

Committee(s):	Date(s):	
Markets Committee	28 February 2013	
Subject: Enforcement Activity at Smithfield Market	Public	
Report of: Director of Markets & Consumer Protection	For Information	
<u>Summary</u>		
<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 1st October 2012 to 31 January 2013.</p> <p>It also provides information on the Food Standard Agency's review of the delivery of official controls; a consultation being carried out by the Health & Safety Executive and the Department for Environment, Food and Rural Affairs and the current horsemeat in beef situation.</p> <p>The Food Standards Agency's (FSA) Lead Veterinarian has reported that there is currently one stall on the FSA's Cause for Concern list.</p> <p>In respect of enforcement under the Health & Safety at Work etc Act 1974, it should be noted that there has been a decrease in the level of compliance, particularly in respect of the wearing of personal protective equipment by Market customers, which is considered to be a consequence of a busy Christmas period.</p>		
Recommendations		
I recommend that your Committee notes the content of this report.		

Main Report

Background

1. This is the twenty eighth such report submitted to your Committee. The attached table (Appendix 1) gives a more detailed breakdown of Health & Safety 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 Health & Safety 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 is one stall on the Cause for Concern list.

Cause for Concern establishments

Reeve & Co have appealed against the verdict of Westminster Crown Court which found them guilty of obstructing an official veterinarian from undertaking an audit. The appeal is due to be heard over at Southwark Crown Court on 27 February 2013.

3. The Food Standards Agency is currently reviewing how local authorities monitor and secure business compliance with food law. The review is evaluating the effectiveness of the current delivery model and considering the scope for making improvements.
4. The Food Standards Agency's research suggests that there may be inconsistencies over the way controls are being delivered. The review will look at all food safety and food standards controls undertaken by local authorities. This will include food hygiene and food safety issues for food composition and labelling, food traceability and imports, and the adequacy of laboratory and analytical support. It is anticipated that the review will be completed later this year. Consultation on the recommendations will take place from September 2013 to March 2014.
5. Members will be aware from the previous report that the delivery of Health & Safety enforcement by local authorities is being reviewed by the Government. In December 2012 the Health & Safety Executive (HSE)

published a consultation document setting out proposals for a national local authority enforcement code. The code has been developed in response to Professor Löfstedt's report "Reclaiming health and safety for all", an independent review of Health and Safety legislation commissioned by the Minister for Employment. The report recommended that the Health & Safety Executive is given a stronger role in directing local authority health and safety enforcement activity. Should the proposals in the consultation document be implemented, local authorities will be directed to targeting interventions on those activities that give rise to the most serious risks, or where hazards are least well controlled, reserving unannounced pro-active inspections only for the activities and sectors published by the Health & Safety Executive, or where intelligence suggests risks are not being effectively managed.

6. The Health & Safety Executive has published in its consultation a list of activities/sectors for pro-active inspections by local authorities and advised that only these activities falling within the published list should be subject to pro-active inspection. The list indicates wholesale premises where high risk activities, such as working at height, cutting machinery, lifting equipment and workplace transportation take place. Following the consultation it is likely that the code will be published in its current form. My officers at Smithfield Market will target health and safety interventions in a manner which will enable the City of London to demonstrate compliance with the code.
7. In November 2012 the Department for Environment, Food and Rural Affairs launched a consultation document regarding forthcoming changes to food labelling legislation. The consultation seeks views on the Government's plans to make impending domestic legislation to enact the Food Information to Consumers (FIC) Regulations, (EU) Number 1169/2011. The aim of the Regulations is to improve the information provided to consumers so that they are able to make more informed choices about the food they buy, and to update legislation to reflect current industry practice and consumer changing information needs. It is proposed that the new food labelling legislation will be phased in from January 2014 and my officers at Smithfield will work with Smithfield Market traders to ensure they are aware of their duties to achieve compliance.
8. Members will be aware of the on-going situation regarding the identification of horsemeat and equine (horse) DNA in beef products being offered for sale in the United Kingdom, together with porcine (pig) DNA being found in halal products. To provide reassurance, investigations by the Smithfield Enforcement Team have taken place and it has been

established that no businesses on Smithfield Market are being supplied by the named companies in the Republic of Ireland. Additional investigations will continue, supported by a species authenticity sampling programme, the findings of which will be reported back to Members in the next report.

9. During the period officers at Smithfield met with the Food Standards Agency's head of local authority enforcement division to discuss/identify areas for collaborative joint work at Smithfield Market. It was agreed that the first phase of collaborative work would focus on meat delivery vehicles, picking up and transporting product from Smithfield Market. The aim being to increase awareness of food safety requirements amongst delivery vehicle operators. A leaflet has been developed jointly between the City of London and the Food Standards Agency, and was distributed by my officers at Smithfield during the first week of February 2013. Follow up work to verify compliance will take place later this year and the outcome of the initiative will be reported to your Committee.
10. Over the four month period from 1 October 2012 to 31 January 2013 enforcement has continued under the Health and Safety at Work etc Act 1974. This is detailed in paragraph 10 (Formal Action).

Formal Action

11. The FSA's Lead Veterinarian has advised that the following actions have been taken against traders:

352 enforcement actions taken:

- 311 verbal advice- including 4 ABP related: 2 for disposing ABP with general waste and 2 for dispatch documentation missing
- 39 written advice
- 1 Hygiene Improvement Notice (HACCP records)
- 1 " Agreement to Destroy Food Notice" due to over temperature

Other relevant action during this period:

- An improvement in the use of hats/hairnets has been noticed although compliance is still not satisfactory.
- Only a few issues regarding meat temperatures were recorded, as expected during this time of the year.
- Regular meetings have been set up between the City of London Corporation and FSA.

- FSA team is waiting for advice from their legal team regarding the enforcement of unattended meat in the common parts of the market.
12. My officers in the Smithfield Enforcement Team have taken the following action against traders:
- Verbal advice was given on 97 occasions for Health & Safety infringements, e.g. not wearing personal protective equipment.

Overall, the traders have maintained an acceptable standard in the wearing of personal protective equipment, e.g. safety hats, shoes, chain mail gloves, etc, with Market customers accounting for the increase observed. However, it should be noted that there has been a decrease in the level of compliance, particularly in respect of the wearing of personal protective equipment by Market customers, which is considered to be a consequence of a busy Christmas period

13. 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.

Conclusion

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

Appendix 2: Please note that the comparison table includes Food Hygiene data from 1 February 2012 to 31 March 2012. The period from 1 April 2012 shows Health & Safety data only.

Appendix 1: Table showing breakdown of Health & Safety enforcement activity during the four month period of 1 October 2012 to 31 January 2013 (inclusive).

Appendix 2: Comparison table showing Health & Safety enforcement activity summary for the period 1 February 2012 to 31 January 2013.

Appendix 3: Table showing breakdown of Food Hygiene enforcement activity during the period 1 October 2012 to 31 January 2013 (inclusive).

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