Committee:	**Date:**
Markets	16 July 2014
Subject: Enforcement Activity at Smithfield Market	**Public**
Report of: Director of Markets & Consumer Protection	**For Information**

Summary

This report advises your Committee of Enforcement Activity carried out by Markets and Consumer Protection enforcement officers, and the Food Standards Agency, at Smithfield Market during the four month period from 1st February 2014 to 31 May 2014.

It provides information on the work carried out by officers in delivering the priorities set out in the Food Standards Agency's (FSA) National Co-ordinated Food Sampling Programme 2013-14 and an update on the on-going City of London Corporation/Food Standards Agency joint initiative regarding food delivery vehicles that visit Smithfield Market.

The report includes data provided by the Food Standards Agency's Lead Veterinarian on enforcement actions taken during the period in line with the hierarchy of enforcement which have increased/decreased.

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 oral advice given to traders; however oral advice given to market customers has increased.

Recommendations

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

Main Report

Background

1. This is the thirty third such report submitted to your Committee. The table at Appendix 1 provides a detailed breakdown of health and safety enforcement activity for the four month period February to May 2014. 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 over a sixteen month period. FSA enforcement action is shown at Appendix 3. As requested when your Committee considered the last enforcement report, this shows activity over a 16 months so that the comparisons can be made with the equivalent period last year.

Current Position

Sampling programme

2. Members will be aware that following a successful bid, the FSA provided funding of £28,370 to the City of London Corporation for the purpose of food sampling at Smithfield Market as part of their 2013/14 National Co-ordinated Sampling Programme.

3. Sampling and surveillance of food is essential in protecting public health. The 2013/14 sampling programme supported the outcomes in the FSA's Strategic Plan – that food produced and sold in the UK, and imported food is safe to eat. The sampling priorities for this programme were based on information and intelligence gathered by the FSA, including emerging risks and were decided in consultation with a wide range of organisations including the Department of Environment Food and Rural Affairs (DRFRA), the Department of Health (DOH), Public Health England and local authorities. The objectives for this programme were:-

- To improve overall enforcement authority sampling, surveillance and controls for food;

- To determine compliance around areas of concern within the UK food chain;

- To help increase controls in areas of higher risk;

- To enhance the understanding of the levels of chemicals present in food which will be used to develop policies, and to inform the UK negotiating position in Brussels.

4. Included in the FSA's published list of priorities for this programme were i) composition criteria and labelling requirements for minced meat and ii) meat speciation and DNA testing.

5. The rationale for sampling minced meat is that there are specific labelling requirements under European legislation which came into force from 1st January 2014. Transitional arrangements were in place until that time.

6. Meat speciation/DNA testing was identified as a priority to test for the presence of undeclared meat species in meat and meat products.

7. Samples were selected in accordance with the FSA sampling programme, targeting 'at risk' foods – comminuted meat products, which were selected on a random basis, although some labelling deficiencies could be detected when the sample was procured.

8. In the City of London Corporation this sampling programme ran from June 2013 to March 2014 with a total of 70 samples being taken.

9. Of the 70 samples taken, 16 were minced meat from three traders and 54 were meat products, 37 from the UK and 17 from outside the UK.

10. 14 of the 16 minced meat samples from three traders were found to be satisfactory while two were unsatisfactory. 26 of the 54 meat products samples were compliant whilst 28 were non-compliant (14 from the UK samples and 14 from products originating outside the UK).

11. The two minced meat failures were due to contamination with undeclared species. The contamination was at low levels - less than 1%, and was thought to be due to insufficient cleaning of equipment. Formal letters were sent to the producers giving advice on the importance of cleaning, and subsequent samples were satisfactory.

12. Of the 14 UK produced meat product samples that did not comply, four were due to the meat content being lower than declared, one was for containing excess fat and nine were due to other labelling contraventions e.g. sodium nitrate not included on ingredients list.

13. Of the 14 meat product samples which originated outside the UK that did not comply, three was due to the labels being in a foreign language, two contained undeclared meat species, and nine were due to other minor labelling contraventions.

14. The Home Authorities (the local authorities in whose area the manufacturer is located) and producers of failed UK samples were notified of the results so that they could consider further action. In respect of products originating from outside the UK, the FSA was informed of the results so that they could notify the competent authorities in the countries of origin.

Joint initiative concerning food delivery vehicles

15. The joint initiative between officers of the Smithfield Enforcement Team and the FSA in relation to food delivery vehicles that visit Smithfield Market has continued with officers assessing compliance with hygiene legislation in 25 vehicles on 25 March 2014. 80% of vehicle food business operators reported that they had not had sight of the hygiene leaflet that had been previously distributed in 2013. In respect of vehicle cleanliness, 48% were found to be clean compared with 64% in 2013. On a positive note, transport conditions were found to be acceptable (no extraneous goods) in 48% of cases compared with 46% in 2013, and more vehicles (52%) were found to be refrigerated compared to the proportion found to be refrigerated in 2013 (46%). The FSA is currently involved in obtaining vehicle ownership details from DVLA to enable follow up work.

Health and Safety

16. Over the four month period from 1 February -31 May 2014 formal and informal enforcement has continued under the Health and Safety at Work etc. Act 1974. Formal enforcement is detailed in paragraph 19 and informal action in paragraph 20.

Food Standards Agency Action

17. The FSA's Lead Veterinarian has advised that during the period 1 February 2014 and 31 May 2014, 442 enforcement actions have been taken against market traders by the FSA:

- On 428 occasions verbal advice was given to market traders, of which 23 related to animal by-product controls

- 12 written advices given to market traders.
- One formal notice was issued to a market trader.
- One detention of food notice was issued to a market trader.

18. Other relevant actions by the FSA during the same period included:-

- 3 non-compliances were raised in respect of 3 consignments arriving at Smithfield from different abattoirs in England.
- Liaison meetings between the City of London Corporation and the FSA continue to be held on a regular basis.
- Meetings between FSA and the Smithfield Market Traders Association take place quarterly.
- Improvements have been made on the traceability of products left in common areas due to action taken by the traders.

Formal Action

19. Between 1 February 2014 and 31 May 2014 my officers in the Smithfield Enforcement Team took formal action by way of providing written advice to three companies in respect of failing to implement a health and safety management system, following an audit.

Informal Action

20. My officers in the Smithfield Enforcement Team took informal action by providing verbal advice on 338 occasions (traders and customers to the market) for health and safety infringements, e.g. not wearing personal protective equipment. This represents a decrease in health and safety compliance on the market during the period compared with the previous reporting period. It should be noted that on the 338 occasions when verbal advice was given only 19 involved traders, the remainder involved customers.

21. 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

22. Over the last two reporting periods there has been an improvement in the number of occasions that verbal advice was given to market traders in respect of health and safety compliance. However there has been an increase in the number of occasions that verbal advice was given to market customers.

Background Papers:

Please note: the autonomous numbering system used for the stalls in Appendices 1 and 2 now differs from Appendix 3. The Food Standards Agency has 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 and safety enforcement activity during the four month period 1 February – 31 May 2014.

Appendix 2: Comparison table showing health and safety enforcement activity summary for the period 1 February 2013 – 31 May 2014.

Appendix 3: Table showing breakdown of Food Hygiene enforcement activity during the period 1 February 2013 – 31 May 2014

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