

<b>Committee(s):</b>	<b>Date(s):</b>	<b>Item no.</b>
Markets Committee	20 November 2012	
<b>Subject:</b> Enforcement Activity at Smithfield Market		<b>Public</b>
<b>Report of:</b> Director of Markets & Consumer Protection		<b>For Information</b>
<p style="text-align: center;"><b><u>Summary</u></b></p> <p>This report advises your Committee of Enforcement Activity carried out by the Enforcement Team within my Department and the Food Standards Agency at Smithfield Market during the four month period from 1<sup>st</sup> June 2012 to 30 September 2012.</p> <p>The Lead Veterinarian for the Food Standards Agency (FSA) has reported that there are currently no stalls on the FSA's Cause for Concern list. Nine companies on Smithfield Market required re-approval; currently six stalls have been granted full approval. Official Veterinarian attendance during the Olympic Games was increased and that resulted in a large number of "Detention of Food Notices" being served.</p> <p>In respect of enforcement under the Health &amp; Safety at Work etc Act 1974, standards have remained acceptable. It should be noted that there has been a slight improvement in compliance with fewer infringements being observed, particularly in respect of the wearing of personal protective equipment by Market traders' personnel.</p> <p>It should be further noted that, as a consequence of recent guidance published by the Health &amp; Safety Executive to Local Authorities, the level of interventions by my officers will be reduced and reflected in future reports to this Committee.</p> <p><b>Recommendations</b></p> <p>I recommend that your Committee notes the content of this report.</p>		

## Main Report

### **Background**

1. This is the twenty seventh such report submitted to your Committee. The attached table (Appendix 1) gives a more detailed breakdown of enforcement activity for the four month period, but without releasing the names of tenants to whom warnings were issued. The table (Appendix 2) shows the enforcement activity over a twelve month period.

### **Current Position**

2. As a result of FSA enforcement (Appendix 3), the FSA's Lead Veterinarian has reported the following:
  - Currently there are no stalls on the Cause for Concern list. Previously it was reported that there were four but following audits one was removed in June and the other three in August.
  - The re-approval process started in May 2012 for nine stalls. During the second visit at the end of September, six were granted full approval.
3. The FSA took a trader to court in respect of obstruction of a City Corporation Official Veterinarian acting on behalf of the FSA. On 30 October and 2 November 2011, a Director and a senior manager of Reeve & Co, a trader at Smithfield Market, abused one of the City's Official Veterinarians who was attempting to undertake a planned audit of their business on behalf of the Food Standards Agency.
4. After an investigation by the Food Standards Agency (FSA), three charges were laid by the FSA against the Company, the Director, and the senior manager relating to the obstruction of an official veterinarian as he sought to undertake an audit, and their failure to provide the assistance and information the vet needed to undertake an audit.
5. The case was heard at Westminster Magistrates Court on 16/17 October 2012 with sworn evidence being given by four City of London staff. After the two-day trial, the District Judge found all the charges were proven, and fines and costs were imposed:

- Keith Graves, the Director of the company, was fined £700 and ordered to pay prosecution costs of £3,250;
  - Michael Brown, an employee, was fined £350 and ordered to pay prosecution costs of £1,000;
  - Reeve and Company was fined £100 and ordered to pay prosecution costs of £3,250.
  - Each defendant was also ordered to pay £15 victim surcharges.
  - The total fines and costs of the case were £8,650.
6. It is understood that Reeves and Co Ltd are to appeal and a hearing at the High Court is likely to take place early next year. This is the first prosecution of its kind at Smithfield and, we believe, it may be the first in the UK.
7. Over the four month period from 1 June 2012 to 30 September 2012 enforcement has continued under the Health and Safety at Work etc Act 1974. Planned audits continued with particular emphasis on improving the wearing of personal protective equipment by Market personnel and Market users where necessary. This is detailed in paragraph 9.

### **Formal Action**

8. The Lead Veterinarian for the FSA has advised that the following actions have been taken against traders:
- Increased OV attendance during the Olympic Games resulted in a large number of “Detention of Food Notices” being served due mainly to over-temperature.
  - Common parts have been audited for the first time.
  - The use of hairnets/hats and coats is still an issue.
  - The FSA have concentrated on the temperature control of meat left in service corridors and on pavements.
  - During the past three months, in the main, verbal advice was given. However as the hierarchy of enforcement is required to be followed,

more written advice and formal notices are expected in the next 3 months.

- In the next reporting period, the FSA will concentrate on enforcing the control of unattended meat and the Official Veterinarians will start liaising with the Smithfield Enforcement Team to verify the amount of Animal by Product (ABP) being disposed of during the traders' audit period.

9. My officers in the Smithfield Enforcement Team have taken the following action against traders:

- Six companies received written advice in respect of failure to implement Health & Safety management systems.
- One company received written advice in respect of a late accident notification.
- Verbal advice was given on 61 occasions for Health & Safety infringements, e.g. not wearing personal protective equipment.

Overall the traders have maintained an acceptable standard demonstrating an improvement in the wearing of personal protective equipment, eg safety hats, shoes, chain mail gloves, etc.

10. Food Hygiene enforcement is governed by the FSA under the Compliance Code for Regulators. It will continue to be applied to Food Business Operators in the Market. This code is also applied when undertaking Health & Safety enforcement, along with the Public Protection Service Policy Statement on Enforcement, as this is a statutory duty of the City.

### **Future Position**

11. The Health and Safety Executive has recently published guidance to local authorities regarding the reform of health and safety enforcement in Britain. Under the reforms, protecting people in the workplace and society as a whole remains a key priority. However, the focus of the health and safety regime will move to a lighter touch approach, concentrating on higher risk industries and on tackling serious breaches of health and safety rules.

The Government's reforms require local authorities to reduce the number of inspections they carry out and to increase information provision to small businesses relevant to their needs. To reflect the requirements of the guidance, my officers will reduce the number of inspections carried out at Smithfield and increase the provision of information to businesses.

Officers will continue to investigate notifiable accidents and issues of concern and complaints that are raised. They will also respond to customer requests for information and advice and monitor health and safety awareness and best practice.

## **Conclusion**

12. There are no current trends that can be identified, but interventions will continue to ensure that Market traders meet statutory requirements.

## **Background Papers:**

**Please note:** The numbering system used for the stalls in Appendices 1 and 2 now differs from Appendix 3. The Food Standards Agency has now imposed its own autonomous numbering system (Appendix 3) which is different from that used by the City's enforcement team for Health and Safety enforcement activity.

Appendix 1: Table showing breakdown of Health & Safety enforcement activity during the four month period of 1 June 2012 to 30 September 2012 (inclusive).

Appendix 2: Comparison table showing Health & Safety enforcement activity summary for the period 1 October 2011 to 30 September 2012. Please note that the comparison table includes Food Hygiene data from 1 October 2011 to 31 March 2012. The period from 1 April 2012 to 30 September 2012 is Health & Safety data only.

Appendix 3: Table showing breakdown of Food Hygiene enforcement activity during the period 1 June 2012 to 30 September 2012 (inclusive).

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