

REPORT TO: Safer Policy & Performance Board
DATE: 14 January 2014
REPORTING OFFICER: Director of Public Health
PORTFOLIO: Environmental Services
SUBJECT: Environmental Health – Food and Health & Safety Team Update
WARD(S) Borough-wide

1.0 PURPOSE OF THE REPORT

1.1 In June 2012 the board considered a report into the safety and control of cosmetic treatments. In September 2012 the board also considered a report on the implementation of the national food hygiene rating scheme. The purpose of this report is *to update members on these two work areas and further priorities for the food and health & safety team.*

2.0 RECOMMENDATION: That:

- i) **The report be noted.**
- ii) **Members take the opportunity to raise any questions relating to this service area**

3.0 Supporting Information

Health & Safety and Public Health

3.1 Cosmetic Treatments

In June 2012 the board considered a report concerning the controls of Cosmetic Treatments in particular tattooing and body piercing. Since that report considerable progress has been made to tackle illegal tattooists.

3.2 Illegal Tattooists

The previous report to the board highlighted the difficulty of dealing with unlicensed home tattooists. Since that report the health and safety team have adopted a new approach using relatively new powers provided by the Health Protection (Part 2A Orders) Regulations 2010 which amended the Public Health Control of Diseases act 1984. These powers allow local authorities to obtain a court order to intervene where a premises, person or thing poses a risk of contamination or infection. Local authorities must apply to a magistrate for a court order and demonstrate that a risk to health exists.

Any activity that involves piercing the skin presents a risk of transmitting blood borne infections such as HIV or hepatitis. To control the risk tattooists must by law register with the local authority and comply with strict hygiene standards. Illegal unlicensed tattooists pose a significant risk to public health because they do not comply with the required hygiene standards.

Since January 2013 there has been a significant increase in the number of complaints and information received concerning illegal tattooists – this has included the parents of a child who had been tattooed underage. Many of the tattooists were advertising their services on the internet. This increase in complaints prompted the team to rethink its approach. Previously the team had limited powers to control illegal tattooists. The activity generally took place at domestic premises which fall to the Health and Safety Executive for enforcement. There were a number of difficulties in engaging the support of the Health and Safety Executive. Powers under the by-laws were considered outdated and inadequate.

The team became aware that some local authorities in Wales were utilising new Public Health powers to enter premises and seize tattooing equipment from illegal tattooists. After consulting with the Welsh local authorities it was decided to try this approach in Halton.

In the last 6 months the team have executed 7 warrants with support from Cheshire Police and seized tattooing equipment from 5 illegal tattooists. In all cases the tattooists were found to have been operating in unhygienic conditions without adequate facilities for disinfection and other aspects of infection control. The team will continue to utilise this approach to tackle illegal tattooists.

To complement this direct action a publicity campaign using social media is to be launched. The aims of this campaign are to warn the public of the dangers of using illegal tattooists and to encourage the public to report the activities of illegal tattooists.

3.3 Underage use of Sunbeds

Protecting young people from exposure to UV radiation is a key part of Halton's Cancer Strategy. This includes enforcement of the law relating to underage sunbed use.

There is growing concern regarding the link between exposure to UV radiation and skin cancer particularly amongst young people. Exposure to UV radiation from the sun or sunbeds is the main risk factor for malignant melanoma. Most forms of cancer are generally first detected later in life – however incidences of skin cancer show a different pattern with a higher proportion of cases first diagnosed in persons under 50 compared with all other forms of cancer.

Cancer Research UK report that use of a sunbed for the first time before age 35 increases the risk of malignant melanoma by 59%, and use at any age increases malignant melanoma risk by 20-25%. Another study showed women aged 25-39 who use a sunbed more than 10 times a year have two-and-a-half times the malignant melanoma risk compared with women who do not use sunbeds. Sunbed use is estimated to cause around one hundred deaths a year from malignant melanoma in the

UK. (source: cancer research UK)

The Sunbed (Regulation) Act 2010 makes it illegal to allow anyone under the age of 18 to use a sunbed. At the time the legislation was launched the environmental health department wrote to all sunbed operators advising them of the law and their obligations.

In August 2013 the Health and Safety team with support from Trading Standards undertook a test purchase operation on 9 sunbed operators using a 16 year old volunteer. Unfortunately 5 of the operators failed the test purchase and allowed the 16 year old to purchase a sunbed session. All 5 of the operators were subsequently formally interviewed and after admitting the offence were issued with a caution. All 5 gave assurances that they were aware of the law and that they would improve their practices to ensure underage persons are prevented from using sunbeds. Trading Standards have provided advice on proof of age schemes. It was disappointing that such a high proportion of premises failed the test purchase. However the operation was considered a success in that it has raised awareness amongst business owners and demonstrated that the authority will identify and investigate offending businesses. The operation will be repeated. Any repeat offences are likely to result in prosecution.

Food Safety Update

3.4

National Food Hygiene Rating Scheme

Halton has 1059 registered food premises of which 847 are included in the national food hygiene rating scheme. Businesses are awarded a score of between 0 and 5 based on their last food safety inspection.

Premises with a score of 3 and above are considered “broadly compliant” with the law. This measure of Broad Compliance is used by the Food Standards Agency as a key performance indicator and figures are reported annually. Currently 90.3% of Halton premises are broadly compliant with the law. This represents an increase on the previous year (89%) and continues the year on year improvement observed since the scheme was launched. This performance is consistent with the regional and national average of 91% and 90.8% respectively.

A further notable development is that there has been a significant increase in the number of business achieving the top rating. 49% of food premises in the borough now achieve 5 stars compared with 41% in 2012. However the level of premises achieving the lower scores 0 to 2 has only reduced slightly from 11% in 2012 to 10% in 2013. This suggests that the rating scheme has incentivised businesses that already reach a reasonable standard of hygiene to improve further and attain full legal compliance. However there has been little overall improvement in those poor performing businesses.

In the report of September 2012 it was reported that takeaways were the worst performing sector. At that time 65% of takeaways achieved the top 3 scores whilst 35 % of takeaways achieved the lower 3 scores. However since the previous report there has been an improvement in the standards at takeaways. Currently 75% of takeaways now achieve the top 3 ratings.

In order to improve standards in takeaways the food team will continue to concentrate

resources at the worst performing premises. In total during 2012-13 the food team conducted 1407 interventions at food premises in the borough – this included inspections, sampling visits, advisory visits and follow up visits to monitor compliance. 221 interventions were conducted at takeaways.

The authority has also benefited from a Food Standards Agency initiative targeting poor performing takeaways. Halton successfully bid to be part of this project which involved FSA funded consultants providing coaching and training to takeaway operators. In total 26 premises were involved in the project with mixed results. So far 8 of the premises involved in the project have improved their score and are now broadly compliant. However 10 premises have not improved. 3 premises have closed and 5 premises have not yet received a follow up visit. The mixed outcome of this project suggests improving standards of hygiene in takeaways will remain a challenge. The Food Standards Agency's annual report on local authority enforcement identified that nationally the level of compliance amongst takeaways is a concern. Nationally the level of broad compliance amongst takeaways is 78% which is similar to Halton's figure. This suggests that Halton shares the challenges faced by other authorities.

The report of September 2012 highlighted some of these challenges;

- Regular staff and management turnover
- training
- language
- tenure and suitability of premises
- strong competition amongst takeaway businesses.

These factors are likely to remain significant.

3.5 Food Safety – Emerging issues and priorities

3.5.1 Horsemeat and food authenticity

Members will be aware of concerns that began in January 2013 regarding the contamination of beef products with horsemeat. This proved to be a European wide problem with a number of processed beef products and ready meals found to be contaminated. Although in most cases the retailers of the products did not intend to deceive the consumer - beef was however fraudulently substituted with horsemeat at some point in the supply chain. The incident highlighted how food supply chains have become longer and more complex as food is traded as a commodity in a globalised food production system. The complexity of the food chain provided the opportunity for fraud to occur whilst the increased demand for cheaper processed food accompanied by an increase in beef prices provided the motive. To date the precise source of the contamination remains uncertain further emphasising the complexity of the supply chains involved.

In response to the incident the food team conducted 7 detailed inspections of premises manufacturing meat products. All these inspections were satisfactory. The food team have also contributed to the enhanced national sampling programme for meat products with some of the samples funded by the Food Standards Agency. None of the products sampled in Halton were found to be adulterated with horsemeat.

Food authenticity and the detection of food fraud has therefore become an increased priority to ensure consumer confidence and safety of the supply chain.

3.5.2 Counterfeit Alcohol

Reduction in the harm from alcohol is one of Halton's Health and Wellbeing Strategy priorities. Counterfeit alcohol is a concern for public health. In addition to the risk of poisoning from industrial alcohol, counterfeit alcohol is far cheaper than genuine product and is frequently sold on the black market. It therefore evades the regulatory controls that seek to prevent underage access and discourage problem drinking. Counterfeit alcohol can come in a number of forms. Some product is an inferior wine or spirit with a counterfeit label applied to mislead and deceive the customer or evade excise duty but is not harmful to health. However some counterfeit product can contain harmful industrial alcohol and is not safe for consumption.

In a joint operation with Trading Standards the food team seized 50 bottles of counterfeit Jacob's creek wine and a number of bottles of Vodka from a store in Widnes. This followed a complaint from a member of the public. Control of counterfeit alcohol and tobacco will continue to be a public health priority. This will be facilitated by the trading standards service returning to Halton as part of the Public Health Department.

3.5.3 DNP in fat burning supplements.

The Food Standards Agency have recently published an alert about the presence of an industrial chemical 2,4-dinitrophenol (DNP) in "fat burning" supplements used by slimmers and body builders. DNP is thought to aid slimming but it is highly toxic and is not permitted for use in foods or food supplements. When consumed DNP can be extremely dangerous to human health, possibly leading to coma and death. Signs of acute poisoning can include nausea, vomiting, restlessness, flushed skin, sweating, dizziness, headaches, rapid respiration and irregular heartbeat. Consuming lower amounts over longer periods could lead to cataracts and skin lesions and impact on the heart, blood and nervous system. There have been a number of deaths in the UK associated with consumption of the supplement. The food safety team have launched a local publicity campaign to complement a comprehensive media campaign from the food standards agency. The team have also successfully bid for FSA funding to test products on the market in Halton. Many of these products are offered for sale over the internet and social networking sites such as Facebook which poses challenges for investigation and public protection.

4.0 POLICY IMPLICATIONS

4.1 There are not considered to be any significant policy implications associated with this update report. The existing enforcement regime is considered to be performing well.

5.0 OTHER/FINANCIAL IMPLICATIONS

5.1 There are no significant financial implications associated with this report

6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

6.1 **Children & Young People in Halton**

Schools, nurseries and child-minders are included in the food inspection programme. The work to target illegal tattooists and underage use of sunbeds will protect the health and wellbeing of children

6.2 **Employment, Learning & Skills in Halton**

The advice and guidance provided by the team helps to maintain compliant and sustainable businesses.

6.3 **A Healthy Halton**

The overall objective of the service is to protect public health through pro-active interventions and advice.

6.4 **A Safer Halton**

The overall objective of the service is to protect public health & safety through proactive interventions.

6.5 **Halton's Urban Renewal**

The food inspection programme contributes to the maintenance of town and neighbourhood centres by addressing matters such as refuse disposal, pests and drainage.

7.0 **RISK ANALYSIS**

7.1 There are not considered to be any significant risks associated with the matters in this report.

8.0 **EQUALITY AND DIVERSITY ISSUES**

8.1 A significant proportion of food business proprietors are from ethnic minorities. Officer consistency training and on-going professional development ensure that the regulations are applied in a consistent manner to all businesses. Where necessary to protect public health or to ensure fairness in legal proceedings materials will be translated into an alternative language. The Food Standards Agency produce a number of free resources in alternative languages.

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

The are no papers within the meaning of the Act.