

<b>Committee:</b>	<b>Date:</b>
Port Health & Environmental Services Committee	22 May 2018
<b>Subject:</b> Approval of the 2018-2019 Food Service Enforcement Plans for the City and the London Port Health Authority	<b>Public</b>
<b>Report of:</b> Director of Markets & Consumer Protection	<b>For Decision</b>
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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 Food Service Enforcement Plan 2018-2019; and
- b) the London Port Health Authority Food Service Enforcement Plan 2018-2019.

### Main Report

#### **Background**

1. Notwithstanding the UK's impending EU exit, the approach to Official Food and Feed Controls currently remains set from Europe with EC Regulation 882/2004 providing the principal framework; this framework is however set for review by the EU.
2. The Food Standards Agency (FSA), as the UK central competent authority, has also embarked on a review program, ***Regulating Our Future***, with a new operational model scheduled for 2020. As this change program develops and with it the overall regulatory landscape, local authorities have pledged to

continue to support the current regulatory delivery model in the interim to ensure that a clear focus on risk-based priorities remains in place.

3. 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 by the FSA and that we deliver this in line with the Government's better regulation agenda.
4. 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.

### **Current Position**

5. This year's Enforcement Plans consider the best ways to use legislative and non-legislative tools most effectively with more being explored so as to keep consumer interests at the heart of what we do and where it is required, influencing business behaviour in the interests of those consumers.
6. We must also however, continue to meet the local needs of City businesses, residents, workers and visitors as set out in the Outcomes of the City of London Corporate Plan 2018-2023; specifically

***Outcome 1: People are safe and feel safe***

***Outcome 2: People enjoy good health and wellbeing; and***

***Outcome 6: We have the world's best regulatory framework and access to global markets.***

7. Both Food Service Enforcement Plans set out the direction of future enforcement work in support of these Outcomes and we aim to:-
  - target poor performing food businesses appropriately to secure improvements; and
  - work with better performing businesses to ensure they maintain full compliance.

but there are continuing challenges which we face and these are set out below.

### ***The national Food Hygiene Rating Scheme, FHRS***

8. We remain an advocate of FHRS ensuring that we promote display of rating stickers in premises as well as publishing all ratings on the national [website](#) so that the public can make informed choices on where to eat or purchase food. We believe this helps to push overall food hygiene standards towards

improvement and we support mandatory display of rating information in England.<sup>1</sup>

### **Compliance and dealing with poor performing food businesses**

9. There has been an upward trend in the total number of food businesses trading in our area year on year and hidden behind that there is also the 'churn' of premises of 10-15% but this appears to have now plateaued. The vast majority of our businesses are broadly compliant gradually improving from a baseline figure on 1<sup>st</sup> April 2012 of 88% to 93% in 2016-17 and at the end of 2017-2018 it was 94.5%, with 70% currently achieving the highest 5 rating.
10. Unfortunately, 93 premises<sup>2</sup> of our current businesses are rated as a zero, 1 or 2 and whilst this is an improvement on previous years, we will continue to concentrate time and resources on these particular businesses to improve their levels of food hygiene compliance and our Key Performance Indicator remains:-

***“To secure a positive improvement in the overall FHSR ratings profile for City of London food establishments”***

### **The inspection programmes**

11. The City now has circa 1885 food premises and the total number of inspections due each year has hovered around the 1,000 mark since 2012-2013 and as the FSA previously commented on us in 2015<sup>3</sup>:-

***“The (City Corporation) demonstrated consistent high performance with regard to meeting planned inspection targets of food businesses due an intervention”.***

and this coming year, 1283 food hygiene inspections are due. New premises should be inspected within 28 days of opening and if the nature of business alters sufficiently, it too should be inspected.

12. The City's Food Safety Service has been working closely over the last three years with the FSA and other London local authorities on Less Than Thoroughly Cooked (LTTTC) foods or "rare burgers" which have become extremely fashionable and popular but which if not prepared correctly according to [the FSA's advice and guidance](#), can be the source of food poisoning and we will continue to ensure that those who wish to market, produce and serve such food to the public do it safely and with minimal risks.
13. Finally, we will continue to develop our regulatory influence through our Primary Authority Partnerships with **Virgin Active, Harbour & Jones, GBK, Wasabi,**

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1 In October 2016 Northern Ireland joined Wales in making the display of a business' green FHSR score sticker compulsory.

2 As at 24th April 2018

3 [Report on the Audit of Food Law Service Delivery and Food Business Compliance on the City of London](#)

**Churchill Services Group** and most recently **Shepherd Neame**, providing advice on food safety management systems whilst generating income.

### **Port Health Service**

14. The overall numbers of imported food consignments compared to the previous year has increased by over 15%, mainly due to the growth in trade at London Gateway. Trade has also shifted between Ports; from Tilbury to London Gateway, and from Sheerness to Tilbury.
15. Looking forward, predictions indicate that the anticipated growth in global container shipping is set to continue, with London Gateway and Tilbury developing their port capacity and infrastructure. Four new trade routes will continue to be developed in 2018/19.
16. 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, with officers sent to Thamesport, as required with all document handling being undertaken at London Gateway.
17. With the implications of the UK Exit from the EU still unknown at this time, there is the potential for an estimated 25% increase in demand if official controls are placed on food and feed imports entering the UK from the EU. While Government, through various departments, is the 'central competent authority' for border controls, front line responsibilities are delegated to 'local competent authorities' (local authorities and port health authorities) for public and animal health checks on food and animal feed imported from third countries (those outside the EU). The City Corporation has agreed and is continuing to promote five key principles in relation to EU Exit.
18. The Port Health Service recognises the need to deliver an efficient and effective service and continues to develop mobile working solutions and delivery processes, including centralising back-office functions, to meet these demands.

### **Corporate and Strategic Implications**

19. 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:-
  - 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
  - ensuring that food products entering the country through our ports meet the food safety requirements of the whole of the UK.

20. The plans are linked into our Departmental and Service Business Plans through setting out detailed activities which support our Key Performance Indicators.
21. 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.
22. Finally, it is my intention to make these plans available to all stakeholder businesses including 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 2019-2020.

### **Other Implications**

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

### **Proposals**

24. It is recommended that your Committee approves:
  - The City Food Service Enforcement Plan 2018-2019; and
  - The London Port Health Authority Food Service Enforcement Plan 2018-2019

### **Conclusion**

25. The attached two service plans are linked to the overall Corporate Plan 2018-2023 and the Markets & Consumer Protection High Level Business Plan 2018-2019 and set a clear and transparent standard for our food safety regulatory work for the year, subject to your approval

### **Background Documents:**

The following documents have been made available in the Members' Reading Room and have also been sent electronically to all Members on this Committee:-

- The City Food Service Enforcement Plan 2018-2019
- The London Port Health Authority Food Service Enforcement Plan 2018-2019

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