

REPORT TO: Safer Halton – Policy and Performance Board

DATE: 19th January 2009

REPORTING OFFICER: Strategic Director - Environment

SUBJECT: Food Safety in Halton

WARDS: Boroughwide

1.0 PURPOSE OF THE REPORT

1.1 To provide the Board with an update on the work of the Food Safety and Standards Team

2.0 RECOMMENDATION: That

- (1) The report be noted.
- (2) The Board support the Food Service initiatives to improve the quality of food sold in the Borough and to combat obesity by making it easier for consumers to make healthy choices.
- (3) The Board support the transition to the national “scores on the doors” scheme.

3.0 SUPPORTING INFORMATION

3.1 Background

3.1.1 The Food Safety and Standards Service within the Environment and Regulatory Services Department is responsible for enforcing food safety and standards legislation in the borough’s 1062 plus food premises. These include large manufacturers, restaurants, café’s, canteens, public houses, takeaways, schools and other public buildings. The overall objective of the service is to ensure compliance with food law and thereby prevent incidents of foodborne illness and ensure food complies with compositional and labelling standards. The work of the team is monitored by the Food Standards Agency a non-ministerial Government body who set statutory service standards.

3.1.2 The Service uses a variety of interventions to monitor and control the standards of food safety in food premises. The most common intervention is to carry out a full inspection. However, other interventions may include sampling and analysis of food stuffs and advisory visits.

3.1.3 Each year the food service carries out approximately 950 interventions in food businesses. Some higher risk businesses will receive more than one intervention in a year as full inspections at higher risk premises are frequently supplemented with regular monitoring visits. In total 574 full inspections were carried out in 2008-2009.

3.2 Priority planning of inspections

3.2.1 The team utilise a national risk rating scheme to prioritise inspections based on the inherent risk posed by the food handling activities and the standard of compliance within the business.

3.2.2 The table below details the number of premises within each category, the inspection frequency and the number of interventions to be carried out. This is based on year 2008 – 2009.

Intervention Category	Number of Premises	Intervention Frequency	Number of premises subject to intervention in year
A	17	Every 6 Months	17 (34 total visits)
B	120	Annual	120
C	404	Every 18 Months	289
D	118	Every 2 years	64
E	261	Every 3 years	Alternative intervention
Unrated	67		67
Total	987		557 (574 total visits)

3.2.3 To ensure resources are focussed at higher risk premises, the team do not routinely inspect low risk Category E premises. These premises tend to just sell pre-packed or low risk food. These premises are only inspected if a complaint or other information is received that suggests a risk to the public. These premises are monitored periodically by questionnaire to ascertain the nature of the business risk.

3.3 Food team performance

3.3.1 For the last 6 years the team have consistently achieved 100% of high risk premises inspections in Category A and B and 90% of inspections in category C. In previous years this is the principal measure the Food Standards Agency has used to measure local authority performance.

3.3.2 From March 2009 the FSA will now also consider National Indicator 184 the measure of how many businesses in an area are “broadly compliant” with food law. In March 2009, 77% of food premises in the borough were broadly compliant with food law. As yet there has been no publication of national data with which to compare these figures. The FSA have indicated that whilst they will publicise national data there is no intention for these to be in a league table type format. It is recognised by the FSA that there are many factors that can influence standards of compliance.

3.3.3 The service also performs well with respect to National Indicator 182, Business Satisfaction with Regulatory Services. The service has an 83% satisfaction rating. This includes businesses that have been required to undertake work to rectify compliance failures.

3.4 Challenges

3.4.1 The takeaway food sector poses the most challenges due to a number of factors. In total there are 97 takeaway food premises in the borough. This does not include restaurants, cafes and mobile food vendors that may also offer a takeaway food service.

3.4.2 One of the main problems is the high turnover of ownership and management in this sector which makes it difficult for officers to secure long term sustainable improvements as premises change hands before improvements can be secured. It can also be difficult to establish the legal ownership of the business, as owners frequently do not live in the area or regularly attend the premises.

3.4.3 There is also a perception within the service that there is significant competition amongst Kebab, burger and pizza type premises. This appears to make it difficult for businesses to generate sufficient turnover to both trade profitably and provide investment funds to ensure the business is compliant with food law.

3.4.4 A further problem is that many buildings in which food businesses are located are in poor repair. These premises are leased by business operators on a short term basis. They are therefore reluctant to invest in premises they do not have a long term stake in. This is compounded by a flaw in food law that only allows the law to be applied to the occupier of a building. Longer term sustainable improvements might be obtained if the landowner could be forced to make improvements to buildings that are used as food businesses.

3.4.5 The nature of the takeaway food industry is also influenced by our national and local food culture. A cabinet office paper entitled "Food: Analysis of the issues" reported a significant increase in the number of meals eaten outside the home. In particular, between 2002-2005, there was a 27% increase in home delivered food. Most of the takeaway food premises in the borough offer a home delivery service. Therefore many customers do not actually visit a premises to order food. Businesses may not feel an incentive to invest in the premises to attract customers. Purchasing decisions are based on menus delivered through the door and on websites.

3.4.6 The increase in food eaten outside the home also has implications for the health and nutrition of the community.

3.4.7 As a result of these issues, 272 visits were carried out to takeaway food premises in 2008/2009. These visits included formal inspections, revisits to monitor compliance, advice and education visits and visits following a change in ownership.

3.5 Securing compliance

3.5.1 In general the team employ an informal educative approach to securing compliance. This is in keeping with the Government's Better Regulation agenda. Following an inspection the business will receive a detailed report identifying any compliance failures and specifying any work required. These reports will also provide advice and guidance to the business.

3.5.2 Where appropriate the team is committed to taking formal enforcement action for persistent and serious offences. In the last 5 years the team have exercised the following actions.

• Prosecution	3
• Emergency Closure (Court order)	6
• Voluntary Closure (premises closed by proprietor after recommendation by enforcement officer)	6
• Simple caution	8

3.5.3 In the last two years the team have increased the use of simple cautions for dealing with poor standards of compliance. Simple cautions replaced formal cautions and are a regulatory sanction that avoids court. The recipient of the caution must admit the offence. If the recipient refused to accept the caution the service would proceed with a prosecution.

3.5.4 Although the caution is not a conviction in itself and does not attract a court sanction, the caution would be considered by a court when considering a sentence for any future offences.

3.5.5 To date standards in premises that have received a simple caution have improved in some cases these improvements have been significant.

3.5.6 The team have formally closed premises using emergency measures where there is an imminent risk of injury to health. Voluntary closures have also been used when a premises poses a risk to health but the problem can be remedied quickly.

3.6 Support to businesses.

3.6.1 The team offer a comprehensive advice and guidance service to help food businesses comply with the law. In particular the team offer to coach small and medium businesses to help them implement a food safety management system called Safer Food Better Business (SFBB). This system allows businesses to proactively manage the risks to food safety by adopting simple, practical measures based on food hygiene principles. The team have so far assisted 200 businesses implement SFBB. In 2007 the authority received a grant of £24,000 from the FSA to assist with this implementation. This work has now been integrated into normal business practice and there are currently a further 95 businesses working towards the scheme.

3.7 Scores on Doors

3.7.1 In October 2006 the authority launched “scores on the doors” a scheme to publish the food hygiene rating of premises in the borough. This is a three star scheme with a no star “poor” category. The FSA have now announced their proposal for a national scheme based on five stars. This should be launched sometime in 2010. The team is committed to transferring to the national scheme and have expressed an interest in “championing” the new scheme in an effort to secure funds to aid the transition.

3.7.2 For information the breakdown of premises by star rating is given below. A comparison is given between scores achieved in 2007 and in 2009.

Star rating	Standard	% food businesses June 2007	% food businesses Dec 2009
3 Star - Excellent	Full legal compliance	41	46
2 Star – Good	Broadly complaint	36	29
1 Star Improvements required	Improvements required to achieve compliance	12	12
No star – poor	Generally low of standard compliance	1	1
Outside scheme	Premises serve drinks and snacks only	10	12

3.7.3 The results of this analysis appear to show that scores on the doors is having an effect on improving standards. However, the improvements are in business that are good and want to become better rather than in the lower categories of premises where improvements would be more desirable. This is not conclusive analysis but it does suggest non-regulatory incentives are less likely to have an effect on improving standards in poorer premises. It may also suggest that greater publicity of the scores on the doors scheme is required so poorer businesses feel consumer pressure to improve.

3.8 Food and Health

3.8.1 One of the main objectives of the team is to prevent food poisoning. Whist infections such as E’coli and Salmonella are important causes of acute illness, particularly amongst the young and elderly, other more chronic causes of ill health such as heart disease and obesity are just as if not more important.

3.8.2 Much of the Food Standards work the team already do is concerned with helping consumers make healthy food choices by ensuring businesses comply with compositional and labelling requirements. However, there is considerable further potential to contribute to initiatives to combat heart

disease and obesity. The team have unique frontline, day to day contact with food businesses and could - with adequate resources - integrate work to encourage businesses to improve the quality of food sold. For example by offering healthy choices and reducing the amount of fat and salt and sugar.

3.8.3 This model has already been used successfully to promote the Halton Pre-School Healthy Food Award in pre-school settings. The objective of the scheme is to improve nutrition and reduce the incidents of obesity in pre-school children. The award was launched in June 2008 in partnership with Halton and St Helens PCT and the pre-school learning alliance. The award criteria were devised with advice from nutrition and early years specialists. Compliance with the award criteria is assessed by the food safety team. Future award compliance checks will be incorporated into the pre-school's statutory food safety visit. In 2009 there was a slight improvement in Halton's performance for National Indicator 55, obesity in reception age school children from 13% in 2007/2008 to 12.5% in 2008/2009.

3.8.4 Workplace Healthy Food Award

During 2009 the service has been working with the Community Dieticians to develop criteria for a workplace healthy food award to help promote healthy options in workplace canteens. Businesses are currently being recruited to take part in a pilot of the award.

3.8.5 Planning Policy and Healthy Food

Work is on-going within the Department which is exploring the possibility of introducing a Supplementary Planning Document to restrict new takeaway food businesses around schools, parks and leisure centres. Similar policies have been implemented in Liverpool and Waltham Forest in London.

4.0 POLICY IMPLICATIONS

4.1 The Service is a statutory function that the authority is required to provide. The Framework Agreement on Food Law Enforcement and the statutory Code of Practice on food law enforcement set out minimum service standards with which the Service should comply.

4.2 The FSA's move away from a regime focused on the number of interventions achieved to a greater focus on the overall level of business compliance requires more intense advisory and education initiatives at high risk premises to bring about sustained improvements. This must be accompanied by use of formal enforcement action where appropriate.

4.3 National Indicator 184 (Premises broadly compliant with food law) is one of the Comprehensive Area Assessment performance measures. Although the food team has much of the responsibility for this indicator other policy areas such as regeneration and planning will also influence compliance levels.

4.4 It is hoped that relaunching the “scores on the doors” in the new national format will generate increased publicity and provide a non-regulatory incentive for sustained compliance with food law.

4.5 The team have unique day to day frontline contact with food businesses. As has been demonstrated with the Pre-school healthy food award, in partnership with nutritionists and dieticians, the team can help to deliver healthy eating initiatives as part of routine statutory visits.

5.0 OTHER IMPLICATIONS

5.1 There is limited potential for any external funding with the exception of small grants for specific tasks set by the FSA . There may be some financial assistance to assist with the transition to the national scores on the doors scheme. The service is predominantly funded from revenue.

6.0 IMPLICATIONS FOR THE COUNCIL’S PRIORITIES

6.1 Children and Young People in Halton

The objective of the pre-school healthy food award is to improve nutrition and reduce the incidents of obesity in pre-school age children.

6.2 Employment, Learning and Skills in Halton

The team promote and provide formal and informal training in relation to food safety and standards thereby improving individual skills. This training assists proprietors to operate sustainable and compliant food business.

6.3 A Healthy Halton

The team assist consumers to make informed choices through effective enforcement of food labelling legislation and consumer advice.

The pre-school healthy food award aims to reduce the incidence of childhood obesity.

In collaboration with key partners there is an opportunity for the food team to contribute to initiatives that improve the nutritional quality of food sold by food businesses.

6.4 A Safer Halton

The service Safeguards public health through inspection and monitoring of food businesses, investigating complaints and providing advice to consumers.

Through the scores on the doors scheme consumer information is provided on the hygiene standards of food premises in the borough.

6.5 Halton's Urban Renewal

In partnership with other council departments the team contribute to the maintenance and improvement of town centres through enforcement of food legislation, particularly in relation to pest control, waste contracts and structure of buildings.

7.0 EQUALITY AND DIVERSITY ISSUES

8.1 The enforcement of this Food safety legislation is not intended to have either a positive or negative impact upon equality and diversity. The service invites and seeks feedback on its regulatory activities and would respond to any suggestion of differential impact. The division's regulatory service aim to be consistent and even handed in all regards and as such the service is not applied differently to any particular group. The enforcement policies have if applied correctly and monitored should not have nor are intended to have any differential effects.

8.2 Many proprietors of food businesses in the borough do not speak English as a first language. The team therefore have extensive experience of working with proprietors whose first language is not English. Where necessary the service employs interpreters and makes publications available in alternative languages to ensure the service communicates effectively with all ethnic groups.

8.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

9.1 There are no background papers within the meaning of the Act.