

Committee(s): Markets Committee – For Information	Dated: 19 January 2022
Subject: Wholesale Markets Food Hygiene Risk	Public
Which outcomes in the City Corporation’s Corporate Plan does this proposal aim to impact directly?	1.People are safe and feel safe. 2.People enjoy good health and wellbeing
Does this proposal require extra revenue and/or capital spending?	N
If so, how much?	N/A
What is the source of Funding?	
Has this Funding Source been agreed with the Chamberlain’s Department?	N/A
Report of: Markets Director	For Information
Report author: Don Perry – Markets Department	

Summary

This report seeks to provide reassurance to Members about the food hygiene conditions at the City’s Wholesale Food Markets, in the common parts of the Markets for which the City is responsible, by providing an overview of the systems in place to ensure that food hygiene is maintained.

The report concludes that food hygiene conditions are being maintained to a satisfactory standard at each of the Market sites, but that there are improvements that could be made either through the upgrading of facilities on the existing sites or by a move to a purpose-built new facility. A risk on food hygiene has been added to the Departmental Risk Register. This is reproduced in Appendix 1 to this report.

Recommendation(s)

Members are asked to:

- Note the report.

Main Report

Background

1. The City of London Corporation owns and operates the three wholesale food markets Smithfield (meat), Billingsgate (fish), New Spitalfields (fruit, vegetables and flowers). Under its responsibilities as Market Authority and landlord, The City is responsible for providing cleaning, waste, and maintenance services to the common parts of the three markets. Tenants are responsible for the cleanliness and hygiene of their own demised areas within the markets. There is a risk to the City should conditions in the common parts fail to be kept to a satisfactory standard of hygiene.
2. At the September 2021 Markets Committee, Members asked for a report to be prepared on the food hygiene risk for the markets.

Current Position

Smithfield

3. Principle legislation is the Food Safety & Hygiene (England) Regulations 2013, EU Regulations EC178/2002, EC852/2004, EC853/2004, and EC854/2004.
4. The Corporation is licensed by the Food Standards Agency (FSA) as a Food Business Operator under Licence Number 5102. Each trader holds their own Licence and are regularly audited by the FSA. As Landlord and site operator the City of London is responsible for the common parts of the market only and manages food safety systems in these areas. The City also has a duty of care to ensure tenants are compliant and adhering to the food safety regulations in the common parts and adhere to the Market Working Manual and their lease conditions which detail these requirements.
5. The City of London is also responsible for the Market Animal Bi-Product (ABP) facility which disposes of Category 2 meat that is unfit for human consumption, which is stained and sent for incineration. This is typically date expired product. The trader holds the responsibility to surrender Cat 2 to the ABP and the FSA audit this facility regularly as part of planned and unannounced inspections under the conditions set by the FSA Licence. Category 1 (high risk spinal) bi-product is removed during the slaughter process and does not arrive at the Market. Should a trader receive Cat 1 product, (one instance in 5 years) they inform the FSA and it is removed to the ABP and held by the FSA for investigation, audit and potential prosecution of supplier/abattoir.
6. Category 3 meat is classed as low risk and is used in a variety of follow-on products e.g., pet food and gelatine and other FSA approved routes. Cat 3 is

typically off-cuts and shavings used in the butchery process and is collected daily from each trader under FSA controls and audit.

7. The FSA are based on site and conduct nightly inspections of trader premises and the common parts. The FSA are the principal food safety and enforcement authority in tandem with the City's own environmental health meat inspector who is also on site every night.
8. The City is regularly audited by the FSA with many unannounced audits (typically four a year) and is formally audited every two years. The most recent two-year audit was in June 2021 and the Market received an audit outcome of good which is the highest outcome achievable.
9. The City is responsible in the common parts for the following Critical Control Points (CCPs)
 - delivery and transfer areas to the shop,
 - cleaning,
 - pest control
 - staff training,
 - water testing
 - temperature controlled corridors for the passage of meat.
10. The CCPs are regularly audited by the FSA as part of a Food Safety Management System (FSMS) based on HACCP principles (Hazard Analysis Critical Control Points). Contaminated waste (bloodied cardboard) and other general waste materials are collected daily and sent for incineration. Jet washing takes place daily by tenants within their premises, by the City for relevant CCPs, and by the City cleansing team for all pavements surrounding the Market footprint.

Billingsgate

11. Principle legislation is the Food Safety & Hygiene (England) Regulations 2013, EU Regulations EC178/2002, EC852/2004, EC853/2004, and EC854/2004. The Corporation holds an approval number granted by London Borough of Tower Hamlets (LBTH) TH017. Each trader is also approved as a sub-approval of the City's approval. All approved areas are inspected by the London Borough of Tower Hamlets as part of their official controls.
12. As landlord and market authority, the City of London Corporation is responsible for the common parts of the market only. Tenants are responsible for their own premises. The City has a duty of care to ensure tenants are compliant and adhering to the food safety regulations. To that end, over many years, the Worshipful Company of Fishmongers has supported the market by providing a Fish Inspector to ensure that the quality of fish on sale is acceptable. In more recent times, to improve resilience, the market function has been supported directly by City of London Environmental Health.

13. The City provides a service to dispose of Category 3 fish waste. Tenants surrender to either the Fish Inspector or our in-house cleaning team, product no longer fit for sale. Tenants are then recharged based on the weight of the product surrendered.

Common areas

- Refuse disposal – Outsourced waste contract,
- Administration fees for fly-tipping and dumping of waste in the common parts by way of CCTV evidence,
- Pest Control – outsourced contract for regular maintenance and ad hoc items.
- Cleanliness and housekeeping – in house team.
- Inspections by local team, staff responsible for reporting housekeeping issues around the site,
- Risk Assessments – Covid 19, contingency plans.
- Ad hoc inspections by the enforcement authority who are LBTH – will report issue of concerns/hazard spots on the common areas when inspecting tenant premises

Tenant areas

- Refuse disposal – Outsourced waste contract, that is met by the Service Charge. Owing to the constraints of the market, a polluter pays system is not an option.
- Cleanliness and housekeeping of stand – tenants responsibility formalised in Code of Practice and monitored by in house cleaning team.
- Pest Control – requested by tenants for their demise,
- Ad hoc inspections by the enforcement authority who are LBTH.

New Spitalfields

14. Principle legislation is the Food Safety & Hygiene (England) Regulations 2013, EU Regulations EC178/2002, EC852/2004. The City of London's business as Landlord and site operator at New Spitalfields Market is not classified as a food business operator.
15. The City of London is responsible for the common parts of the market and manages food safety systems in these areas. The City has a duty of care to ensure tenants are compliant and adhering to food safety legislation, and all other relevant legislation under their lease.

Common areas

- Refuse disposal – Outsourced waste contract,
- Administration fees for fly-tipping and dumping of waste in the common parts-use of CCTV evidence,
- Pest Control – direct employee responsible for pest control,
- Cleanliness and housekeeping – outsourced contract for cleaning internal areas,

- Inspections by local team, staff responsible for reporting housekeeping issues around the site,
- Risk Assessments – Covid 19
- Two yearly programmed inspections by London Borough Waltham Forest who are the Enforcement Authority – will report issue of concerns/hazard spots on the common areas when inspecting tenant premises.
- Contamination of goods in by stowaways in vehicles– City staff report it to the police and Enforcement Authority.

Tenant areas

- Refuse disposal – the City introduced a polluter pay schemes, managed by outsourced waste contractor,
- Cleanliness and housekeeping of stand - Premises compliance rules, – managed by City staff,
- Pest Control – requested by tenants for their demise,
- Animal and Plant Health Agency (APHA)/DEFRA– monitors class ratings of produce against import documents – some tenants import direct, others use brokers. Also checks and advises on Import Authorised Procedures, especially around new import procedures for Brexit.
- London Borough Waltham Forest – Enforcement Agency. Two yearly programmed inspections of tenant’s premises. Check risk assessments, hygiene and facility management and food hygiene.

Corporate & Strategic Implications

Strategic implications – None

Financial implications – None

Resource implications – None

Legal implications – None

Risk implications – None

Equalities implications – None

Climate implications – None

Security implications – None

Conclusion

16. Each of the individual market sites has a robust internal regime of maintenance, waste management and cleaning in place to ensure food hygiene in the common parts is maintained to a satisfactory standard.

There is also regular, independent third-party assessment of compliance with food safety regulations for each Market which has found the operations to be compliant.

We are currently compliant with the relevant food hygiene legislation, but there are improvements that could be made through the upgrading of facilities on the existing sites or by a move to a purpose-built new facility.

It is concluded that the arrangements currently in place ensure that the food hygiene risk to the City and the Markets is adequately managed and controlled.

Appendices

- Appendix 1 – Food Hygiene Risk – from Markets Detailed Risk Register

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