

**Report to Community  
Overview and Scrutiny  
Panel  
FOR INFORMATION ONLY**

Agenda  
Item:

Meeting Date: 20th July 2017  
Portfolio: Environment and Transport  
Key Decision: Yes: Recorded in the Notice Ref:KD05/17  
Within Policy and Budget Framework YES  
Public / Private Public

Title: FOOD LAW ENFORCEMENT SERVICE PLAN  
Report of: Corporate Director of Governance and Regulatory Services  
Report Number: GD 41/17

**Purpose / Summary:**

The Food Law Enforcement Plan sets out how Regulatory Services will deploy its resources in 2017 to 2018 to improve hygiene standards, prevent food borne diseases and help people live healthier lives. It seeks to target intervention to tackle local issues whilst ensuring Carlisle City Council achieves its national statutory responsibilities. To assist members, a summary report of the plan has been produced as Appendix 1.

**Recommendations:**

That the Community Overview and Scrutiny panel:

- i. Note the Food Law Enforcement Service Plan

**Tracking**

Executive:	3rd July 2017 & 31st July 2017
Overview and Scrutiny:	20th July 2017
Council:	12th September 2017

## 1. BACKGROUND

1.1 Standards of hygiene when eating out was the main concern for members of the public who took part in the December 2015 Food Standards Agency's (FSA) Biannual Public Attitudes Tracker Survey. Other concerns from the survey include food poisoning, food hygiene in the home, levels of sugar and salt in food and the amount of food waste. The City Council through its Food and Public Protection Team plays a significant role in protecting the public by its food inspections and infectious disease investigations.

1.2 In improving food standards, Regulatory Services are contributing to ensuring a safe, healthy and sustainable food chain for the benefit of consumers. Service plans are an important part of the process to ensure that national priorities and standards are addressed and delivered locally. Service plans help local authorities to:

- follow the principles of good regulation;
- focus on key delivery issues and outcomes;
- provide an essential link with corporate and financial planning;
- set objectives for the future, and identify major issues that cross service boundaries;
- provide a means of managing performance and making performance comparisons;
- provide information on an authority's service delivery to stakeholders, including businesses and consumers.

1.3 The "Framework Agreement on Official Feed and Food Controls by Local Authorities" (2010) sets out what the Food Standard Agency expects from Carlisle City Council in delivering official controls on feed and food law. To help to ensure local transparency and accountability, and to show the Service's contribution to the authority's Carlisle Plan, the Framework Agreement recommends that food service plans are approved at the relevant level established for that local authority. The Food Law Enforcement Service Plan is in Carlisle City Council's Policy Framework in Article 4 of the Constitution.

1.4 The Plan covers the period 1st April 2017 to the 31st March 2018 and includes targeted educational and promotional work under taken by the section along with the required food premise inspections and sampling.

1.5 The Food Law Codes of Practice (March 2017), issued by the FSA, details how local authorities deliver their enforcement duties but allows local authorities

flexibility over how to deliver the national food controls. The Plan sets out how and at what level official food controls will be provided, in accordance with the Codes of Practice.

- 1.6 In 2014 the Food Standards Agency's (FSA) published its strategy for 2015-2020. Within the strategy the FSA identified its strategic goal as "Food We Can Trust", and claims that there will need to be a fundamental redesign of its regulatory role and the way in which regulation of food businesses is delivered. The FSA recognises that they cannot achieve their strategic goals in isolation and acknowledge the importance local government officers play in ensuring food safety. As part of the strategy the FSA has issued a paper entitled 'Regulating our Future – Developing the FSA's New Approach to Regulating Food Businesses' outlining a programme of work that will change how we regulate food businesses. Carlisle City Council Regulatory Services are concerned about the new proposals and we need to be mindful of how these regulatory changes proposed by the FSA will affect the health and well-being of citizens and visitors of Carlisle. As part of a coordinated approach with other Cumbrian Local Authority Environmental Health Departments we are responding directly to the FSA about our concerns regarding their future proposals.

## **2. PROPOSALS**

- 2.1 That the Community Overview and Scrutiny panel:
- i. Agree the key actions of the Food Law Enforcement Service Plan
  - ii. Refer the said plan to Executive for approval in accordance with the Council's Budget and Policy Framework.

## **3. CONSULTATION**

- 3.1 Consultation to Date. - The Plan has been drafted in consultation with officers within Regulatory Services.
- 3.2 Consultation proposed. - The Plan is to be considered by the Executive on the 31<sup>st</sup> July 2016.

## **4. CONCLUSION AND REASONS FOR RECOMMENDATIONS**

- 4.1 The recommended key actions have been identified following consultation and reflect the resources available to Regulatory Services in the financial year 2017 to 2018.

## **5. CONTRIBUTION TO THE CARLISLE PLAN PRIORITIES**

### **5.1 *Priority: Support business growth and skills development to improve opportunities and economic prospects for the people of Carlisle:***

- Deliver an improved service to existing and new businesses in the District – joining up our statutory and advisory support functions. The Food Safety Service provides free and impartial advice on both legal and technical matters relevant to the trade. A key requirement of the Regulators Code is to use the regulators unique contact with local businesses as a means of ensuring growth as well as compliance.

### ***Priority: Further develop sports, arts and cultural facilities to support the health and wellbeing of our residents:***

- Continue to support and develop the Food City Partnership. As a member of the group the Food Safety Service have a key role in the delivery of the Local Healthy Options Award and advising food businesses on healthy menu alternatives.

### ***Priority 5: Promote Carlisle regionally and internationally as a place with much to offer – full of opportunities and potential***

- We work in partnership in delivering projects with organisations such as: Cumbria County Council Trading Standards, Cumbria Food Group (made up of all 6 Cumbrian Local Authorities), PHE Laboratory Preston, PHE Health Protection Team, Food Standards Agency.

**Contact Officer:            Andrew Smith (Principal Health &            Ext:    7098  
   Housing Officer)**

**Appendices                    Appendix 1 – Food Law Enforcement Plan - Summary Report  
attached to report:        Appendix 2 – Food Law Enforcement Service Plan 2017 to  
   2018**

**Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:**

- None

## **CORPORATE IMPLICATIONS/RISKS:**

**Chief Executive's -**

**Deputy Chief Executive –**

**Economic Development –**

**Governance –** The Council has a Food Law Enforcement Service Plan in accordance with the Food Standard Agency's Framework Agreement which applies to local enforcement of all feed and food laws, and incorporates the latest guidance and standards on feed and food law enforcement. As stated in the report, the Food Law Enforcement Service Plan forms part of the Council's revised Policy Framework and, as such, requires consideration by the relevant Overview & Scrutiny Panel before being referred for approval to Council by the Executive.

**Local Environment –**

**Resources –** The costs of implementing and monitoring this Food Law Enforcement Service Plan can be met from within existing base budgets under the control of the Governance and Regulatory Services Directorate in 2017/18.

# Report to Executive

Agenda  
Item:

Meeting Date: 3 July 2017  
 Portfolio: Environment and Transport  
 Key Decision: Yes: KD.05/17  
 Within Policy and  
 Budget Framework YES  
 Public / Private Public

Title: FOOD LAW ENFORCEMENT SERVICE PLAN  
 Report of: Corporate Director of Governance and Regulatory Services  
 Report Number: GD 29/17

### Purpose / Summary:

The Food Law Enforcement Plan sets out how Regulatory Services will deploy its resources in 2017 to 2018 to improve hygiene standards, prevent food borne diseases and help people live healthier lives. It seeks to target intervention to tackle local issues whilst ensuring Carlisle City Council achieves its national statutory responsibilities. To assist members, a summary report of the plan has been produced as Appendix 1.

### Recommendations:

That the Executive:

- i. Agree the key actions of the Food Law Enforcement Service Plan
- ii. Refer the said plan to Overview & Scrutiny for consideration and comment in accordance with the Council's Budget and Policy Framework.

### Tracking

Executive:	<b>3<sup>rd</sup> July 2017 &amp; 31<sup>st</sup> July 2017</b>
Overview and Scrutiny:	<b>20<sup>th</sup> July 2017</b>
Council:	<b>12<sup>th</sup> September 2017</b>

## **1. BACKGROUND**

- 1.1** Standards of hygiene when eating out was the main concern for members of the public who took part in the December 2015 Food Standards Agency's (FSA) Biannual Public Attitudes Tracker Survey. Other concerns from the survey include food poisoning, food hygiene in the home, levels of sugar and salt in food and the amount of food waste. The City Council through its Food and Public Protection Team plays a significant role in protecting the public by its food inspections and infectious disease investigations.
- 1.2** In improving food standards, Regulatory Services are contributing to ensuring a safe, healthy and sustainable food chain for the benefit of consumers. Service plans are an important part of the process to ensure that national priorities and standards are addressed and delivered locally. Service plans help local authorities to:
- follow the principles of good regulation;
  - focus on key delivery issues and outcomes;
  - provide an essential link with corporate and financial planning;
  - set objectives for the future, and identify major issues that cross service boundaries;
  - provide a means of managing performance and making performance comparisons;
  - provide information on an authority's service delivery to stakeholders, including businesses and consumers.
- 1.3** The "Framework Agreement on Official Feed and Food Controls by Local Authorities" (2010) sets out what the Food Standard Agency expects from Carlisle City Council in delivering official controls on feed and food law. To help to ensure local transparency and accountability, and to show the Service's contribution to the authority's Carlisle Plan, the Framework Agreement recommends that food service plans are approved at the relevant level established for that local authority. The Food Law Enforcement Service Plan is in Carlisle City Council's Policy Framework in Article 4 of the Constitution.
- 1.4** The Plan covers the period 1st April 2017 to the 31st March 2018 and includes targeted educational and promotional work under taken by the section along with the required food premise inspections and sampling.

- 1.5** The Food Law Codes of Practice (March 2017), issued by the FSA, details how local authorities deliver their enforcement duties but allows local authorities flexibility over how to deliver the national food controls. The Plan sets out how and at what level official food controls will be provided, in accordance with the Codes of Practice.
- 1.6** In 2014 the Food Standards Agency's (FSA) published its strategy for 2015-2020. Within the strategy the FSA identified its strategic goal as "Food We Can Trust", and claims that there will need to be a fundamental redesign of its regulatory role and the way in which regulation of food businesses is delivered. The FSA recognises that they cannot achieve their strategic goals in isolation and acknowledge the importance local government officers play in ensuring food safety. As part of the strategy the FSA has issued a paper entitled 'Regulating our Future – Developing the FSA's New Approach to Regulating Food Businesses' outlining a programme of work that will change how we regulate food businesses. Carlisle City Council Regulatory Services are concerned about the new proposals and we need to be mindful of how these regulatory changes proposed by the FSA will affect the health and well-being of citizens and visitors of Carlisle. As part of a coordinated approach with other Cumbrian Local Authority Environmental Health Departments we are responding directly to the FSA about our concerns regarding their future proposals.

## **2. PROPOSALS**

- 2.1** That the Executive:
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  - ii. Refer the said plan to Overview & Scrutiny for consideration and comment in accordance with the Council's Budget and Policy Framework.

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- 3.1** Consultation to Date. - The Plan has been drafted in consultation with officers within Regulatory Services.
- 3.2** Consultation proposed. - The Plan to be considered by the Community Overview and Scrutiny Committee on the 20<sup>th</sup> July 2017.

## **4. CONCLUSION AND REASONS FOR RECOMMENDATIONS**

- 4.1** The recommended key actions have been identified following consultation and reflect the resources available to Regulatory Services in the financial year 2017 to 2018.

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### **5.1 *Priority: Support business growth and skills development to improve opportunities and economic prospects for the people of Carlisle:***

- Deliver an improved service to existing and new businesses in the District – joining up our statutory and advisory support functions. The Food Safety Service provides free and impartial advice on both legal and technical matters relevant to the trade. A key requirement of the Regulators Code is to use the regulators unique contact with local businesses as a means of ensuring growth as well as compliance.

### ***Priority: Further develop sports, arts and cultural facilities to support the health and wellbeing of our residents:***

- Continue to support and develop the Food City Partnership. As a member of the group the Food Safety Service have a key role in the delivery of the Local Healthy Options Award and advising food businesses on healthy menu alternatives.

### ***Priority 5: Promote Carlisle regionally and internationally as a place with much to offer – full of opportunities and potential***

- We work in partnership in delivering projects with organisations such as: Cumbria County Council Trading Standards, Cumbria Food Group (made up of all 6 Cumbrian Local Authorities), PHE Laboratory Preston, PHE Health Protection Team, Food Standards Agency.

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**Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:**

- None

## **CORPORATE IMPLICATIONS/RISKS:**

**Community Services –**

**Economic Development –**

**Governance and Regulatory Services –** The Council has a Food Law Enforcement Service Plan in accordance with the Food Standard Agency's Framework Agreement which applies to local enforcement of all feed and food laws, and incorporates the latest guidance and standards on feed and food law enforcement. As stated in the report, the Food Law Enforcement Service Plan forms part of the Council's revised Policy Framework and, as such, requires consideration by the relevant Overview & Scrutiny Panel before being referred for approval to Council by the Executive.

**Corporate Support and Resources –** The costs of implementing and monitoring this Food Law Enforcement Service Plan can be met from within existing base budgets under the control of the Local Environment Directorate in 2017/18.

## FOOD LAW ENFORCEMENT SERVICE PLAN 2017 – 2018 - Summary Report

Regulatory Services – Food & Public Protection Team

### Background

This Service Plan sets out how Carlisle City Council intends to provide an effective food safety service that meets the requirements of the Food Standards (FSA) Framework. The main objective of the service plan is to ensure that all food and drink intended for sale for human consumption that is produced, stored, distributed, handled or consumed in Carlisle City is safe, hygienic and compliant with food hygiene and standards legislation and that all food businesses and food handlers comply with the Food Hygiene Regulations.

### Food Business Profile

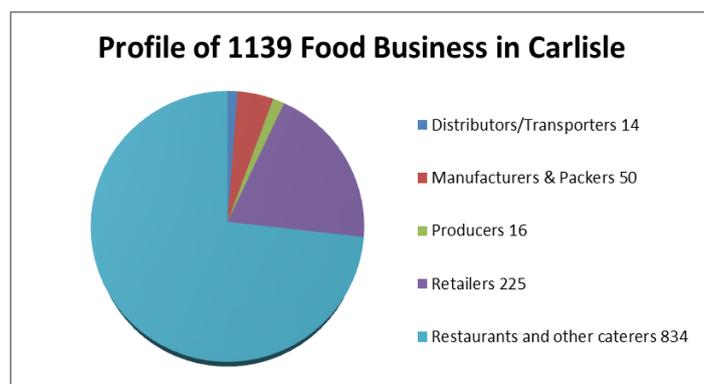


Figure 1: Chart showing the breakdown of food business types

Category	Frequency of intervention	Number of premises
A	6 months	0
B	12 months	20
C	18 months	173
D	24 months	459
E	36 months	411
UNRATED		17
OUTSIDE		59
<b>Total</b>		<b>1139</b>

Table 1: Breakdown of food businesses by risk category and frequency of interventions (Category A being highest risk)

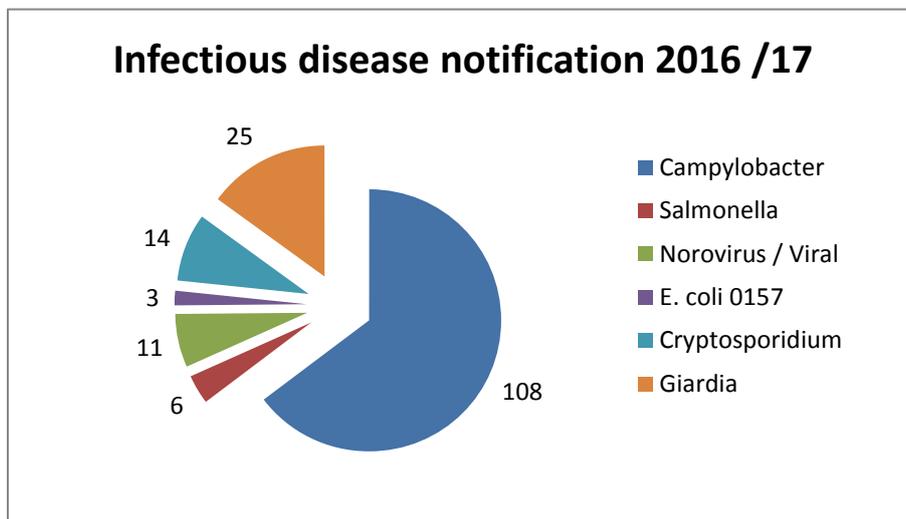
### Key work activities during 2016/17

Table 2: Summary of food hygiene related visits made 2016/17

Type of visit:	Number
Food Inspection & Audit Visits	383
Food Hygiene Complaint Visits	81
Food Hygiene Revisits following inspection	64
Food Hygiene Rating Scheme (FHRS) Re-score Visits	4
Food Sampling Visits	35
Food Advisory Visits	47
Food Hygiene Other Visits	59
<b>Total</b>	<b>673</b>

Table 3: Number of incidents received/responded to 2016/17

Type of Incident / Action	Number
Premises hygiene complaints / Food Complaints	128
FSA Food Alerts (inc Product Recall)	62
FSA Food alerts for action by LA	3
FSA Allergy Alerts	80
Requests for food advice	49
Infectious disease cases	167



**Figure 2** - Chart showing the number of foodborne / waterborne infectious diseases received and investigated during 2016/17

#### **Enforcement actions by authorised officers 2016/17:**

- 1 Prosecution of Food Business Operator
- 156 written warnings for food hygiene contraventions
- 4 Hygiene Improvement Notices
- 1 Voluntary Closure of Food Premises

Manufacturer of meat products prosecuted for serious breaches of food law. The food business was fined £275,000 for 12 food hygiene offences and ordered to pay £28,907 costs to the local authority.

#### **Planned inspections/interventions by risk category for 2017/18**

Risk Category	No of targetted premises
A (High risk)	0
B	20
C	115
D	243
E (Low risk)	104
Unrated (awaiting inspection)	17
TOTAL	499

#### **Key objectives for 2017/18:**

- Inspect food businesses at intervals in accordance with the Food Standard's Agencies Code of Practice and educate and enforce where necessary. Prioritise resources toward business that are high risk and those that are non-compliant (0-2 FHSR rated)
- Continue to work with and promote the National Food Hygiene Rating System – upload ratings onto FSA's FHSR website and issue FHSR rating stickers to food businesses.
- Sample foodstuffs for microbiological safety in accordance with local and national programmes.
- Participate in "public health" related activities with partner organisations and deliver the Local Healthy Options Award.
- Assist in the delivery of the Rogue Landlord Project 2017 – 2019 – provision of food hygiene training.
- Work in partnership with other agencies and regulatory bodies to achieve common goals

## **FOOD LAW ENFORCEMENT SERVICE PLAN 2017 - 2018**

**Carlisle City Council**

Regulatory Services – Food & Public Protection Team

**Governance**

## 1. Introduction

This Service Plan sets out how Carlisle City Council intends to provide an effective food safety service that meets the requirements of the Food Standards (FSA) Framework Agreement. It covers the functions carried out by authorised officers of the Food and Public Protection Team under the provisions of the Food Safety Act 1990, the Food Safety and Hygiene (England) Regulations 2013 and relevant regulations made under the European Communities Act 1992.

## 2. Service aims and objectives

To ensure that all food and drink intended for sale for human consumption that is produced, stored, distributed, handled or consumed in Carlisle City is safe, hygienic and compliant with food hygiene and standards legislation and that all food businesses and food handlers comply with the Food Hygiene Regulations. This will be achieved through:

- Programmed inspections
- Targeted interventions
- Investigation of complaints
- Investigation and control of infectious diseases
- Sampling initiatives
- Training
- Advisory visits
- Promotional events

### 2.1 Links to Corporate Priorities and Plans

The Food Law Enforcement Service Plan supports and contributes to the Carlisle Plan 2015 – 2018 and the Regulatory Services Service Plan. The service provides a range of mandatory and discretionary activities that protect the health and well-being of the citizens of Carlisle. This Service links directly to some of the key priority actions of the Carlisle Plan:

***Priority: Support business growth and skills development to improve opportunities and economic prospects for the people of Carlisle:***

- Deliver an improved service to existing and new businesses in the District – joining up our statutory and advisory support functions. The Food Safety Service provides free and impartial advice on both legal and technical matters relevant to the trade. A key requirement of the regulators code is to use the regulators unique contact with local businesses as a means of ensuring growth as well as compliance.

***Priority: Further develop sports, arts and cultural facilities to support the health and wellbeing of our residents:***

- Continue to support and develop the Food City Partnership. As a member of the group, the Food Safety Service have a key role in the delivery of the Local Healthy Options Award and advising food businesses on healthy menu alternatives.

***Priority: Promote Carlisle regionally and internationally as a place with much to offer – full of opportunities and potential***

- We work in partnership in delivering projects with organisations such as: Cumbria County Council Trading Standards, Cumbria Food Group (made up of all 6 Cumbrian Local Authorities), PHE Laboratory Preston, PHE Health Protection Team, Food Standards Agency.

## **2.2 Links to Other Strategies**

The Service seeks to achieve the priority outcomes for regulatory services as detailed in the Better Regulation Delivery Office document “Priority Regulatory Outcomes – A New Approach to Refreshing the National Enforcement Priorities for Local Authority Regulatory Services” (November 2011). Regulators must take into account and give due weight to the priority outcomes when developing policies and operational procedures, setting standards or giving guidance on enforcement.

### **Regulatory Priority Outcomes:**

- 1. Support economic growth, especially in small businesses, by ensuring a fair, responsible and competitive trading environment. (Direct Link to the Carlisle Plan)**
- 2. Improve quality of life and well-being by ensuring clean and safe neighbourhoods (Direct Link to the Carlisle Plan)**
- 3. Help people live healthier lives by preventing ill health and harm and promoting public health.**
- 4. Ensure a safe, healthy and sustainable food chain for the benefit of consumers and the rural economy**

The “**Regulators’ Code 2014**” made under section 23 of the Legislative and Regulatory Reform Act 2006, applies to all the activities delivered by Regulatory Services. The code requires Regulatory Services, along with its principal function of protecting public health, to engage with and support business growth.

All interventions with businesses and members of the community are carried out with regard to the local authority’s commitment to equality of opportunity for local people as stated in the Equal Opportunities Policy.

### **3 Background**

#### **3.1 Organisational structure**

The structure of Food and Public Protection Team can be seen in page 12. The Principal Health & Housing Officer (Food and Public Protection) is responsible for the day to day supervision of the team and has a lead responsibility for the food hygiene function. The Food and Public Protection Team is positioned within the Regulatory Services Department and perform other regulatory duties, including Health and Safety, nuisance complaints, public health burial & exumations, animal related licensing and registrations for acupuncture, cosmetic piercing & tattooing/skin colouring. The Council's Pest Control Service also sits within the Food and Public Protection Team.

#### **3.2 Scope of the service**

The Food and Public Protection Team are responsible for the enforcement of the Food Safety and Hygiene (England) Regulations 2013.

Carlisle City Council carries out all functions relating to food safety matters, including the following:

- Carrying out interventions e.g. inspections, audits, sampling at food establishments
- Providing advice to food business operators including help on implementing the most appropriate food safety management system for that business; for example the Food Standards Agency's Safer Food, Better Business food safety management system
- Operating inland imported food control at retail and catering establishments etc.
- Registration food establishments
- Identifying and assessing premises that require approval of specific food products and ensuring that they are issued with conditional and full approval as necessary
- Undertaking food sampling
- Issuing export certificates
- Investigation of complaints concerning food establishments and food handling practices
- Investigation of cases of suspected and confirmed food poisoning
- Providing food hygiene training where appropriate
- Liaison with the local authority's procurement team when selecting new food contracts
- Consulting on relevant planning and premises licence applications

#### **3.3 Demands on the food enforcement service**

The City Council's food safety service is delivered from the 5<sup>th</sup> Floor of the Civic Centre, Rickergate, Carlisle Tel 01228 817200

Email: [environmentalhealth@carlisle.gov.uk](mailto:environmentalhealth@carlisle.gov.uk).

As of 1<sup>st</sup> April 2017 a total of **1139** food premises are subject to programmed food hygiene interventions as per the table below:

Type of Premises	Number
Distributors/Transporters	14
Manufacturers & Packers	50
Producers	16
Retailers	225
Restaurants and other caterers	834
<b>Total</b>	<b>1139</b>

The City Council also has 6 “approved” processes subject to Regulation 853/2004.

Ref no	Name	Product	App Number
66460	Nestle	Dairy - Milk powder/cream	VK302
66469	Esk	Dairy - Milk/cream	VK010
66442	Cavaghan and & Gray (Eastern Way)	Meat / Fish / Dairy / Egg	VK001
66444	Cavaghan and & Gray (Riverbank)	Fish / Dairy / Egg	VK011
66576	Bells Fishmongers	Fish	VK007
66457	Calder Foods	Meat Products / Fish / Dairy	VK004

All food premises are rated according to their level of risk, as defined by the Food Standards Agency Code of Practice. The risk rating determines the frequency and nature of the interventions that are classed as official controls. The table below provides a summary of the food business risk profile:

Category	Intervention Type	Frequency	Number of premises
A	Full & Partial Inspection / Audit	6 months	0
B	Full & Partial Inspection / Audit	12 months	20
C	Full & Partial Inspection / Audit / Other Official control - Broadly compliant premises	18 months	173
D	Inspection / Audit / Other Official Control (e.g. surveillance, verification, sampling)	24 months	459
E	Inspection / alternative enforcement strategy	36 months	411
UNRATED	Awaiting inspection		17
OUTSIDE	Outside inspection programme		59
<b>Total</b>			<b>1139</b>

Officers will aim to inspect new food premises within 28 days of being notified to the City Council. Each business will be rated in accordance with the Food Standards Agency - Food Law Code of Practice and incorporated into the inspection programme. Officers will decide if a revisit is necessary following an inspection and the Civica database will be used to programme the revisit date. The food sampling programme is an intervention that supports the other official controls undertaken by officers.

The Food and Public Protection Team are also required to meet additional demands arising from local activities, such as inspecting the visiting markets and other seasonal festivals.

Officers are required to undertake inspections/interventions outside normal working hours, for example where food businesses operate only at night or at weekends to attend markets and festivals.

The City Council has procedures in place to share its food premises database with the County Council's Trading Standards Department who have responsibility for Food Standards within the District.

In addition to businesses that form part of the programme, the local authority annually inspected approximately 68 new food businesses.

In 2016 -17 the local authority dealt with a range of incidents and enquiries. These are set out in the following table.

Type of Incident / Action	Number
Premises hygiene complaints / Food Complaints	128
FSA Food Alerts (inc Product Recall)	62
FSA Food alerts for action by LA	3
FSA Allergy Alerts	80
Requests for food advice	49
Infectious disease cases	167

Summary of food hygiene related visits made 2016/17

Type of visit:	Number
Food Inspection & Audit Visits	383
Food Hygiene Complaint Visits	81
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Food Hygiene Rating Scheme (FHRS) Re-score Visits	4
Food Sampling Visits	35
Food Advisory Visits	47
Food Hygiene Other Visits	59
Total	673

## 4 Service Delivery

### 4.1 Food interventions

In the financial year 2017-2018, targetted inspections/interventions are due to be carried out at 499 premises. The target for each category is detailed on page 14.

Risk Category	No of targetted premises	Carried over
A	0	0
B	20	0
C	115	3
D	243	12
E*	104*	138*
Unrated	17	-
TOTAL	499	153

These numbers will alter throughout the year as new businesses open and existing businesses close.

Priority will always be given to high risk food businesses (A & B risk rated businesses) and any national or local situations which require urgent attention for example Food Standards Agency food alerts or food poisoning outbreaks.

\* Category E premises are defined in the Food Law Code of Practice as low risk food establishments and allows local authorities to adopt an alternative enforcement strategy to ensure resources are prioritised accordingly towards higher risk premises. Local authorities must ensure low-risk premises are subject to an alternative enforcement intervention every 3 years. The current strategy adopted by this authority alternates a visit with an enforcement questionnaire every 3 years. 138 businesses are overdue an intervention of which a strategy is in place to ensure these premises receive an intervention this financial year.

Revisits following an inspection will be undertaken by officers when deemed necessary or in response to a requested revisit or appeal under the Food Hygiene Rating Scheme (FHRS). A total of 68 revisits were undertaken in 2016/17 of which 4 were requested revisits under the FHRS.

During the course of delivering the food safety service, officers may need to resort to formal action in some circumstances. During 2016/17 officers issued:

#### **156 Written warnings for food hygiene contraventions**

#### **4 Hygiene Improvement Notices**

#### **1 Voluntary Closure of Food Premises**

#### **1 Prosecution of Food Business Operator \***

\* A significant amount of resource was allocated to the investigation and successful prosecution of a local approved manufacturer for serious breaches of food law. The food business was fined £275,000 for 12 food hygiene offences and ordered to pay £28,907 costs to the local authority.

## **4.2 Enforcement policy**

Regulatory Services, within which the Food & Public Protection Team sits, adopts the principles laid down in the Enforcement Concordat, which states that enforcement must be fair, consistent and equitable. The local authority's Food Safety Enforcement Policy outlines the enforcement options available for dealing with problems relating to non-compliance with the legislation. The Policy has been written having regard to Government's Regulators Code and can be found on the website: <http://www.carlisle.gov.uk/Portals/0/Documents/Residents/Environment/A2%20Food%20Safety%20Enforcement%20Policy%202015.pdf>

## **4.3 Food complaints**

The investigation of customer's complaints regarding food safety is an important area of work for the team. The local authority has a response target of 5 days for such complaints, however more serious complaints/allegations will be visited on the day of receipt where possible. In 2016/17 the local authority dealt with 128 food hygiene related complaints.

## **4.4 Primary and home authority principle**

The Home Authority Principle was developed by food and trading standards authorities to aid consistent enforcement. The scheme provides businesses with a home authority source of guidance and advice and provides a system for the resolution of disputes.

Alternatively, businesses can form a 'Primary Authority' statutory partnership with a local authority to assist with consistent enforcement. The guidance and advice the local authority provides will be taken into consideration by officers carrying out inspections and dealing with instances of non-compliance.

Carlisle City Council fully endorses the Home authority and Primary Authority principle but has yet not received any requests for business support in this area.

## **4.5 Advice to business**

The Food and Public Protection Team provide advice and support for all food businesses on request. Information is available on the local authority website, <http://www.carlisle.gov.uk/Residents/Environmental-Problems/food-safety> Information leaflets are also available from the Civic Centre Offices. Officers are available to visit businesses to advise on any aspect of food safety and hygiene. Advice is also given during the planning and building control processes.

## **4.6 Food sampling**

A food sampling programme is produced every year which outlines the local authority's sampling strategy and approach to specific local and national demands.

The Cumbria Sampling Group co-ordinate the sampling programme for Carlisle, Allerdale, Copeland and Eden. The plan is developed by the group to incorporate priorities identified by Public Health England and the Food Standards Agency.

Microbiological examinations are undertaken by Public Health England, Food, Water and Environmental Microbiology Laboratory York, National Agri-Food Innovation Campus, Block 10, Sand Hutton, York YO41 1LZ.

In 2016/17 the Food and Public Protection Team took **67** food samples, **58** of which were reported as satisfactory and **9** unsatisfactory. Where necessary visits are made to those premises to identify reasons why the food samples will have been unsatisfactory and repeat sampling is undertaken. If necessary, results will be notified to other local authorities. The level of sampling undertaken for 2016/17 is lower than the previous year which was due to a reconfiguration of the PHE FW&E network in the North of England.

When necessary, food complaint samples are sent to the Public Analyst at Lancashire County Scientific Services, Pedders Way, Ashton-on-Ribble, Preston PR2 2TX for non-microbiological food analysis. The analysis includes testing for food composition and contamination. No samples were submitted for analysis for the period 2016/17.

#### **4.7 Control and investigation of outbreaks and food-related infectious disease**

The Food and Public Protection Team will investigate food-related infectious disease notifications in accordance with procedures agreed with Public Health England. The response to notifications of illness will be dependant on the severity of illness ranging from immediate response in the case of serious infections e.g. E.coli 0157 & typhoid; to postal questionnaires for cases of campylobacter.

Investigation of outbreaks will be in accordance with the Outbreak Control Plan agreed with the Public Health England.

The table below summarises the number of cases notified to Carlisle City Council in 2016/17.

<b>Disease</b>	<b>Number</b>
Campylobacter	108
Salmonella	6
Norovirus / Viral	11*
E. coli 0157	3
Cryptosporidium	14
Giardia	25

\*number of outbreaks e.g. residential homes

There were no confirmed food poisoning outbreaks during 2016/17; however officers of the Food & Public Protection Team investigated a number of norovirus/viral outbreaks associated with residential care settings.

#### **4.8 Food safety incidents**

Food alerts are issued by the Food Standards Agency to relate information on national food issues to local authorities, the majority being for information only. Food alerts for action require officers to undertake a wide variety of courses of action dependent upon the issue at hand. In 2016/17 a total of 65 Food Alerts were received by the authority, of which 3 required action by the Food & Public Protection Team.

#### 4.9 Liaison with other organisations

Environmental Health involves a number of stakeholders in the supply and operation of its food hygiene services including:

- Public Health England
- The County Council's Public Health and Trading Standards Departments
- Cumbria Food Liaison Group
- Cumbria Health Protection Liaison Group
- Care Quality Commission
- Cumbria Chamber of Commerce and the Carlisle and Penrith Federation of Small Business
- Food Standards Agency
- Better Regulation Delivery Office
- Carlisle Food City Steering Group
- Neighbouring local authorities

#### 4.10 Food safety and promotions

Carlisle City Council participates in the Food Standards Agency National Food Hygiene Ratings Scheme. The scheme is designed to provide information about business hygiene standards to members of the public but is also a useful tool to drive up performance standards of food businesses. Other promotional initiatives used included:

- Local Healthy Options Award
- Food Safety Week – date to be confirmed by FSA
- Attendance at local events

### 5.0 Resources

#### 5.1 Staffing resource

A structure chart is available on page 12. The number of full time equivalent (FTE) officers estimated to be deployed solely on food safety is set out in the following table:

Officer Post	FTE
Regulatory Services Manager	0.1
Principal Health & Housing Officer	0.4
Environmental Health Officers / Technical Officer	2.1
<b>Total</b>	<b>2.6</b>

#### 5.2 Officer development

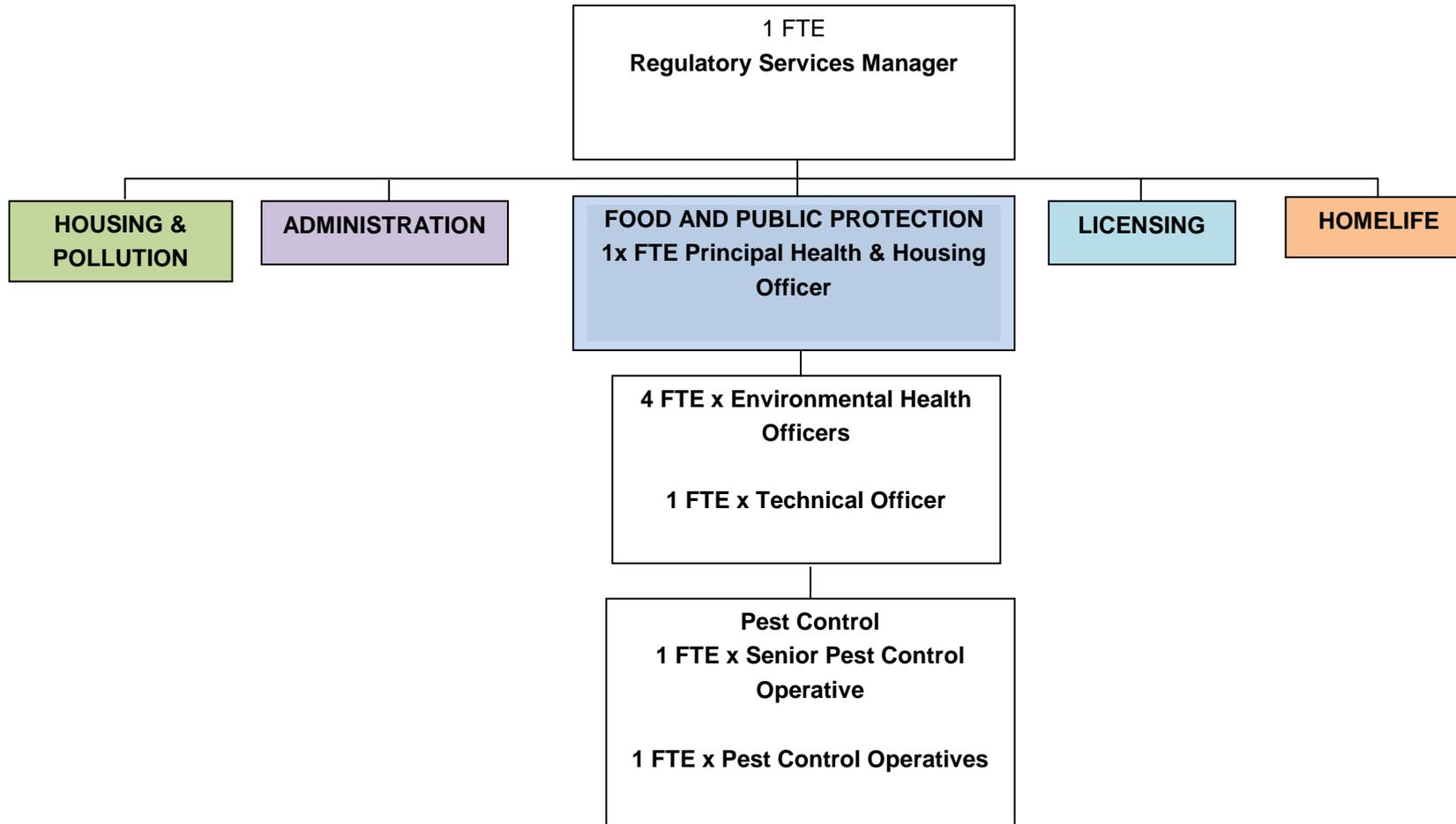
Carlisle City Council are committed to ensuring officers authorised to perform food safety enforcement functions receive relevant structured ongoing training to promote competency, ensure understanding of legislation and technological developments. As stipulated within the Food Law Code of Practice (England) March 2017, all authorised officers will receive a minimum of 10 hours training on food safety issues. All existing officers have obtained the Certificate of Registration of the Environmental Health Registration Board (EHRB) or the Diploma in Environmental Health award by the Royal Environmental Health Institute of Scotland (REHIS). A record of certificates of registration, qualifications and records of on-going training for authorised officers are stored and maintained by the department. The Principal Health & Housing Officer for Food & Public Protection team is required to monitor and report on compliance with our competency requirements. Any essential training needs identified will be provided either in-house or externally.

### **5.3 Quality assessment and performance management**

The Principal Health & Housing Officer (Food & Public Protection) and the Environmental Health & Housing Manager will monitor quality and performance on a monthly basis. Audit actions will be recorded on the department's database management system (FLARE – Civica App).

# REGULATORY SERVICES

Structure Chart 2017 / 2018



Outcome	Key Actions	2016/17 Performance	Target 2017/18	Progress
<p>• <b>Support Economic Growth</b></p>	<p>Improve communication between the County's Regulatory Services through working through Cumbria's Food Liaison Group and Public Protection Group. <i>(Priority)</i></p>	<p>Full representation at Cumbria Food Liaison Group &amp; Public Protection Group Meetings.</p>	<p>Full representation and contribution at Food Liaison Group and Public Protection Group Meetings.</p>	
	<p>Review the Council's Web Site in relation to service provided by the Food &amp; Public Protection Team to ensure information to the public is relevant and accessible and facilitates e-government for accessing application forms etc and specifying service provision and charges where appropriate. <i>(Priority)</i></p>	<p>Food &amp; Safety webpages reviewed and amended where necessary.</p>	<p>Food &amp; Safety webpages to be monitored to ensure information is accurate and reliable.</p>	
	<p>Provide an informal out of hour's service for Food &amp; Health and Safety where circumstances necessitate. <i>(Priority where circumstances require immediate action to protect public health)</i></p>	<p>Arrangements made for out of hours food hygiene inspections and special events (e.g. Markets, Festivals, etc.)</p>	<p>React to out of hours requests where circumstances necessitate.</p>	

<ul style="list-style-type: none"> <li>• <b>Sustainable Food Chain</b></li> <li>• <b>Healthier lives</b></li> </ul>	<p>Inspect food businesses at intervals in accordance with the Food Standard's Agencies Code of Practice and educate and enforce where necessary.</p> <p>(Priority)</p>	<p>Category A – 100%</p> <p>Category B – 98%</p> <p>Category C – 96%</p> <p>Category D – 93%</p> <p>Category E – 71% (of targeted) through the Alternative Enforcement Programme</p> <p>Unrated – 86%</p>	<p>Category A – 100%</p> <p>Category B – 100%</p> <p>Category C – 95%</p> <p>Category D – 95%</p> <p>Category E – 80% <b>through the Alternative Enforcement Programme</b></p> <p>Unrated (of those identified at the start of the year) – 100%</p>	
	<p>Continue to work with and promote the National Food Hygiene Rating System.</p> <p>(Priority)</p>	<p>FHRS ratings for registered businesses within the scope of the scheme uploaded onto the FSAs FHRS website and issued window sticker following intervention.</p> <p>Continued compliance with the FSAs brand standard agreement</p>	<p>Ensure continued compliance with the Food Standards Agency brand standard agreement.</p> <p>Ensure registered food businesses within the scope of the scheme are issued a rating displayed on the FHRS website.</p>	<p>Check on:</p> <ul style="list-style-type: none"> <li>• <a href="http://food.gov.uk/ratings">food.gov.uk/ratings</a></li> <li>• FHRS Web Data Tool</li> </ul>

	<p>To sample foodstuffs for microbiological safety in accordance with local and national need</p> <p>Local sampling programme – Priority</p> <p>Participation in National Surveys - Desirable</p>	<p>Participation in PHE coordinated surveys.</p> <p>67 samples taken:</p> <ul style="list-style-type: none"> <li>• 58 satisfactory</li> <li>• 9 unsatisfactory</li> </ul>	<p>Collect samples as requested by the Public Health England coordinated sampling programme and local priority samples as determined by risk.</p>	
	<p>To actively take part in Cumbria Food Liaison Group (FLG) plan of work</p> <p>(Priority)</p>	<p>Representation at all FLG meetings</p> <p>Contributed to FLG work plan</p>	<p>Full Contribution and Attendance at meetings and development of Action Plan</p>	
	<p>Work with the Healthy Cities Steering Group and Carlisle Food Sub-group on actions in delivering the Healthy Cities Improvement Action Plan</p> <p>(Desirable)</p> <p>Deliver of the Local Healthy Options Award.</p> <p>(Priority)</p>	<p>Contributed to Health &amp; Wellbeing Day with a focus on nutrition.</p> <p>Healthy Eating Options Awards - promoted as part of routine food safety interventions</p>	<p>Continued support of Healthy Cities Steering Group &amp; Healthy Communities Working Group. Participate in at least one coordinated campaign.</p> <p>Continue to deliver and develop the Local Healthy Eating Options Awards - promote award as part of routine food safety interventions / review award criteria</p>	

	<p>Identify all non-compliant businesses / 0-2 FHRs rated food businesses and take appropriate action to raise compliance level (to broadly compliant)</p> <p>(Priority)</p>	<p>97% of all food businesses broadly compliant</p>	<p>98% of food businesses broadly compliant</p>	
	<p>Participate in “public health” related activity as requested by partners such as the County Council, Public Health England and the Food Standards Agency.</p> <p>(Desirable)</p>	<p>Food Safety Week 2016 – issuing of press release</p> <p>Valentines Food Safety press release</p>	<p>At least one campaign per year</p>	
	<p>Assist in the delivery of the Rogue Landlord Project 2017 - 2019</p> <p>(Priority)</p>		<p>Delivery of food hygiene training for hard to reach groups</p>	

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## **EXCERPT FROM THE MINUTES OF THE EXECUTIVE HELD ON 3 JULY 2017**

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**EX.52/17      FOOD LAW ENFORCEMENT SERVICE PLAN**  
(Key Decision – KD.05/17)

**Portfolio**      Environment and Transport

**Relevant Overview and Scrutiny Panel**      Community

**Subject Matter**

The Environment and Transport Portfolio Holder submitted report GD.29/17 providing details of the Food Law Enforcement Service Plan covering the period 1 April 2017 to 31 March 2018. A summary report of the Plan had also been produced at Appendix 1 for Members' assistance.

The Portfolio Holder explained that the Plan set out how Regulatory Services would deploy its resources in 2017 to 2018 to improve hygiene standards, prevent food borne diseases and help people live healthier lives. It sought to target intervention to tackle local issues whilst ensuring that Carlisle City Council achieved its national statutory responsibilities.

In improving food standards Regulatory Services were contributing towards ensuring a safe, healthy and sustainable food chain for the benefit of consumers. Service Plans were an important part of the process to ensure that national priorities and standards were addressed and delivered locally.

Details of the Food Standard Agency's expectations in terms of the delivery of official controls on feed and food law; the Service's contribution to the Council's Carlisle Plan; the requirements of The Food Law Codes of Practice (March 2017); and the Food Standards Agency's (FSA) Strategy for 2015-2020 were provided.

The Portfolio Holder indicated that the FSA recognised that they could not achieve their strategic goals in isolation and acknowledged the important role played by local government officers in ensuring food safety. As part of the strategy the FSA had issued a paper entitled 'Regulating our Future – Developing the FSA's New Approach to Regulating Food Businesses' which outlined a programme of work which would change how the authority regulated food businesses.

The Council's Regulatory Services were concerned about the new proposals and the need to be mindful of how those regulatory changes proposed by the FSA would affect the health and well-being of citizens and visitors of Carlisle. As part of a coordinated

approach with other Cumbrian Local Authority Environmental Health Departments Officers were responding directly to the FSA outlining their concerns regarding those future proposals.

The Environment and Transport Portfolio Holder concluded by moving the recommendations, which course of action was formally seconded by the Leader.

**Summary of options rejected** None

## **DECISION**

That the Executive:

1. Agreed the key actions of the Food Law Enforcement Service Plan as appended to Report GD.29/17.
2. Referred the said Plan to Overview and Scrutiny for consideration and comment in accordance with the Council's Budget and Policy Framework.

## **Reasons for Decision**

The recommended key actions had been identified following consultation and reflected the resources available to Regulatory Services in the financial year 2017 to 2018