

Committee(s):	Date(s):
Port Health & Environmental Services Committee	23 May 2016
Subject: 2016-2017 Food Safety Enforcement Plans for the City and the London Port Health Authority	Public
Report of: Director of Markets & Consumer Protection	For Decision
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Summary

This report seeks your Committee's approval for two Food Service Enforcement Plans; one for the City of London and one for the London Port Health Authority.

The Food Standards Agency (FSA) is the central competent authority for the administration of Regulation EC 882/2004 on official food and feed control in the UK and they have powers in the Food Standards Act 1999 to set standards of performance and audit and monitor local authorities. The FSA have set up a Framework Agreement with local authorities in England which we are obliged to follow when developing our food and feed services and planning our enforcement activity.

Under this agreement, the FSA also requires each local food authority to publish an annual Food Service Enforcement Plan for their food safety work and due to the City Corporation being the competent authority for both the City and the London Port Health Authority, we are required to produce a plan for each service.

Recommendations

We recommend that your Committee approves:

- a) the City of London Food Service Enforcement Plan 2016-2017 (see Appendix 1); and
- b) the London Port Health Authority Food Service Enforcement Plan 2016-2017 (see Appendix 2)

Main Report

Background

1. EC Regulation 882/2004 sets out the approach that competent authorities of Member States must adopt for official feed and food controls with the Food Standards Agency (FSA) acting as the central UK food authority and they in turn have devised a Framework Agreement that sets out what they expect from local authorities (LAs) acting as 'food authorities' who are charged with the delivery of official controls on feed and food legislation.

2. Each such 'food authority' must produce an annual Food Service Enforcement Plan that describes the activities, techniques and approaches that will ensure they deliver on their obligations and it is a requirement that these plans are approved by elected members.
3. The Framework Agreement also contains 'the Standard' which LAs are obliged to follow on service delivery as well as a template of contents and format to which our plans must follow.

Current Position

4. The City Corporation must ensure that the services we provide to support and achieve business compliance with food safety law address the whole package set out in 'the Standard', and that we deliver this in line with the Government's better regulation agenda.
5. We must also however, continue to meet the local needs of City businesses, residents, workers and visitors as set out in the Vision, Strategic Aims and Key Policy Priorities of the City of London Corporate Plan 2015-2019; this is achieved through our departmental Business Plan and individual service plans which detail the work that will be done and which is judged by our key performance indicators.
6. The City Corporation publishes its Food Service Enforcement Plans as the FSA expects as an expression of its commitment to the development of food safety in the Port and City of London and it is my intention to continue to make these plans available to our stakeholders including publishing them on the City of London website.
7. Both Food Service Enforcement Plans set out the direction of future enforcement work and we aim to:-
 - a) target poor performing food businesses appropriately to secure improvements; and
 - b) work with better performing businesses to ensure they maintain full compliance.
8. However there are continuing challenges which we face and these are set out below.

The national Food Hygiene Rating Scheme

9. Since before the **London 2012** Olympics, the City Corporation has adopted and promoted the FSA's Food Hygiene Rating Scheme (FHRS) and its [website](#) as widely as possible so that the public can make informed choices on where to eat or purchase food and consequently help push overall food hygiene standards towards improvement.

10. In 2013, the Welsh Assembly passed legislation which made the display of a business' green FHSR score sticker compulsory in Wales so that the public are fully aware of how hygienic a business is.
11. This may well become the situation UK wide in the next few years as the FSA, supported by the Chartered Institute of Environmental Health (CIEH) is lobbying for similar legislation to be finally introduced into England; work was undertaken last year across London and the UK to promote the display of FHSR stickers by compliant (3-5●) food businesses and will be the subject of a future report to this committee when the findings and data are finally published.

Dealing with poor performing food businesses

12. Whilst the vast majority of City food businesses are compliant (91.4%, slightly up on 2014-2015's 89.7%), with nearly 60% currently in the highest category of 5●, there are a continuing group of poor performers, currently around 150, who are zero to 2●. Albeit this being a 12% improvement on last year (170), we will continue to concentrate time and resources on these particular businesses to improve their levels of food hygiene compliance.

Changes to the inspection programmes

13. Overall though, whilst the City may now have more premises overall to inspect – circa 1840 – the effect on the inspection programme per annum has been fairly negligible with the total number of inspections due each year hovering around the 960 to 990 mark since 2012-2013.
14. This year 920 inspections are due partly to changes in bandings within the Food Law Code two years ago which precipitated an increase in the number of the lower, D rated premises (and thus a reduction the higher, C rated ones); this change had the effect of putting back elements parts of our inspection workload to future years by transferring many inspections from an 18 month to a 2 year cycle. This has now unravelled and is evident in the larger number of inspections carried out last year (1131) and the lower total for this year above.
15. The total number of premises has however been increasing year-on-year and hidden behind that there is also the 'churn' of premises (10-15%). New premises should be inspected within 28 days of opening and if a the nature of business alters sufficiently, it too should be inspected.

Food Standards Agency

16. The City's Food Safety Service was audited last year (December 2015) and successfully passed, with only some minor procedural recommendations required of us and with the FSA commenting in their Audit Report:-

“The Authority demonstrated consistent high performance with regard to meeting planned inspection targets of food businesses due an intervention”.

and we will be reporting back on the audit more fully at a future meeting of this Committee.

Increase in Trade at the Ports

17. The level of throughput at the Ports has increased significantly in the past year, most notably at London Gateway. Trade has also shifted between Ports; from Tilbury to London Gateway, and from Sheerness to Tilbury. Throughput predictions for London Gateway indicate that this increase will be sustained over the next year.
18. Although Thamesport has yet to see the return of an international food or feed trade, recent liaison with the Port Operator has indicated that this may change in the next year. Depending on the nature of the trade secured this may require an increased presence at that port to conduct inspections. However, this will be facilitated via the existing offices at London Gateway and Tilbury, with officers sent to Thamesport, as required with all document handling being undertaken at either London Gateway or Tilbury offices, as appropriate.

Change to the Port Health Operational Structure

19. The Port Health Service recognised the need to deliver an efficient and effective service and has developed a new team structure to ensure the workforce is and to meet future demands, is flexible and resilient.

Increased use of Information Technology at the Ports

20. In addition to the continued use of, PHILIS, their online database for releasing cargoes, the Port Health Service has introduced mobile working via the use of tablet computers and secure wi-fi throughout the London Gateway and Tilbury ports. This will enable data from inspections to be entered in “real time” and facilitate faster clearance times resulting in more efficient and effective service delivery. The service is also starting to adopt other solutions to speed up back office tasks, such as the use of scanners and automatic processing of correspondence, which in the future will result in all back office functions being centralised at one of the ports.

Corporate and Strategic Implications

21. The two Enforcement Plans reflect the detailed operational work undertaken by our regulatory enforcement teams in support of the strategic aims of the City and through:-
 - a) ensuring by advice and enforcement that the City’s business community is legally compliant and that it continues to produce food hygienically and which is safe to eat; and
 - b) ensuring that food products entering the country through our ports meet the food safety requirements of the whole of the UK.

22. The plans are linked into our Departmental and Service Business Plans through setting out detailed activities which support our Key Performance Indicators.
23. Approval of these Plans will ensure that the City Corporation as a both a Food and a Port Health authority meets its fundamental obligations under the requirements of the FSA's Official Controls Framework Agreement.
24. Finally it is my intention to make these plans available to all stakeholder businesses operating within City of London which will include publication on the City of London's website. In accordance with the stated intentions of the FSA, this will make the City's intentions transparent and accountable to all relevant parties and also enables any comments received on the documents to be taken into account at the next revision for 2016-2017.

Other Implications

25. There are no other implications that would result from approval of this report.

Proposals

26. It is recommended that your Committee approves:
 - a) the City of London Food Service Enforcement Plan 2016-2017 (see Appendix 1); and
 - b) the London Port Health Authority Food Service Enforcement Plan 2016-2017 (see Appendix 2)

Conclusion

27. The attached service plans follow the prescribed format and content required by the FSA's Official Controls Framework Agreement and updated annually, and subject to your approval, will form part of the Business Plan 2016-19 for the Port Health & Public Protection Service.

Appendices / Background Documents (provided separately electronically):

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| (Appendix 1) | City Food Service Enforcement Plan 2016-2017 |
| (Appendix 2) | London Port Health Authority Food Service Enforcement Plan 2016-2017 |