

Committee(s):		
Markets Committee	4 July 2012	
Subject: Enforcement Activity at Smithfield Market	Public	
Report of: Director of Markets & Consumer Protection	For Information	
<p><u>Summary</u></p> <p>This report advises your Committee of Enforcement Activity carried out by the Enforcement Team within my Department at Smithfield Market during the four month period from 1 February 2012 to 31 May 2012.</p> <p>During the period, standards were maintained at a reasonable level. In respect of food safety and hygiene a number of formal enforcement notices were served during the period in line with the hierarchy of enforcement. Since 2nd April Official Controls have been undertaken by the Food Standards Agency's new contractor, Eville and Jones.</p> <p>As mentioned in previous reports, problems were identified from 2010 with the supply of condenser water to some meat traders' stalls. The repair & improvement works to the refrigeration equipment have now been completed to the satisfaction of the City Surveyor, who supervised the project. The real test will come when there are some sustained high ambient temperatures in the City. Initial evidence suggests that the system may still struggle.</p> <p>In respect of enforcement under the Health & Safety at Work Etc Act 1974, it should be noted that during this period there has been a slight improvement in Health & Safety compliance with fewer incidents of non compliance being observed particularly in respect of the wearing of personal protective equipment by Market traders' personnel. There were no other discernable trends in respect of Health and Safety.</p> <p>Recommendations</p> <p>I recommend that your Committee notes the content of this report.</p>		

Main Report

Background

1. This is the twenty sixth 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 sixteen month period.

Current Position

2. Most enforcement is the result of official Food Standards Agency (FSA) audit visits undertaken by the Official Veterinarians, which for most companies at Smithfield are in either a three or five month cycle.
3. The FSA has recently advised several tenants that they will require re-approval in 2012. A total of nine stalls require a new approval because the Food Business Operator has changed and the process started in January with an informal visit. The first formal visit took place during the week commencing 21st May 2012. The new Animal by Products (ABP) facility was commissioned on the 30th of April and the proper operation of the facility will be an integral part of the approval process.
4. Planned audits have continued with linked unannounced visits throughout the period paying particular attention to those companies on the FSA's national "Cause for concern list". This comprises those meat traders/plants that, upon audit, do not meet the required standards over two audits. Currently we have two companies in this category. The "Cause for concern list" is now published on the Food Standards Agency website along with copies of all approved premises' most recent audit.
5. Over the two month period during which the City was the contractor for the FSA, a number of issues have arisen which fall under the Food Hygiene or the Animal by Products Regulations. These are tabulated at Appendix 1. The physical layout of Smithfield (in particular its lack of a physical boundary) makes enforcement difficult.
6. Since the FSA's new contractor, Eville and Jones, took over from 2nd April we have liaised closely with them to ensure all areas are still covered by an effective enforcement regime. Arrangements are being made to try and obtain information from the FSA on the outcome of enforcement visits that can be presented to your Committee in future reports.

7. When the enforcement activity between periods is compared (Appendix 2) there are no obvious trends; different issues come to the fore at different times. A company may have little or no enforcement taken against it in one period but a range of enforcement actions undertaken during the next period; this does not necessarily mean that standards have deteriorated - it is possible that the company wasn't audited in the first period.
8. As mentioned in previous reports, problems were identified with the supply of condenser water to some meat traders' stalls. During this period refrigeration issues largely disappeared because of the cold ambient temperatures associated with winter. The City Surveyor's remedial works programme in the East and West Market commenced on 6 June 2011 and has now been completed. The real test will come once high ambient temperatures occur, although initial evidence suggests that the system may still struggle.
9. However, the City Surveyor and the City Corporation's consultant have both confirmed that the system is now operating satisfactorily. Some tenants have been advised that they may need to undertake work to their own equipment to ensure compliance with the legal temperature requirements within their demised premises, particularly during the summer.
10. Formal action could be taken by the FSA against the City Corporation and/or individual tenants should refrigeration failure problems recur in the warmer months. This would now be undertaken by the FSA's new contractor, Eville & Jones.

Formal Action

11. The following formal action has been taken against meat traders:
 - One company was given a formal written warning on hygiene issues. These included issues such as ineffective pest control.
 - One company was given two formal written warnings on ABP deficiencies which related to inadequate cleaning of ABP containers and inadequate information on ABP delivery notes.

Overall, meat traders have maintained a reasonable standard but have not demonstrated any real improvement. Eating and drinking in and around the market has become commonplace again. To achieve a reduction in this behaviour will require a co-ordinated effort by the FSA Contractors, the

City's Smithfield Enforcement Team and also the tenants, who are responsible for their own employees.

12. In regard to Health & Safety enforcement under the Health and Safety at Work Etc Act 1974 it should be noted that during this period there has been a decrease in number of verbal warnings issued in respect of the wearing of personal protective equipment (e.g. safety hats, shoes, chain mail gloves, etc.) by Market traders' personnel.
 - Verbal advice was given on 73 occasions for Health & Safety infringements, e.g. not wearing personal protective equipment.
 - One company received a written warning for Health & Safety infringements, e.g. not wearing personal protective equipment.
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 in terms of non-compliance, but enforcement action continues to be taken to try to ensure that market traders meet statutory requirements.

Background Papers:

Appendix 1 - Table showing breakdown of enforcement activity during the four month period of 1 February 2012 to 31 May 2012 (inclusive).

Appendix 2 - Comparison table showing enforcement activity summary for the period 1 June 2011 to 31 May 2012.

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