

Report to: Executive Cabinet Member for
Environmental Services

Date: 29th July 2013

Report of: Director of Environmental Services

Report No: ECMES/05/13

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Report Title: **Food Service Plan 2013 / 2014 Report**

Non Confidential: This report does **not** contain information which warrants its consideration in the absence of the press or members of the public

Purpose: To inform Members of the Food Service Plan 2013-2014

Recommendation: Executive Cabinet Member is requested to

1. Endorse the service's food safety and food standards delivery programme.
2. Recommends that the council Approves the Food Service Plan as part of the policy framework.

Decision:

**Background
Doc(s):**

The Framework Agreement on Official Feed and Food Control by Local Authorities 2010
Food Law Code of Practice (England) 2012
Regulatory Services' Enforcement Policy 2012 – 2015
Joint Infectious Disease Outbreak Plan 2008
E Coli O157 Control of Cross Contamination Guidance for food business operators and enforcement authorities
Outbreak of Listeria Monocytogenes report
Food Standards Agency Guidance for local authority authorised officers on the approval of establishments (2012).

Signed:

Leader / Executive Member

Monitoring Officer

Bolton Council

Date:

Equality Impact Assessment: At this stage it is not anticipated that the proposals will have a disproportionate impact on any of Bolton's diversity groups.

Summary:

Bolton Council has a vital in ensuring standards of food safety within the borough are maintained. Officers in the Food Team provide the link between national government policy, the food industry and the people of Bolton in providing a safe and wholesome food supply.

Since January 2011, the Council has operated the national Food Hygiene Rating Scheme and published the food hygiene ratings for food businesses in the borough: www.food.gov.uk/ratings. Over 730 businesses have been assessed as having the highest rating 5 – very good, 520 with a rating of 4 – good and 433 with a rating of 3 – generally satisfactory; however 113 businesses have been rated as 2 – improvement necessary, 83 businesses have only been rated 1-major improvements necessary and 23 have received the lowest rating, zero – urgent improvements necessary. Therefore in 2012-2013, the food and health & safety team, focused on those premises not achieving a satisfactory standard in food hygiene. Thirty five food businesses were required to close down for a period to enable the food business operator to bring conditions up to a minimum standard. Seven premises voluntarily surrendered and disposed of unsound food and in four premises, unsound food was seized by officers and subsequently condemned and destroyed. A major prosecution against operators of a takeaway food business was successfully concluded in Crown Court resulting in Community Orders and the issuing of a Prohibition Order against the premises and equipment by the Judge.

Prosecutions of a number of other businesses are being undertaken, however the team has experienced significant problems with food business operators abandoning their businesses or transferring the business registration to another person, meaning the premises becomes unrated and requires a new inspection.

Businesses which are broadly compliant with the required standards have received a “lighter touch” alternative intervention visit, by a technical assistant, therefore allowing the teams qualified professional officers to prioritise the non-compliant businesses.

During the last twelve months:

- 620 food premises inspections were carried out
- 468 lighter touch, alternative interventions were undertaken to lower risk broadly complaint premises
- 88% of Bolton’s food business were classified as broadly compliant
- Further FSA grant funding enabled us to continue to carry out sampling and analysis of imported foods which may pose public health risks.
- Other regulatory interventions (e.g. health and safety) were incorporated into both the food hygiene inspection programme and the lower risk intervention work.

1.0 Introduction

Bolton Council has a vital role in ensuring standards of food safety within the Borough are maintained. Officers in the Food and Health & Safety Team provide the link between national government policy, the food industry and the people of Bolton in providing a safe and wholesome food supply. The Council operates the Food Standards Agency's National Food Hygiene Rating Scheme and since January 2011, has published the food hygiene ratings for all food businesses in the borough: www.food.gov.uk/ratings. The scheme makes it easier for customers to choose places with good hygiene standards when they eat out or shop for food. This Food Service Plan has been prepared in accordance with the Food Standard Agency's Framework Agreement ⁽¹⁾.

2.0 Service Aims and Objectives

2.1 Aims and Objectives

- To ensure that all food and drink intended for sale for human consumption, produced, stored, distributed or handled in Bolton is safe, hygienic and compliant with food hygiene and labelling legislation.
- To ensure all food business establishments and food handlers comply with Food Hygiene Regulations.
- To ensure that food borne infections are investigated and controlled.

This will be achieved by a mixture of enforcement, education, risk based programmed inspections (for high risk and non-compliant premises) and alternative interventions (for lower risk, broadly compliant premises), the investigation of complaints and sampling initiatives. In addition, for the majority of food premises, continuing to operate the National Food Hygiene Rating Scheme acts an incentive for Food Business Operators to maintain and / or improve hygiene standards in food businesses.

2.2 Links to Corporate Objectives and Plans

The Food and Health & Safety Team is part of the Environmental Services Department and delivers a high profile frontline service on behalf of the Council.

The team is concerned primarily with fulfilling the statutory duties placed upon the Local Authority as a Food Authority, together with the need to deliver services required by the community. The views of both businesses and users of the service are sought to determine whether the service is appropriate for business and the community at large.

The service contributes to the Council's main aims of Economic Prosperity and Narrowing the Gap.

3.0 Background

3.1 Profile of Bolton Council

General Statistics	
Brief description of the Authority	Bolton is part of the Greater Manchester conurbation. Predominantly urban with rural areas to the north.

Area	140 square kilometres
No of Households	116,400
Population	276,800
% No of ethnic minority	11%
No of Commercial food premises	2,387

3.2 Organisational Structure

The Food and Health & Safety Team in the Neighbourhood and Regulatory Services Division is part of the Environmental Services Directorate. The division is currently undertaking a service review. The proposals do not significantly affect those teams with responsibilities for food related functions ⁽⁸⁾.

The manager responsible for food service delivery is:

Linda Duckworth
Tel: 01204 336530
Email: linda.duckworth@bolton.gov.uk

The service is supported by:

- The Public Health England Food, Water & Environmental Microbiology Laboratory at Preston which provides the Food Examiner Service;
- The Public Analyst, Agricultural Analyst and Scientific Adviser services which are currently provided by Leicestershire and Staffordshire Scientific Services. From 1st July 2013, these services will be provided by Lancashire County Scientific Services.
- The Public Health England, Health Protection Team which provides the Consultant in Communicable Diseases role.

3.3 Scope of the Food Service

The team is responsible for the enforcement of the food hygiene and food standards legislation. Officers also investigate notifications of infectious disease including food poisonings in association with Public Health England, Health Protection Team.

The Trading Standards team is responsible for feeding stuffs enforcement.

All officers are Bolton Council employees who are appropriately qualified and appointed as authorised officers under the relevant legislation. However, it has been necessary to appoint specialist agency staff to cover for various periods of sickness absence within the team to enable an appropriate level of service to be maintained.

3.4 Demands on the Service

There are 2387 food business establishments within the borough, divided between the following premises usages.

Caring Premises	286
Distributors/Transporters	47
Hotel/Guest House	17
Importers/Exporters (3rd Countries)	2
Manufacturers and Packers	53

Mobile Food Unit	86
Not currently trading	12
Primary Producers	1
Pub/Club	264
Restaurant/Cafe/Canteen	345
Restaurants and Caterers - Other	208
Retailer - Other	130
School/College	130
Small Retailer	454
Supermarket/Hypermarket	51
Take-Away	301
Total	2387

Many of the highest risk food businesses are in the takeaway and restaurant categories.

Included in the above figures are 17 establishments which are 'Approved' under Regulation (EC) No 853/2004. These are food businesses which manufacture or pack products of animal origin and require prior approval to trade. Once approved, the businesses are able to trade across the EU.

- Dairy 1
- Live bivalve molluscs (shellfish) 1
- Meat preparations only 2
- Rendered fats 1
- Meat products 7
- Meat preparations and meat products 3
- Egg Packers 2

Bolton has a relatively high number of meat products manufacturing establishments, which have significant resource implications due to the complexity of the approval process.

A large number of food businesses are run by members of the Asian community and the new emerging Eastern European community. This can cause some language difficulties when the Food Business Operator's first language is not English.

In relation to feeding stuffs manufacture and supply, Bolton presents no unusual issues. There are some manufacturers/wholesalers based in Bolton that supply feeding stuffs around the country and a number of premises have livestock and require visits.

There are a number of food manufacturers who distribute nationally or internationally, including approved establishments and those which do not require approval as they are not producing products of animal origin.

A significant amount of evening work is carried out due to the large number of food takeaway businesses which only open for trade in the evening. The Food Law Code of Practice⁽²⁾ requires inspections and interventions to be carried out when businesses are open for trade.

The majority of inspections and interventions are carried out unannounced in line with the requirements of the Food Law Code of Practice. This may result in officers not gaining access to the premises (e.g. if they have altered their opening hours or do not trade on a daily basis) and the need for a further visit.

3.5 Enforcement Policy

The Council operates to the Cabinet Office and Local Government Association's Enforcement Concordat which sets out the Council's commitment to the principles of good enforcement. Regulatory Services has its own enforcement policy which received Executive Cabinet Member approval in 2012⁽³⁾. The policy sets out the approach of Regulatory Services when seeking compliance with the law. In addition to the main policy, there is also an Appendix which contains supplementary enforcement policy issues in relation to food control. The main policy together with the specific Appendix relating to Food constitute the Food Law Enforcement Policy for Bolton Council as required by the Food Law Code of Practice (England).

4.0 Service Delivery

4.1 Food Premises Inspection

Pro-active, programmed food hygiene inspections are carried out at all high risk food business establishments. All new food businesses, including those which change ownership are also inspected once their registration form has been received or the food business is otherwise identified. These new businesses are classed as unrated until they have received an inspection. It is estimated that around 20% of businesses change hands each year resulting in a constantly high number of unrated businesses awaiting inspection.

Lower risk businesses and those which are broadly compliant and due for inspection, receive a lighter touch through an alternative intervention in line with the government's strategy to reduce the burden on business. This allows the service to target resources towards non-compliant and high risk businesses.

The food premises profile of the Borough and inspection frequency for food hygiene as at 1st April 2013 is as follows:

Category A 6 month visit	Category B Annual Visit	Category C 18 month visit	Category D 24 month visit	Category E 36 month alternative intervention	Unrated Within 28 days	Outside No visit	Total premises
32	128	921	490	456	176	226	2429

The number of food safety inspections **due** in the year 2013 - 2014 is as follows (it is important to recognise that premises may move between risk bands and therefore these figures represent a snap shot based upon data at 1st April 2013).

- Cat A 32 (x2 visits per annum)
- Cat B 128
- Cat C 624
- Cat D 366
- Cat E 377
- Unrated 176

Of the inspections due in high risk categories A - C, a high proportion would require a revisit to check on compliance. Due to resource limitations only those premises where there is a significant risk to public health will receive a revisit. Other non-compliance issues will be followed up at the next inspection.

A summary of the Food Hygiene Rating Scheme ratings as at 16th April 2013 is as follows (N.B. not all food businesses are included within the scheme). As a comparison, figures for 2012 are also included. It must be remembered that this is a snapshot view as the data changes daily.

	5 Very Good	4 Good	3 Generally satisfactory	2 Improvement necessary	1 Major improvement necessary	Zero Urgent improvement necessary
2013	738	520	433	113	83	23
2012	656	494	539	126	118	26

Under the Food Hygiene Rating Scheme, food business operators can request revisits once they have carried out all required works to improve their rating. In addition, food business operators can appeal against the food hygiene rating awarded if they feel the rating has been applied incorrectly. In 2012 / 2013, this resulted in 2 appeals against the rating and 24 requests for re-inspections from local businesses. Whilst this demonstrates the businesses desire to improve their standards and obtain a good rating, it also creates additional workload for the team.

It is the policy of the unit to secure compliance by the use of a graduated approach to enforcement including where appropriate, formal action including prosecution. Formal action will also be taken where there is a serious risk to public health. Any formal action is taken in accordance with the Department's enforcement policy as outlined in para 3.5 above.

There are a number of enforcement options available to Officers within the unit. These are:

- Verbal and written advice
- Written warnings (written notification of contraventions of the Regulations)
- Hygiene Improvement Notices (HINs) (legal notice requiring remedial works to be carried out within a defined timescale)
- Voluntary Closure (undertaking by a Food Business Operator to temporarily close the business due to existence of an imminent risk to health)
- Hygiene Emergency Prohibition Notice (legal notice requiring a food business to cease trading immediately due to existence of an imminent risk to health)
- Remedial Action Notice (legal notice restricting or stopping activities at an approved establishment)
- Voluntary surrender of food (Food Business Operator agrees food is not suitable for human consumption and agrees to its disposal)
- Detention and seizure of food (legal notices to prevent food from being used pending further investigation and for seizing food which does not satisfy food safety requirements)
- Prosecution

There was a high level of enforcement activity during 2012 – 2013 due to conditions found within food businesses. Whilst the enforcement action was necessary to protect public health, formal enforcement requires considerable officer time. In addition to carrying out the increased level of enforcement action, the team maintained the high risk inspection programme. The team will continue to carry out enforcement activity as appropriate in 2013 - 2014.

Preparation of prosecution files for a number of food businesses is currently being undertaken. However, in some instances, food business operators have abandoned their businesses or transferred the business registration to another person, meaning the premises becomes unrated and requires a new inspection.

The details of the use of these enforcement powers by the team in 2012 / 2013 is set out in section 7.

4.2 Food Standards

Food Standards concerns the composition and labelling of food. In line with government policy, only compositional, nutrition or labelling issues which amount to a risk to public safety will have resources allocated to them.

Outlined below is the food standards programme for the forthcoming year:

- Food Standards matters of concern will be identified during programmed food safety visits.
- Food standards complaints which represent a risk to public safety will be investigated
- Food business operators who request advice on food standards issues will be given appropriate advice and guidance.
- Subject to funding from the Food Standards Agency, a specific food sampling project, focussing on food standards issues will be undertaken.
- Alternative interventions will be utilised where appropriate to respond to food alerts issued by the Food Standards Agency.
- The service will operate as the Originating Authority in relation to other Local Authorities referrals and will investigate any referrals where public safety is at risk.
- The service will co-operate with requests for action by the Food Standards Agency in relation to food standards issues where there is a risk to public safety.

4.3 Service Requests and Food Complaints

The team receives a significant number of service requests and complaints from members of the public, from businesses and from other agencies.

The Council's Contact Centre is the first point of contact in relation to complaints and service requests. Where the complaints and service requests meet criteria for investigation or further advice, these are referred to the team and actioned as appropriate. Some matters require urgent action e.g. notification of a water disconnection in a food premises, whilst others receive a response within the service standards and an appropriate level of investigation.

Service requests and complaints cover a wide spectrum of issues from complaints from the public including hygiene conditions in a food business, referrals about food businesses in Bolton from other Local Authorities or other agencies or food complaints where an item of food purchased by a customer is found to contain extraneous matter. In relation to food complaints, the team focusses on investigation of those complaints which involve a serious risk to the food's safety, fitness, quality or composition. In such cases, complainants are asked to bring the food in and pass it to the team for investigation. These investigations may include sending the food sample for analysis,

releasing it back to the manufacturer or examination of it by an officer within the team. The Contact Centre will advise customers who have less serious complaints as to the best way of pursuing these with the appropriate person or organisation.

In 2012 - 2013, 317 food hygiene and food standards complaints were received by the team. In addition, the team dealt with 309 requests for advice.

4.4 Primary Authority Agreements and Home Authority Principles

The Regulatory Enforcement and Sanctions Act 2008 introduced Primary Authority agreements. Local companies can enter into agreements, at full cost recovery, with the local authority. National inspection plans and guidelines for other councils are produced to help avoid unnecessary burdens on business. Bolton Council currently has two food related agreements with Sayer's the Bakers and Aleef Garages.

The aim of the home authority principle is to provide businesses with a source of guidance and advice within their home authority. Bolton Council supports the principle and uses it to provide effective liaison between local authorities in deciding on the best course of action when investigating food complaints.

4.5 Advice to Businesses

Small to medium size businesses make up a significant percentage of food businesses within the borough. Officers recognise the importance of supporting businesses to understand and comply with the law. Advice and guidance is provided both as part of the inspection process and to specific requests. New starter businesses are provided with information at the earliest opportunity to allow the business thrive and reduce the cost of compliance.

In catering and some retail businesses, food safety management systems such as the Food Standards Agency's "*Safer Food Better Business*" guidance are discussed. Businesses are also provided with information and guidance to enable them to achieve the highest possible rating, as part of the national Food Hygiene Rating Scheme.

4.6 Sampling

Food sampling followed by analysis or examination is the recognised means by which contaminants in food, whether chemical or microbiological, can be accurately identified. Food Officers are specialists in food sampling and wherever possible they will use their skills to assist responsible food producers, processors and suppliers to comply with the legislative requirements. There will be occasions however where enforcement action will be required.

No target has been set for samples again this year to reduce any unnecessary burden on the budget while allowing for a response to complaints or issues arising from inspections or complaints / referrals. However, if requested by the Food Standards Agency, additional sampling would be undertaken as per their specified programme.

The Council has arrangements in place for samples to be submitted to one of two official control laboratories. The choice of laboratory will be determined by the type of investigation which is required:

- For analysis, i.e. the identification of contaminants, substitution of ingredients, adulteration of food and labelling issues samples are submitted to Leicestershire & Staffordshire Scientific Services (Lancashire County Scientific Services from 1st July 2013) for investigation by the Public Analyst.

- For microbiological examination, i.e. identification of bacterial contaminants, samples are submitted to the Food Examiner at Food and Environment Microbiological Services, Public Health England, Preston Laboratory.

The submission of food complaint samples for analysis has significant resource implications and therefore food complaints are submitted to the laboratory only in cases where formal action is likely to follow and where this is dependent on the results of analysis.

More detailed information regarding food sampling is contained within the 2013 - 2014 Food Sampling Policy & Programme; see Appendix 2. This includes co-ordinated national and local surveys in conjunction with the Food and Environment Microbiological Services Northwest Regional Partnership and the AGMA Food Technical Group. We will continue to place greater emphasis on sampling from approved premises and those high risk premises where the officers deems it appropriate. In these difficult financial times the cost of analysis may prove prohibitive for the council to continue supporting the AGMA sampling surveys.

Where samples are obtained which may result in legal proceedings, they will be dealt with in accordance with the Food Law Code of Practice (England).

Trading Standards are responsible for feeding stuffs premises inspection and feeding stuffs sampling as well as provisions relating to food and feed hygiene. The legislation requires certain premises to register with the Trading Standards Service and inspection of premises on a risk assessed basis. When risk assessing a premises consideration must be given to quality assurance schemes to which it may belong to (e.g. "Farm Assured").

The records of premises subject to Trading Standards control will continue to be examined and verified over the coming year to ensure they are up to date and accurately risk assessed. This process will include inspections as required on a risk assessed basis as well as desktop and postal assessments to ensure the most efficient and effective use of resources and samples will be taken where an officer feels it is required. In addition Bolton Council contracts with Oldham Council for the provision of some aspects of the animal health function.

4.7 Control and Investigation of Outbreaks and Food Related Infectious Disease

Bolton Council has a Joint Infectious Disease Outbreak Plan⁴ which is operated in partnership with Public Health England, Health Protection Team.

The Greater Manchester Health Protection Team computerised surveillance system is used to record all communicable disease notifications. This enables infectious diseases to be easily monitored and statistically analysed. The level of investigation of individual food poisoning notifications is dependent on the causative organism and the criteria outlined in the plan. Certain infectious diseases including typhoid, paratyphoid, E Coli O157 and listeriosis are promptly referred to the Food and Health & Safety Team for an immediate and thorough investigation. The Arrangement between the Health Protection Team and Local Authority specifies that the Council must investigate within 24 or 48 hours of notification, depending on the organism involved. The purposes of investigation are to identify the source of the illness and ensure measures are in place to prevent further spread within the household and the community.

Notifications of both individual cases of serious infectious diseases and outbreaks are clearly demand led and unpredictable. Therefore when such a notification is received,

resources are diverted from programmed activities to facilitate a thorough investigation. For any future cases of serious infectious diseases or outbreaks, the necessary resources will again be provided at the expense of proactive work.

312 gastro-intestinal infectious disease notifications were received in 2012-2013. The majority of the notifications (209) continue to be associated with *Campylobacter*. *Campylobacter* can cause severe diarrhoea and abdominal pain. It can be transmitted via contaminated milk or water and eating undercooked chicken and meat. Person to person spread can occur. *Salmonella* and cryptosporidiosis accounted for a further 85 notifications. The Health Protection Team is responsible for providing appropriate advice to these sporadic cases.

4.8 Food Safety Incidents

Food and Allergy Alerts are responded to promptly. Action is proportionate to the risk and status of the food alert and adequate resource will be allocated to effectively deal with the risk to public health. Action taken in response to a food or allergy alert will be in accordance with the Food Law Code of Practice (England).

Immediately on receipt of Food or Allergy Alerts the team is notified and the Principal Officer will decide if there are implications for Bolton and the action required. During 2012 – 2013, 49 Food Alerts and 65 Allergy Alerts were received. The majority of these were for information, with a limited number requiring local action. One of the Food Alerts for Action originated from action taken in Bolton in relation to cakes and other products handled in an establishment subject to a Hygiene Emergency Prohibition Notice and potentially contaminated with rat droppings.

Where the Food or Allergy Alert has significant implications for public health and it is important to alert the public at large then, with the assistance of the Council's Communications and Marketing Team, the local media will be encouraged to publicise the issue. Throughout these processes, senior management and appropriate members are appraised of the situation.

Trading Standards will use the Food Control Unit's Food Alert System in relation to feeding stuff related incidents.

4.9 Liaison with Other Organisations

As part of the AGMA Public Protection Partnership the team liaises directly with the ten Greater Manchester authorities. Specialist technical groups are used as a forum to ensure a consistent approach across the region. In relation to food, the relevant group is the Food Technical Group which covers food safety across the AGMA region.

Close links have also been established with:

- Primary and Home Authorities
- Government bodies including Food Standards Agency, Public Health England and Business Innovation & Skills (formerly BRO)
- Voluntary groups
- Other public sector bodies including NHS Bolton
- Professional bodies e.g. Chartered Institute of Environmental Health
- Stakeholders and customers.

The authority will continue to be represented at the North West Agriculture Sub Group to ensure uniformity of inspection and enforcement.

4.10 Food Safety and Food Standards Promotion

The emphasis for this year will be on continuing to enhance the advice and guidance through web based information, together with providing support for local and national initiatives such as “Love your Local Market”.

The AGMA Food Technical Group is committed to introducing a Healthier Catering Award in catering premises across Greater Manchester. Whilst the Food and Health & Safety Team is not able to resource the introduction and maintenance of this initiative, the Principal Officer has liaised with the Public Health Team (formerly from Bolton PCT) in Adults & Children’s Services who will be running the award scheme with support from the School Meals Service.

5.0. Resources

5.1 Financial Allocation

Employee related	£ 261,802
Transport	£ 13,000
Test purchase/analysis	£ 700
Supplies and services	£ 8,150

Robust monitoring of the budget is in place to ensure the service is delivered within budget.

5.2 Staffing

Five fte Environmental Health Officers (including the Principal Officer) and a 0.5 fte Technical Officer, holding the Higher Certificate in Food Premises Inspection, carry out the inspection programme. In addition, two fte Environmental Health Officers with a health and safety background but fully competent to undertake the full range of food law enforcement actions are also involved in carrying out the inspection programme. 2 fte Technical Assistants have been retrained to provide additional support and undertake an alternative intervention strategy with lower risk, broadly complaint premises.

In the final quarter of 2012 / 2013, extra support for the team was transferred across from other areas of Regulatory Services. This enabled the team to focus on the high risk inspection programme and carry out enforcement action where appropriate.

An opportunity has been identified to train one or two officers from other areas of Regulatory Services to carry out food hygiene inspections as required. This is a considerable commitment requiring part time University attendance over 2 academic years and completion of a practical training logbook to obtain the Higher Certificate in Food Premises Inspection. However, such an additional staffing resource would be very useful for the team as well as providing a valuable training opportunity and enhancing the skills of officers from other areas of the Service.

The Service Support section within Regulatory Services provides administrative support to the team.

5.3 Staff Development

A number of mechanisms exist to ensure staff competence:

- Induction Training Programme

- Accompanied inspections.
- Consistency exercises, locally and regionally
- Training and competency matrix
- The Council's Staff Development framework
- Continuing Professional Development

Line managers are responsible for conducting personal development reviews to determine staffs' needs and competence.

The Council is committed to providing each member of the food team a minimum of 10 hours ongoing/update training each year, as required by the FSA's Food Law Code of Practice.

5.4 Information Technology

It is essential for the delivery of the food service plan that the data base undergoes continual development and maintenance. The APP Civica system generates the food inspection programme, service requests and food sampling information; together with data to complete our statutory returns to the FSA. This is achieved with the support of the systems manager and the Service Support team. The FSSNet system has been installed and is currently used for logging samples which are to be submitted to the Public Analyst and the subsequent results.

6.0 Quality Assessment

Whilst the proposed inter-authority audits via AGMA's Public Protection Partnership and the Food Technical group were not undertaken during 2012 - 2013, it is proposed that these audits will be carried out in 2013-14. The audits will help to ensure consistency across the region through the operation of a quality framework. However, the Principal Officer regularly attends the Food Technical Group meetings which also aid consistency of approach across Greater Manchester. A representative from the Food Standards Agency attends these meetings to feedback any issues arising. Representatives from other agencies also attend from time to time to pass on relevant information to the Group.

Within the team, regular meetings provide an opportunity for management to update staff and for the team to discuss various issues again aiding consistency. There is also an element of peer review as officers work together when required and a system also exists whereby officers critically review the drafting of each other's legal notices prior to service.

Mechanisms to measure trader and customer satisfaction already exist and will continue to provide valuable feedback on service delivery. Management review comments received to look to introduce improvements to the service from the feedback received.

7.0 Review of the 2012-2013 Plan and Areas for Improvement

Regulatory Services sets an annual Business Plan and progress against this is monitored. Any areas not on target are reviewed and measures put in place to ensure objectives are met within the scheduled timeframe. Due to resource issues, some items will be rolled forward onto the 2013 -2014 Business Plan. However, the high risk inspection programme was achieved. On-going officer monitoring is timetabled into regular 1:1 sessions and Team meetings.

The focus of the food hygiene inspection plan for 2012-2013 was the highest risk non-compliant food businesses. Throughout the year, 620 food hygiene inspections were

carried out. The team identified 45 takeaway food businesses with poor ratings under the Food Hygiene Rating Scheme and referred these for free food safety coaching offered by the Food Standards Agency. On site coaching was carried out by contractors appointed by the FSA to aid the food business operators' understanding of food safety and their legal obligations. The team also continued to promote and enforce the Food Standards Agency guidance on E coli O157 Control of Cross Contamination⁽⁵⁾.

In addition 468 lighter touch, alternative interventions were undertaken to lower risk broadly complaint premises. 88% of Bolton's food businesses are classed as broadly compliant. These interventions were carried out by Technical Assistants. This has allowed the other officers to concentrate on the highest risk and non-compliant businesses.

Other regulatory interventions (e.g. smoke-free and health & safety) were incorporated into both the food hygiene inspection programme and the lower risk intervention work. With regard to food standards, the team obtained Food Standards Agency grant funding as part of a national co-ordinated food sampling programme to carry out a sampling project focussing on contaminants in imported foods and non-declared allergens in takeaway meals.

In 2012 / 2013 there was an increased level of enforcement activity due to poor food hygiene conditions found in a number of food businesses. 584 written warnings were issued and 123 Hygiene Improvement Notices were served on 14 food businesses.

35 food businesses were required to close down for a period because the officer witnessed conditions which represented an imminent risk to health. Whilst closed, the food business operators carried out works to bring conditions within their business up to a minimum standard. Of these, 33 were voluntary closures but three of these were also subsequently served with Hygiene Emergency Prohibition Notices due to further observations of imminent risk. Another 2 premises were served with Hygiene Emergency Prohibition Notices making a total of 5 Hygiene Emergency Prohibition Notices. In all instances where Hygiene Emergency Prohibition Notices were served, Bolton Magistrates Court was satisfied with the action taken by the officer and issued Hygiene Emergency Prohibition Orders for the closure of the businesses.

7 premises voluntarily surrendered and disposed of unsound food. In 4 premises, powers of seizure were used and in each case, the seized food was condemned by Bolton Magistrates Court and subsequently disposed of.

A major prosecution in Crown Court relating to failure to comply with Hygiene Improvement Notices and the sale of food which failed to meet food safety requirements was successfully concluded in December 2012 with 3 defendants pleading guilty to charges against them. In addition to sentences of Community Orders and the awarding of costs, the Judge also issued a Prohibition Order prohibiting the use of the premises and the equipment for the purposes of a food business. The premises remains closed.

A further prosecution against the operators of another food business was successfully concluded in May 2013 with 2 defendants each pleading guilty to 34 food safety charges against them. Bolton Magistrates Court issued substantial fines and awarded costs.

In addition to the above, significant pieces of work which were not scheduled in the Business Plan or Service Plan were carried out during 2012 – 2013.

A case of listeria in Bolton was linked to a cross boundary listeriosis outbreak in Lancashire. The team undertook detailed investigation and extensive sampling from

food businesses within Bolton and provided a representative to Outbreak Control Team which included representatives from a number of Local Authorities involved, the Health Protection Agency and the Food Standards Agency. A comprehensive outbreak report was subsequently published⁽⁶⁾.

The team undertook a major investigation into cakes and other products which were being re-wrapped and stored at an unregistered unit in Bolton. There were major contraventions of food safety legislation including a serious rat infestation, lack of lighting (due to lack of a power supply) and poor cleaning: in addition, food stored at the unit was exposed to risk of contamination and did not meet food safety requirements. A Hygiene Emergency Prohibition Notice was served, closing the premises and all food within the Unit was detained pending further investigation. When a proportion of the detained food was illegally removed, the Food Standards Agency was informed and a national Food Alert For Action issued. Investigations traced the food to a storage unit in Oldham where officers detained, seized and had the food destroyed. An officer from Bolton gave evidence at Oldham Magistrates Court during the hearing for the condemnation of the food. The food remaining in the unit in Bolton was also seized and Bolton Magistrates ordered its destruction. Due to the significant amount of officer time spent and the cost of disposal, a successful application for funding to assist with this was made to the Food Standards Agency's Food Fraud Fighting Fund.

In February 2013, the Food Standards Agency wrote to Local Authorities in relation to horsemeat found in beef products. The FSA requested the local authority to visit all approved establishments to investigate suppliers used, traceability of meat and composition and labelling issues. 10 visits were carried out in relation to this issue, with feedback made to the FSA. Not all approved premises required a visit as some do not handle beef products. Horsemeat was not identified at any of the establishments visited.

The previous Food Service Plan identified maintaining the focus on the Food Standards Agency's E coli O157 Control of Cross Contamination Guidance and this was incorporated into food hygiene inspections and the alternative interventions throughout the year. The Food Standards Agency's Guidance in relation to approved premises was also implemented when dealing with new applications for approval⁽⁷⁾.

The team will continue to focus on implementation of the above mentioned E coli O157 guidance and the carrying out of enforcement action as appropriate. Further areas for improvement will be identified by the team and food safety will continue to be a priority area for Regulatory Services.

8.0 Recommendations:

Executive Cabinet Member is requested to

1. Endorse the service's food safety and food standards delivery programme.
2. Recommends that the Council approves the Food Service Plan as part of the policy framework

Reference Documents

1. The Framework Agreement on Official Feed and Food Control by Local Authorities 2010
2. Food Law Code of Practice (England) 2012
3. Regulatory Services' Enforcement Policy 2012 - 2015
4. Joint Infectious Disease Outbreak Plan 2008
5. E. Coli O157 Control of Cross Contamination Guidance for food business operators and enforcement authorities (and associated Q&A documents)
6. Outbreak of *Listeria monocytogenes*, 1/2a, fAFLP type XI.23 in Lancashire and Greater Manchester, associated with pressed beef, July 2012. Cumbria & Lancashire Health Protection Unit.
7. Food Standards Agency Guidance for local authority authorised officers on the approval of establishments (2012)
8. Savings and Efficiency Final Report C2/13

Appendices

1. Appendix 1 - Food Sampling Policy and Programme 2013 - 2014
2. Appendix 2 - Equality Impact Assessment

Appendix 1

Food and Health & Safety Team

Food Sampling Policy 2013 –2014

1.0 Introduction

- 1.1 Food sampling is an important activity within the Food and Health & Safety Team (the Team). The Food Standards Agency (FSA) has identified effective routine sampling as an “essential part of a well balanced enforcement service” ⁽¹⁾. The level of food sampling carried out in Bolton is monitored by the Food Standards Agency using FSSNet and the Local Authority Enforcement Monitoring System (LAEMS) to which all Local Authorities are required to submit data. Previously, under-performing local authorities have been subject to a FSA focused audit of their sampling activity.
- 1.2 The Team is responsible for the enforcement of Food Hygiene and Food Standards within the Borough, but not animal feeding stuffs: therefore this policy does not include feeding stuffs samples.
- 1.3 Food sampling is undertaken by appropriately qualified, competent and authorised Officers within the Team.
- 1.4 Food samples for microbiological examination are sent to the Food Examiner at Public Health England, Food Water and Environmental Microbiology Laboratory at Preston. Food samples for chemical or compositional analysis are currently sent to the Public Analyst at Staffordshire Scientific Services. This arrangement will change from 1st July 2013 and these samples will then be sent to the Public Analyst at Lancashire County Council County Scientific Services. These contracts are arranged at Greater Manchester level.
- 1.5 Food samples for microbiological examination are included within the AGMA credit allocation system and do not attract an additional cost for examination. Food samples sent to the Public Analyst are charged per sample for analysis as per the agreed AGMA contract.
- 1.6 Factors affecting the level of sampling carried out include resource issues and prioritisation of work within the Team.

2.0 Food Sampling Activities

- 2.1 Food sampling activities will as far as possible, include current national, regional and locally co-ordinated programmes as well as samples determined a priority within the Unit. Sampling activities will therefore include:

¹ Food Law Code of Practice (England)

- Participation in national, regional and local co-ordinated microbiological surveys or programmes where the Team has a specific interest in the nature of the survey
- Possible, occasional participation in the AGMA food standards sampling programme but only where this Authority has a specific interest in the subject of the surveys
- Microbiological sampling from approved establishments
- Sampling as part of / following inspection or investigation of complaints, particularly at higher risk establishments
- Special investigations

- Sampling of imported foods, including as part of the above activities

2.2 Microbiological Surveys

These may be EC, FSA (Food Standards Agency), LGR (Local Government Regulation), PHE (Public Health England) or regional co-ordinated surveys. The surveys may cover a wide range of foodstuffs. Where appropriate, a risk based approach to taking these samples will be used.

2.3 AGMA sampling

AGMA food sampling programmes are drawn up by the Food Technical Working Group. These plans look at topical issues relating to contaminants in food, the composition and labelling of foodstuffs and “healthy eating”. The Team will only participate and take samples on an occasional basis where there is a particular local interest in the type of food selected for sampling.

2.4 Approved Establishments Sampling

There are a number of establishments within the Borough approved to prepare / handle products of animal origin under Regulation (EC) 853/2004 i.e. premises preparing / handling meat products, meat preparations, dairy products and animal fats. The Local Authority acts as Originating Authority for these premises.

High risk, ready to eat foods produced in these establishments may be sampled occasionally as part of a co-ordinated microbiological survey.

2.5 Inspection / Complaint Sampling

Samples may be taken where deemed appropriate by the Authorised Officer, especially in higher risk establishments. This may be as a result of a complaint, allegations of illness, where food hygiene inspections reveal practices which are a cause for concern or as part of a food standards inspection. Where practicable, this type of sampling can be tied in with a co-ordinated microbiological survey or AGMA food standards survey. Food complaint samples received by the Unit may be submitted to the Public Analyst or to the Food Examiner.

2.6 Special Investigations

From time to time, the Team may undertake targeted project work. A sampling programme drawn up and agreed with either the Food Examiner or Public Analyst may form part of the project. Alternatively, special circumstances such as a food poisoning outbreak may require a number of food and environmental samples to be undertaken.

2.7 Imported Food Sampling

Samples of imported foods may be taken as part of the sampling activities outlined above or as part of a specific imported food sampling project. There is an expectation by the FSA that 10% of all food samples taken are imported foods. In this context, imported foods are those from outside of the EU.

2.8 Risk based Approach

The sampling programme is risk based in that higher risk food businesses, approved establishments, premises subject to complaints and those establishments forming part of a targeted project will be prioritised for sampling. High risk or ready to eat foods will

also be targeted where possible. Other establishments may also fall within the sampling programme.

2.9 Home, Originating and Primary Authority Agreements

The Team currently has no agreements under the Home Authority Principle with companies within the Borough. Whilst the Authority acts as Originating Authority for a number of manufacturing establishments, routine samples will not normally be taken at these premises other than in the situations specified above. The Authority currently has two Primary Authority Agreements covering food safety. It is not anticipated that this will require sampling additional to the situations specified.

2.10 Process monitoring

Routine process monitoring samples will not normally be taken by the Authority.

3.0 Control and Administration

3.1 Sampling Officers will follow defined sampling protocols and / or published guidance whether carrying out informal or formal sampling. Where appropriate, advice on the taking of samples, sampling technique or the storage or transport of samples will be sought from the Food Examiner or Public Analyst.

3.2 Sampling equipment will be provided and maintained within the Team.

3.3 Samples will be handled appropriately with all relevant details recorded on the samples database and sample documentation. Results of individual samples and survey reports will be kept within the Team. The Team has implemented FSA's FSSNet administration system for the logging of samples for analysis and results.

3.4 Where results of sampling are unsatisfactory, the operator of the establishment from which the sample was taken will be informed of the result and given relevant advice where necessary. Further samples may be taken as appropriate. Any food business operator requesting the results of samples taken from their establishment will be informed of those results.

3.5 Where appropriate, sample results and copies of any associated correspondence will be forwarded to the Primary, Home or Originating Authority for the Company concerned.

3.6 The results from some microbiological sampling surveys co-ordinated regionally may be used to develop guidance leaflets on specific food hygiene issues for Food Business Operators. Previously, the outcome of regional food standards sampling has contributed to major Greater Manchester initiatives such as the Healthier Catering Award. Such initiatives link with FSA national strategies and have previously attracted considerable publicity.

4.0 Relevant Guidance

Food Safety (Sampling and Qualifications) Regulations 1990

Food Hygiene (England) Regulations 2006

Regulation (EC) No 2073/2005 on microbiological criteria for foodstuffs

Food Law Code of Practice (England)

Food Law Practice Guidance (England)

LACORS Guidance on Food Sampling for Microbiological Examination, January 2006

Guidelines for Assessing the Microbiological Safety of Ready to Eat Foods Placed on the Market (Health Protection Agency)

Julia Hall
Principal EHO: Food Control Unit
Prepared: 17/6/2013
Review: 1/4/2014

Sampling Programme 2013 - 2014

Microbiological Surveys

The Sampling Programme includes participation in those regional microbiological programmed surveys in 2013 – 2014 in which the Unit has a particular interest. The co-ordinated sampling schedules are produced and issued 3 times per year and detail the surveys to be carried out.

Analytical Sampling

The Sampling Programme also incorporates the Association of Greater Manchester Authorities (AGMA) food standards sampling programmes where the Authority has a specific concern regarding the foodstuffs that are the subject of the survey. These are produced and issued quarterly, detailing the surveys to be undertaken.

Approved Establishments Sampling

Sampling from approved establishments will now be incorporated into microbiological and AGMA sampling surveys as appropriate.

Inspection / Complaint Sampling

Samples taken as part of inspections or as a result of complaints or referrals from other Local Authorities are included in the Sampling Policy but cannot be programmed. These samples are taken as and when required.

Special Investigations

Special investigations sampling cannot be programmed but such sampling will be undertaken when the need arises

Imported Foods

Imported foodstuffs may be sampled as part of a co-ordinated survey / AGMA survey, following an inspection or complaint or as part of a special survey. The Team has applied for FSA funding as part of its national co-ordinated food sampling programme and is awaiting the outcome. If successful, some samples taken as part of this programme may be imported foods.

Action on Receipt of Results

Where samples are taken directly from an approved establishment, all results should be notified to the Company. In some cases, approved establishment sampling may be undertaken at the point of sale e.g. in a retail outlet. Satisfactory results do not then need to be notified to the Company unless requested. For other samples taken from the point of sale, satisfactory results do not need to be notified to the operator unless requested.

Suitable and timely follow up action will be taken where results are reported as unsatisfactory or unacceptable / potentially hazardous. This will involve informing the operator, the provision of advice and may also involve contacting the Primary, Home or Originating Authority, the taking of further samples or other action deemed appropriate. Where required, steps to ensure products are withdrawn or recalled and contact with the Food Standards Agency must be taken. In such cases this action must be discussed with the Principal Environmental Health Officer (Food) and / or Regulatory Services Manager.

The results referred to above are those contained in the Health Protection Agency “Guidelines for Assessing the Microbiological Safety of Ready- to-Eat Foods Placed on the Market” and Regulation (EC) No 2073 /2005 on microbiological criteria for foodstuffs.

It is expected that the majority of sampling will be undertaken by the sampling officer as part of the microbiological co-ordinated sampling schedule or the AGMA food standards sampling programme. From time to time, other officers may also be required to undertake sampling activities.

Equality Impact Assessment Screening Form



Title of report or proposal:

Food Service Plan 2013-14

Department:	Environmental Services
SIAP Unit:	Neighbourhood and Regulatory Services
Date:	21/6/2013

This report is for decision and is therefore subject to an Equality Impact Assessment. The following questions have been completed to ensure that this proposal, procedure or working practice does not discriminate against any particular social group. Details of the outcome of the Equality Impact Assessment have also been included into the main body of the report.

Equality Impact Assessment Questions

1. Describe in summary the aims, objectives and purpose of the proposal, including desired outcomes:

The report informs members of the annual food service plan, which sets out the service to be provided in relation to food related legislation, as required by the Food Standards Agency's framework agreement.

2. Who are the main stakeholders in relation to the proposal?
 - The 2300+ food business premises within the borough.
 - **The public, visitors and employees of those businesses who will use these facilities.**
3. In summary, what are the anticipated (positive or negative) impacts of the

proposal?

People who live, work and visit Bolton will benefit from the delivery of the Council's responsibilities in relation to food safety, food standards and infectious disease monitoring and surveillance, through the prioritised approach outlined in the Food Service Plan.

4. With regard to the stakeholders identified above and the diversity groups set out below:

	Is there any potential for differential impact?	Could this lead to adverse impact and if so what?	Can this adverse impact be justified on the grounds of promoting equality of opportunity for one group, or for any other reason	Please detail what measures or changes you will put in place to remedy any identified adverse impact
Race	No impact has been identified – national legislation affecting everyone equally.			
Religion	No impact has been identified – national legislation affecting everyone equally.			
Disability	No impact has been identified – national legislation affecting everyone equally.			
Gender(including gender reassignment)	No impact has been identified – national legislation affecting everyone equally.			
Age	No impact has been identified – national			

Sexuality	legislation affecting everyone equally. No impact has been identified – national legislation affecting everyone equally.			
Caring Status(including pregnancy & maternity)	No impact has been identified – national legislation affecting everyone equally.			
Marriage and civil partnership	No impact has been identified – national legislation affecting everyone equally.			
Socio-economic	No impact has been identified – national legislation affecting everyone equally.			
Other comments or issues	We are aware that there are a significant number of food businesses run by members of the Asian community and new and emerging East European Community. Consequently the profile of business owners is considered as part of the planning for the service, and information is made available in appropriate alternative formats and languages, in order to aid communication. Officers receive diversity training in line with council policy and the council's enforcement policy ensures that all businesses are treated equally.			

By inspecting food businesses, the Team aims to secure a safe food supply for Bolton. The availability of such a supply is vital for all consumers within the Borough. Publishing data on food hygiene ratings allows consumer choice and in addition, the provision of appropriate labelling information assists consumers to select a healthy diet which in turn provides the foundation for good health. A mix of enforcement and “lighter touch” visits are undertaken during the year together with topical food hygiene or standards campaigns. These measures help the council to achieve its aims of improving the outcomes of all its residents and particularly those within the least well off parts of the borough.

Please provide a list of the evidence used to inform this EIA, such as the results of consultation, service take-up, service monitoring, surveys, stakeholder comments and complaints where appropriate.

If you have undertaken consultation as part of the proposal, the consultation will upload it on to the corporate database.

Evidence Used: Civica database; customer satisfaction survey data

- 5.a Are there any gaps in your evidence or conclusions that make it difficult for you to quantify the potential adverse impact?

We believe we have a sound knowledge of our customers and stakeholders needs.

Customer and stakeholder surveys and project evaluation questionnaires provide invaluable feedback from our service users.

Suggestions for improvements are incorporated into the team's continuous improvement programme. Identified problems are examined to look for ways to improve our operations and procedures.

- 5.b If so, please explain how you will explore the proposal in greater depth?
See above

You may wish to consider undertaking secondary data analysis, further consultation or research or investigating best practice. If you are planning to undertake further consultation or research as a result of this EIA, please contact the Consultation Manager on ext. 1083.

This EIA form and report has been checked and countersigned by the Departmental Equalities Officer before proceeding to Executive Member(s)

Please confirm the outcome of this EIA:

- ☒ 1. No major impact identified, therefore no major changes required – proceed
- ☐ 2. Adjustments to remove barriers / promote equality (mitigate impact) have been identified – proceed
- ☐ 3. Continue despite having identified potential for adverse impact/missed opportunities for promoting equality – this requires a strong justification
- ☐ 4. Stop and rethink - the EIA identifies actual or potential unlawful discrimination

Report Officer

Name: Julia Hall

Signature: 

Date and Contact No: Ext 6562

Departmental Equalities Lead Officer

Name:

Signature:

Date and Contact No: