced version of the London-wide Healthier Catering Commitments scheme, designed to help incentivise healthier and more sustainable food offerings in City food businesses;
 - b) maintained the level of compliant Food Hygiene Rating Scheme (FHRS) premises (rated 3-5) in the City which was at more than 95% and again with an increased number of 5 rated premises; and
 - c) enabled the FSA's new electronic food business register; a system making it easier for new businesses to register.

Commercial Environmental Health - Health & Safety

4. In order to be transparent and accountable, the Health & Safety Executive (HSE) requires local authorities to publish plans setting out their Health & Safety enforcement work.
5. The highlights of our health & safety intervention work during the past year, 2019-2020, were that we:-
 - a) hosted the 4th London Work at Height Seminar, presenting on risk assessment and launching the 'Reaching New Heights' forum, a cross-sector stakeholder group formed and led by the City Corporation;
 - b) continued as lead for the London Commercial Estates Project, providing training to other London Boroughs.
 - c) ran training exercises on a 'legionella incident' which were co-ordinated and delivered with Public Health England (PHE) following the development of the London Boroughs' Legionellosis Incident Protocol; and
 - d) delivered two Cooling Tower Inspection courses for colleagues in London Boroughs;
6. Finally, we continued to develop our regulatory influence through our Primary Authority Partnerships with ***CBRE, Virgin Active, Churchill Services Group, Shepherd Neame, Pure Gym, BNP Paribas Real Estate, Accenture*** and a

Co-ordinated Partnership¹ with **Assurity Consulting**, providing advice, training and also generating income.

London Port Health Authority

7. The City Corporation is the London Port Health Authority (LPHA) for a district that extends for 94 miles along the tidal Thames from Teddington Lock to the outer Estuary. The district includes the seaports of London Gateway, Tilbury, Tilbury 2, Purfleet, Thamesport and Sheerness, as well as London City Airport.
8. The LPHA is responsible for food safety and hygiene within both the seaports and airports. As with Commercial Environmental Health, the Food Service Enforcement Plan is required by the FSA and its content provides the basis upon which the LPHA will be monitored and audited by the FSA.
9. Highlights from 2019-2020 include:
 - a) an 8.5% increase in the number of imported food and feed consignments compared to the previous year;
 - b) 50 Food Hygiene/Food Standards inspections were undertaken; and
 - c) the use of an alternative enforcement strategy (AES) for very low risk premises; premises and vessels under the strategy receive a specific questionnaire which is assessed by a competent officer with follow-up contacts and/or visits being undertaken as required.

Current Position

10. This year's plans are very different from previous years, being forged out of the COVID-19 pandemic and until very recently, restrictions on business opening and officers being able to physically attend site. This year's plans are set out in stages and reflect the need to support businesses as they start to operate post-COVID, which may include changes to their operating models
11. We must also however, continue to meet the local needs of 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.

¹ [Co-ordinated Partnerships](#) are where a franchisor and its franchisees, a sectoral trade association and its members or a single company and other companies that are in the same company group, receive assured advice from a partner local authority regulator.

12. Both plans set out the direction of future enforcement work in support of these outcomes and the overall aim is to:-
- a) target high risk / poor performing businesses appropriately to secure improvements; and
 - b) work with better performing businesses to ensure they maintain full compliance.

Commercial Environmental Health Service Plan - Food Safety

13. The City now has circa 1,822 food premises with the total number of inspections due each year hovering around the 1,000 mark since 2012-2013; this coming year, 955 food hygiene inspections are due.
14. However, due to the COVID-19 pandemic and until very recently, the closure of the vast majority of food premises in the City and the increased risk to officers undertaking public-facing activities, the FSA restricted local authorities' activities to remote surveillance only of:
- Food businesses undertaking new practices in high risk establishments (Category A or B and/or FHRS 0-2) where an inspection is due;
 - food establishments still trading where enforcement revisits are due;
 - new food businesses where registration information provided raises concerns about a potential public health risk; and
 - food businesses notifying us of a change in activities

with site visits being made only when there appears to be an imminent risk to food safety and public health.

15. The City Corporation remains a staunch advocate of the FHRS, promoting the display of rating stickers in premises so that the public can make informed choices about where they eat. Unfortunately, 81² of our current businesses are "non-compliant", being rated as a zero, 1 or 2, so we will continue to concentrate time and resources on these particular businesses to improve their levels of food hygiene compliance and so 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 31st March 2013"

Commercial Environmental Health Service Plan - Health & Safety

16. Local authorities in their role as Health & Safety Enforcing Authorities (HSEAs), are required by the HSE to make adequate arrangements for the enforcement of health & safety including producing a plan of risk-based interventions, agreed

by Members, to ensure accountability and transparent commitment to improving health & safety.

17. Inspections should only be carried out for the highest risk premises and activities – e.g. cooling towers in the City – with other types of interventions including working with networks, industry working groups and intermediaries, raising awareness and education, and working with businesses to provide assured advice through the Primary Authority Partnership scheme.
18. All interventions should all be targeted at:-
 - the most serious health & safety risks and/or least well-controlled hazards;
 - those businesses that seek economic advantage from non-compliance;
 - securing action by the dutyholders to reduce health & safety risks; and
 - improving health & safety outcomes for employees
19. As well as the City Corporation's Corporate Plan 2018-2023, the health & safety work is also based upon both locally identified risks, as well as regional and national initiatives and we will continue with our proactive and reactive intervention work on:-
 - a) Legionella risks associated with cooling towers and other water systems;
 - b) Primary Authority Partnerships;
 - c) the London Commercial Estates project; and
 - d) investigating accidents and health & safety complaints,
20. Finally we will also be continuing to promote the "London Healthy Workplace Award" with colleagues in Public Health, giving City businesses the opportunity to demonstrate their commitment to the health and well-being of their workforce, in alignment with the City's Health & Well-being Board's strategy.

London Port Health Authority Food Safety Enforcement Plan

21. There are 54 food safety and hygiene inspections due in 2020-21.
22. The LPHA will carry on assisting businesses to continue or to restart as a result of COVID-19. This assistance may be in relation to re-opening and what action will need to be taken prior to this, advice on new processes, waste disposal, sanitisation, pest control, legionella controls, training for staff, etc.
23. The LPHA will continue to sample imported food and feed, and shellfish harvested from the Thames. These functions have not been greatly affected by COVID-19.

Corporate and Strategic Implications

24. The plans reflect the detailed operational work undertaken by our regulatory enforcement teams in support of the strategic aims of the City and through:-

- a) ensuring by advice and enforcement that the City's business community is legally compliant; and
 - b) ensuring that food products entering the country through our ports meet the food safety requirements of the whole of the UK.
25. The plans are linked into our Departmental High Level Business Plan through setting out detailed activities which support our Key Performance Indicators.
26. Approval of these Plans will ensure that the City Corporation as both a Food Safety Authority, Health & Safety Enforcing Authority and a Port Health Authority meets its fundamental legal obligations.

Other Implications

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

Proposals

28. It is recommended that your Committee approves:
- a) the Commercial Environmental Health Team Plan 2020-2021; and
 - b) the London Port Health Authority Food Service Enforcement Plan 2020-2021

Conclusion

29. The attached two service plans are linked to the overall Corporate Plan 2018-2023 and the Markets & Consumer Protection High Level Business Plan 2020-2021 and set a clear and transparent standard for our food safety and health & safety regulatory work for the year, subject to your approval

Appendices:

Appendix 1 - The Commercial Environmental Health Team Plan 2020-2021
Appendix 2 - The London Port Health Authority Food Service Enforcement Plan 2020-2021

Contacts:

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

Gavin Stedman, Port Health & Public Protection Director
020 7332 3438 gavin.stedman@cityoflondon.gov.uk