

Committee(s):	Date(s):	Item no.
Markets Committee	2 May 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 October 2011 to 31 January 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. All Official Food Controls are now being undertaken by the Food Standards Agency's new contractor, Eville and Jones.</p> <p>As mentioned in the previous report, problems have been identified with the supply of condenser water to some meat traders' stalls. The repair work to the refrigeration equipment (Phase 1) has now been completed. The project was managed and overseen by the City Surveyor who is now confident that there is sufficient chilled water for all the tenants. An independent refrigeration consultant was appointed in August 2011. He has assessed the refrigeration system and its fitness for purpose and his final report is now available. It is likely that some of the tenants will need to undertake works to ensure that their systems are fit for purpose before the summer.</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 increase in non-compliance with Health & Safety requirements, particularly in respect of the wearing of personal protective equipment by Market traders' personnel. However, this does not indicate a long-term trend of deteriorating standards, and appropriate advice has been given regarding other breaches of the legislation.</p>		

Recommendations

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

Main Report

Background

1. This is the twenty fifth 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 next visit will be the first formal visit and is likely to take place in May 2012. The team will probably inspect the common parts as well as the nine stalls. The new Animal by Products (ABP) facility will have been commissioned (proposed operating date 23 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 this four month period, 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. 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.
7. As mentioned in the previous report, problems have been 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.
8. An independent refrigeration consultant was appointed in August 2011. He has assessed the refrigeration system and its fitness for purpose and his final report has been received. The City Surveyor and the City Corporation's consultant have both confirmed that the system is meeting the tenants' refrigeration demands. 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.
9. Formal action against the City and or individual tenants could be taken should refrigeration failure problems recur in the warmer months. This would be the responsibility of the Food Standards Agency and their new contractors as the City's contract with the FSA came to an end on 1 April 2012. As from the 2 April the FSA's new contractor (Eville & Jones) has been responsible for all Official Food Controls undertaken at Smithfield.

Formal Action

10. The following formal action has been taken against meat traders:
 - One company was in breach of a Remedial Action Notice for the display and sale of unprotected and unrefrigerated meat.
 - Seven companies were given formal written warnings on hygiene issues. These included issues such as mice activity, failure to minimise the risk of contamination and Hazard Analysis Critical Control Point (HACCP) related problems.
 - Ten companies were given verbal warnings for Hygiene issues, four companies receiving two each.

- Three companies were given formal written warnings on ABP deficiencies which related to their failure to separate or identify ABP in a timely way.

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 enforcement team and also the tenants, who are responsible for their own employees.

11. In respect of 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 slight increase in number of non-compliances with Health & Safety requirements particularly in respect of the wearing of personal protective equipment (e.g. safety hats, shoes, chain mail gloves, etc.) by Market traders' personnel. This situation is being closely monitored with a view that formal enforcement will be considered against those tenants and personnel who persist in breaching the requirement to use personal protective equipment where required.

- Six companies received written advice in respect of failure to implement a Health & Safety management system.
- Two companies received written advice in respect of defective equipment.
- Verbal advice was given on 88 occasions for Health & Safety infringements, e.g. not wearing personal protective equipment.

12. 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

13. 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 October 2011 to 31 January 2012 (inclusive).

Appendix 2 - Comparison table showing enforcement activity summary for the period 1 October 2010 to 31 January 2012.

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