

# **Communities and Place**

## **Environment and Regulatory Services**

### **FOOD AND FEED LAW ENFORCEMENT PLAN 2017/18**

In accordance with the Food Standards Agency Framework Agreement 2000, as amended and  
Official Feed and Food Control Regulations 2006

# Food and Feed Law Plan 2017/18 Contents

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## **Forward by Councillor Asaf Afzal**

As portfolio holder for Environment and Regulatory Services for Derby City Council, one of my responsibilities is food safety, food standards and feed. Food safety and standards are a high priority for the council and play a vital role in supporting the pledges and priority commitments within the Council plan 2015-2018.

Every week, citizens, workers and visitors to Derby buy and consume millions of pounds worth of food, so much so that food is at the heart of a thriving sustainable local economy. We have over 2000 food businesses in the city, which are part of the UK's largest manufacturing sector, contributing over £80 billion to our economy and providing jobs and employment to millions. Food is fundamental to a thriving sustainable economy and it also forms a significant part of our cultural life at restaurants, cafes, bars and other food premises.

More importantly, food safety and standards impact on the health of every person who lives in or visits the city. Good health and well-being cannot be sustained without maintaining food safety and standards. Food poisoning can cause severe illness and, occasionally, death especially in the case of our more vulnerable members of society, such as the very young and the elderly. The deadly impact of food-borne disease was demonstrated by Europe's largest outbreak of E. coli in Germany, resulting in more than 2000 cases of the illness and almost two dozen deaths.

According to the Food Standards Agency (FSA) Foodborne Disease Strategy, it is estimated that each year in the UK, around a million people suffer from food poisoning and around 20,000 people receive hospital treatment. Sadly around 500 deaths a year are caused by foodborne illness.

At the start of 2013, the importance of food industry regulation by Trading Standards was highlighted by the horse meat scandal. The nation watched with horror as more and more food was found to contain horse meat. In the city, Trading Standards continue to work to ensure that none of our meat processors dealt in adulterated meat as we must remain vigilant and work will continue to be carried out on the description and nature of meat for sale in the city.

The Food Information Regulations have fundamentally changed food labelling and nutritional requirements. These rules, make labelling clearer and improve the nutrition and allergen information provided with food. Businesses who supply food without labelling (takeaways, restaurants, sandwich shops, caterers etc.) will now have to provide consumers with information on the presence of certain foods / ingredients that cause allergies. These changes have and will continue to be challenging to businesses, particularly small businesses, especially when the consequences of undeclared allergenic food products could be life threatening.

Animal feed plays an important part in the food chain and has implications for the composition and quality of the livestock products (milk, meat and eggs) that people consume. The main aim is to help protect consumers and animal health. Another aim is to ensure that those buying animal feed (including feed for pets) are provided with sufficient information to allow them to make informed choices.

The City Council's Food and Feed Law Plan 2017/18, sets out how the council will protect and promote food safety and standards in the coming year.

## INTRODUCTION

The Food Standards Agency's Framework Agreement on official feed and food controls (version 5 April 2010) requires local authorities to have Food Service Plans in place to ensure that national priorities and standards are addressed and delivered locally.

Food service plans aim to help local authorities:

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

They also provide a basis under which local authorities can be audited by the Food Standards Agency. The council's Food Law Plan is designed to meet the provisions of the Food Standards Agency's Framework Agreement.

## 1. SERVICE AIMS AND OBJECTIVES

### 1.1 Aims and Objectives

#### Food Aims

- To ensure the council's statutory duties are met in relation to food standards and feed law enforcement.
- To register food businesses in accordance with food safety legislation.
- To ensure food is fit and without risk to health.
- To prevent and control the spread of food-borne illness.
- To ensure that the composition and labelling of food and feed complies with legislation.
- To ensure that materials and articles in contact with food complies with legislation.
- To improve and promote health through diet and nutrition.
- To protect consumers, genuine traders and the local economy by tackling unfair and fraudulent food trading practices.

#### Food Objectives

- To undertake a risk-based programme of interventions, in accordance with national guidance.
- To register food businesses.
- To respond to and investigate complaints from the public.
- To respond to and initiate food alerts as necessary.
- To encourage economic development by providing advice and assistance to local businesses enabling them to comply with food legislation.
- To undertake a food sampling programme with emphasis on food manufactured or imported within the city and to participate in regional or national co-ordinated food sampling as appropriate.

- To ensure animal feed meets legal requirements in respect of hygiene, quality, composition and labelling.

## 1.2 Links to Corporate Pledges and Priority Commitments

### 1.2.1 Council's Pledges

The Council will be working with its partners to support the Council plan 2015-2019. Over the last three years, the Council has faced significant budget cuts and the staff and services have had to respond to substantial, on-going changes.

The Council faces considerable pressures in the future with further reductions in budgets. It will continue to do its best to meet the needs of customers by working more efficiently and effectively and continually reviewing how services are delivered. As a result of these pressures the services that deliver official food and feed controls, on a risk assessed basis, are unable to meet all the demands placed across their wide remit. The content of this plan does not, therefore, fully meet the national priorities and standards laid out in the Food Law Code of Practice (England).

Despite these challenges, the Council will be working with its partners from across the city to support the delivery of the Council plan and the four pledges, which are supported by a number of priority outcomes as follows:



## **2. BACKGROUND**

### **2.1 Profile of the Local Authority**

#### **2.1.1 Geography**

Derby is a unitary authority, with a clearly defined centre and district neighbourhoods. It has a strong identity, clear boundaries and is surrounded by attractive countryside. With Leicester and Nottingham, it forms part of the 'three cities' sub-region of the East Midlands. It is essentially an urban area with green areas of open land that help to maintain separate community identities and boundaries within its 17 wards.

#### **2.1.2 Population**

The population of the city is estimated at 248,700 (at Census 2011). At this time, Black, Minority Ethnic (BME) groups accounted for 15.6% of the population and mid-year estimates are that BME groups account for 18.1% of the population. The main ethnic minority population comes from India and Pakistan, with asylum seekers from Eastern Europe being the most recent arrivals.

#### **2.1.3 Deprivation**

Derby is a fairly deprived area compared to the rest of England. The Index of Multiple Deprivation 2007 (IMD 2007) identified that Derby was ranked as the 69th most deprived local authority in England. There are pockets of deprivation towards the centre of Derby, although areas generally become less deprived towards the outskirts of the city.

#### **2.1.4 Economy**

The local economy has been growing in recent years but unemployment remains higher than the national and regional averages. House prices in Derby are generally cheaper than elsewhere in the region and the rest of the country. People who work in the city generally have higher wage levels than those who actually live in the city. People's health differs across the city between male and females and people with different nationalities.

#### **2.1.5 Health**

The health profile of the city shows it is generally worse than the England average. Life expectancy is lower than the average for England; rates of hospital stays for alcohol-related harm, new cases of tuberculosis, incapacity benefits for mental illness, deaths from smoking, and people diagnosed with diabetes are all worse than the England average. There are inequalities within Derby by gender and level of deprivation. Life expectancy for men living in the least deprived areas is about 9 years higher than for men living in the most deprived areas.

Over the last 10 years, the rates of death from all causes and rates of early death from heart disease and stroke have improved, but they are still higher than the rates of early deaths from cancer in the past 10 years. There has been little change in the rates of early deaths from cancer in the past 10 years. Levels of tooth decay in children aged 5 and teenage pregnancy are worse than the average for England. Rates of physically active children are better than the England average.

## **2.2 Organisational Structure**

Environment and Regulatory Services has a wide range of duties covering a broad spectrum, including Food Hygiene and Health and Safety, Environmental Protection, Housing, Bereavement Services and Markets, Trading Standards, Corporate Health and Safety, Building Control, Occupational Health and Licensing. Responsibility for the regulation of food hygiene, food standards and feed is split between the Trading Standards and Food and Safety Teams.

## **2.3 Scope of the Food Service**

### **2.3.1 Hygiene and Infectious Diseases**

The Food and Safety Team is responsible for all food hygiene and infectious disease services set out in this plan. The scope of this work is as follows

- Inspection, revisits, and interventions at food premises.
- Home Authority/Primary authority advice.
- General advice to businesses.
- Provision of information to consumers on the hygiene standards of food premises, using the Food Hygiene Rating Scheme.
- Investigation of complaints about food and hygiene at food premises.
- Sampling of foodstuffs for microbiological examination.
- Investigation of cases of infectious diseases and food poisoning outbreaks.
- Food alerts (microbiological)
- Enforcement action, as appropriate.

The Food and Safety Team is part of a comprehensive environmental health service carrying responsibility for enforcement of both food hygiene and health and safety legislation. Reference should be made to the Health and Safety Enforcement Service Plan 2017/18 for further details.

### **2.3.2 Food Standards and Feed**

Trading Standards is responsible for all food standards and animal feed work set out in this plan. The scope of this work includes:

- Inspection, revisits, and other interventions at food standards and feed at premises.
- Targeted projects.
- Home Authority/Primary Authority advice.
- Sampling of food and feeding stuffs for composition and labelling and feed hygiene.
- Investigation of complaints about food standards and animal feeding stuffs.
- General advice to businesses.
- Animal health, livestock and welfare inspections at farms.
- Contingency Planning for animal borne diseases which include –
  - Avian Influenza
  - Foot and Mouth
  - Classical Swine Fever
  - Rabies
- Animal movement licensing.
- Food Alerts, chemical compositional including undeclared allergens.
- Enforcement action as appropriate.

Food duties are provided alongside a full range of other Trading Standards services such as metrology, fair-trading, Intellectual Property, product safety, including the licensing/registration of explosives and petroleum spirit as well as other regulation and enforcement activities.

Interventions at food premises are part of comprehensive trading standards activities. Inspections are carried out in accordance with a risk-rating scheme approved by the National Trading Standards Board (NTS) and the Food Standards Agency (FSA).

### 2.3.3 Use of Contractors

The Council may engage the services of outside contractors to assist in the delivery of work set out in this plan. Indeed, during the work plan 2016/17, the Food and Safety Team used contractors on an ad-hoc basis for three months, due to long term sickness of two members of staff.

## 2.4 Demands on the Service

### 2.4.1 Premise Profile

As of 01 April 2017, there were approximately 2024 food premises within the city; however this figure fluctuates as businesses open and close.

#### Food Hygiene Profile

The profile of food hygiene premises by risk is set out below:

Risk	Number of Premises
A	1
B	49
C	374
D	766
E	813
Unrated	21
<b>Total</b>	<b>2024</b>

#### Trading Standards Profile

The profile of food standards premises by risk is set out below:

Risk	Number of Premises
High	18
Upper Medium	68
Lower Medium	405
Low	1240
Unrated	481
<b>Total</b>	<b>2212</b>

#### Notes:

1. All premises are also inspected concurrently for compliance with other TS legislation e.g. weights and measures, product safety, fair trading, age-restricted products etc.
2. Totals are at variance with food hygiene due to a number of premises that fall under the Trading Standards remit only.

## **2.4.2 Local Requirements associated with Specialist or Complex Processes**

The service has no specific local requirements associated with specialist or complex processes.

## **2.4.3 External Factors Impacting on Service**

As highlighted in the authority profile, BME groups account for a substantial percentage of the population in the city which is reflected in the business community. The main ethnic minority population comes from India and Pakistan, with asylum seekers from Eastern Europe being the most recent arrivals. The service does not have data to identify the number of food business owners whose first language is not English.

## **2.4.4 Visits to New Premises - Food Hygiene**

There is a high turnover in food businesses in the city, this is a significant issue for the service as it impacts on the ability to complete the planned inspection programme. Most new premises are visited and entered onto the database and rating system within 28 days of registration or opening for trade. In 2016/17, a total of 224 new premises were visited and rated. All team members are encouraged to identify new premises and report details to the APP system administrators. Intelligence on new premises is also acquired from other departments and colleagues in other teams (e.g. Licensing, Planning and Building Control), as well as formal new food business registrations.

## **2.4.5 Visits to New premises – Food Standards**

The turnover of food businesses in the city is at a level that causes concern that visits to them within 28 days would seriously disrupt the planned activities of the service, to the overall detriment of food standards in the city. Many premises that fall within the definition of a new business turn out to be low risk or an actual inspection to the physical premises is already planned.

The Trading Standards service will review visits to new premises during the year to establish the most effective approach to dealing with this work. For the year 2017/18 we will carry out work on unrated / un-risked premises (new premises) and apply the appropriate risk rating. The aim is to reduce the number of unrated premises on the departments database (APP).

## **2.4.6 Service Delivery Points**

The service is available from the offices of Environment and Regulatory Services, located at the Council House, Corporation Street, Derby. The office hours for the public reception are Monday to Friday 8.30am to 5pm. There is a direct line available for food hygiene complaints: Tel. 01332 640779.

Citizens Advice Consumer Service (Tel. 03454 040506) take first-time calls for Food Standards issues and The Trading Standards business advice line (Tel 01332 641333) is available for enquiries from businesses in the city.

The service can also be contacted via email or fax:

Email: [environmental.services@derby.gov.uk](mailto:environmental.services@derby.gov.uk) and Fax: 01332 643299

The council's website also provides further advice and guidance on food safety and food standards.

<http://www.derby.gov.uk/health-and-social-care/food/>

## 2.5 Regulation Policy

The statutory Regulators' Code came into force on 6 April 2014, replacing the Regulators' Compliance Code. Section 6 of the Regulators' Code sets out Government's expectation that local authorities will ensure that their approach to regulatory activities is transparent. The provisions of section 6 includes an expectation that local authorities will publish a clear set of service standards, setting out service users should expect from them. Environment and Regulatory Services will follow the provisions of the Code in order to promote efficient and effective approaches to regulatory inspection and also work to an enforcement policy that embraces its principles.

## 3. SERVICE DELIVERY

### 3.1 Interventions at Premises (Food Hygiene)

The Food Safety Code of Practice contains a mechanism for risk-rating each business based on factors such as standards of hygiene; the structural condition of the premises and confidence in management. By scoring each of these factors, an overall risk rating of A to E is arrived at. Category A premises are the highest risk and thus subject to the most frequent inspection (every 6 months), with E being the lowest risk. The food hygiene interventions due by risk rating are set out below.

Interventions by Risk Rating and Due Interventions:

Risk Category	Number Due
A	1
B	49
C	226
D	359
E	396
Unrated	23
Back log	65
<b>Total</b>	<b>1119</b>

This year the service will aim to complete 90% of its high risk (A-C rated) and unrated premises interventions.

The Food Safety Code of Practice (updated March 2017) gives local authorities flexibility to introduce a mixture of types of interventions. Implementation of an intervention-based programme enables services to reduce the level of burden on compliant businesses, and focus more resources on those with poorer standards.

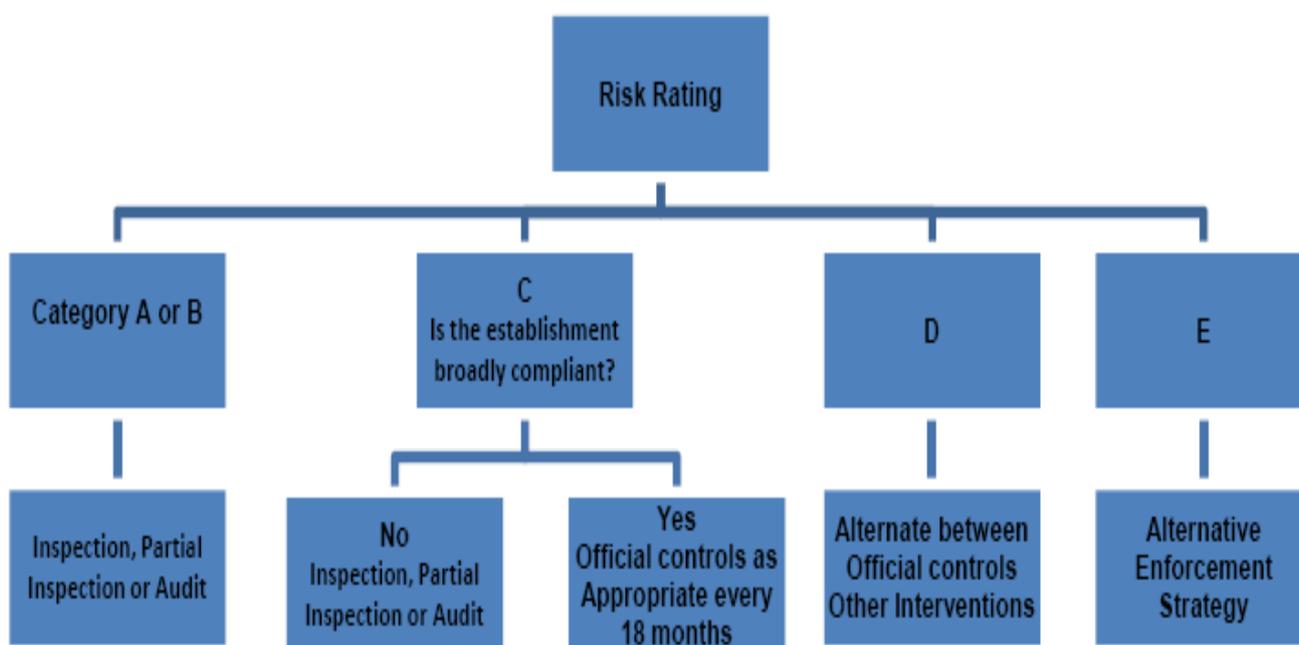
### 3.1.1 Alternative Enforcement Strategy (Food Hygiene)

As category E premises tend to present a minimal risk due to the limited types of food they deal with and/or they cater for a limited number of people. An alternative enforcement strategy can be used to maintain surveillance of this group of premises, which enables the service to provide greater focus on higher risk (category A to D) premises.

The alternative methods of regulating low-risk businesses follow a structured, documented procedure. The strategy employs postal questionnaires; sample inspections to check the validity of the information gained and follow-up inspections, where either the information returned leads to the conclusion that an intervention is necessary, or no information is returned.

### 3.1.2 Food Hygiene Risk Rating Model

The model used to select the appropriate category of interventions at premises is set out below.



### 3.1.3 Food Hygiene Rating Scheme

The type of intervention employed is heavily influenced by the Food Hygiene Rating Scheme. Please see Appendix 2 for further details about the scheme.

Businesses included within the scheme must be given the opportunity to improve their score. However, in accordance with the Code of Practice, establishments may only be re-scored if the intervention used is an audit, inspection or part audit/inspection. This places an extra growing demand on the service as the number of requests for a re-score in 2016/17 was 32.

The focus of the inspections continues to be on cross-contamination risks between raw and ready-to-eat foods. Officers will assess the level of compliance with the Food Standards Agency's *E.coli* Guidance and taking appropriate action to ensure that risks are being managed.

### 3.1.4 Outcome Based Targets (Food Hygiene)

The Food Safety Code of Practice encourages food enforcement services to provide greater focus on the outcomes of activities rather than the traditional approach of reporting on activity alone. Local authority performance is monitored by the Food Standards Agency through the Local Authority Enforcement Monitoring System (LAEMS).

The percentage of food businesses in Derby, which were classed as broadly compliant on the 1<sup>st</sup> April 2016 was 95.7% (1936 out of 2024 premises).

### 3.2.1 Interventions at Premises (Food Standards)

The premises inspection/intervention/project programme for 2017/18 is:

Premises Risk	No. of interventions	Intervention Type
High Risk	18	Visits
Upper Medium	40	Some visits for Market Surveillance
Lower Medium	48	no planned work in this area
Low Risk	1138	no planned work in this area
Unrated	461	Visits/alternative enforcement strategies.

This year the service will complete 100% of its high risk premises interventions. There are a large number of unrated premises and we plan to substantially reduce the number of these. It is important that we make further enquiries into the nature of these businesses to ensure they are not high risk importers, packers or manufacturers.

The model used to select the appropriate category of interventions at premises is set out below.

Risk Rating	Risk Category	Activity Frequency
High	A	Annually
Upper Medium	B1	Two-yearly
Lower Medium	B2	Five-yearly
Low	C	No recommended frequency
Unrated	X	Assessment Required

### 3.2.2 Interventions at Establishments – Animal Feed

As a City Authority, feed interventions focus on businesses disposing of surplus food into the animal feed chain.

Such interventions play a role in helping to maintain overall quality of animal feeds and prevention of feed-borne animal diseases. Nationally, animal feed work features as a priority for the Food Standards Agency and Trading Standards contributes to this through a programme of planned interventions at feed premises as outlined below:

<b>Premise Type</b>	<b>Number of Inspections</b>
Supplier of Feed Materials/Surplus Food	9
Co-Product Producer	3
<b>Total</b>	<b>12</b>

### 3.3 Revisits Food Hygiene and Food Standards

Revisits are made to non-compliant premises where there are concerns about standards. Both the Food and Safety Team and Trading Standards operate structured, risk-based criteria to determine revisits. It is anticipated that 15% of premises inspected will be revisited for food hygiene issues; 10% for food standards and feed issues.

### 3.4 Projects

#### Trading Standards - Food Standards Projects

The service recognises the value of partnership working and has contributed to the Heart City Initiative that will take part over a five-year period in the city. The Heart City Initiative combines work by the council, the British Heart Foundation and the local Primary Care Trust to raise awareness of the largest cause of death in Derby, cardio-vascular disease.

The service will deliver the following projects as part of its sampling programme:

- Updating businesses on the implications of the new Food Information Regulations.
- Online Food Project
- Sampling of food for allergens.
- Meat species in restaurants and takeaways.
- Home Authority businesses auditing.
- Manufacturers placing surplus food into the feed chain.
- Sampling of Honey
- Sampling of Cod/Haddock
- Scoping of Food Banks and Food Distribution

## **Food Safety- Food Hygiene Projects**

Through an innovative collaboration between the Unitary Authorities of Derby and Nottingham and the Food and Drink Forum, funding was successfully granted by the then Better Regulation Delivery Office (now Regulatory Delivery), to undertake a 'lighter touch' risk-based approach to support new food businesses. The Alternative Regulatory Strategy to Support and Advise New Food Businesses identified and supported newly registered high risk food businesses to comply with food legislation from the very start of their business operation. The overriding aim of the strategy was to ensure the effective protection of public health, whilst assisting individual businesses and the local economy to grow.

In Derby and Nottingham there are more than 5,000 food premises and the change in business ownership is high with 200-300 new businesses registering with each authority annually. This has an impact on the ability of both authority's to adhere to inspection programmes and compromises their ability to deal with higher risk premises.

### **3.5 Complaints**

All complaints received are reviewed. If the nature of the complaint indicates that there may be a risk to Public Health, it will be investigated as part of normal officer duties. It is the aim of the service to respond to all complaints within 3 working days. It is estimated that food hygiene complaints require 1 FTE officer to carry out the duties.

### **3.6 Home Authority Principle and the Primary Authority Scheme**

The council is committed to the Home Authority Principle and Primary Authority scheme. Derby City Council has three Primary Authority Agreements in place and also acts as Home Authority for a number of companies, for which it provides the following services:

- Designates a Home Authority Officer to each business to provide advice and deal with issues arising from other local authorities.
- Places special emphasis on ensuring the compliance of foods from Home Authority companies, through sampling and testing.
- Maintains records of relevant incidents, business policies and diligence procedures, where known, in Home Authority Files.
- Home Authority businesses are inspected/visited, or otherwise contacted, on at least an annual basis.

### **3.7 Advice to Business**

Environmental Health and Trading Standards provide business advice through a range of actions including:

- Responding to service requests from business.
- On inspections.
- Home Authority and Primary Authority Advice.
- Via projects.
- Via the council's website.

Advice and support is provided in line with the Food Standards Agency Code of Practice and clear distinctions are made between statutory requirements and good practice.

### **3.8 Sampling**

All sampling undertaken by officers is in accordance with relevant legislation and codes of practice.

#### **Sampling - Microbiological**

Microbiological sampling is undertaken at food businesses to detect micro-organisms that can cause food poisoning. By taking these samples, we are seeking to confirm high standards of food safety and to detect contaminated food and correct any problems with regard to manufacture, handling or storage before any illness is caused.

Due to the reduction in staff resources microbiological sampling is unlikely to be undertaken to assist with projects or to support the national and local sampling programmes unless additional funding becomes available. Samples will be taken as part of investigations into food safety incidents, food poisoning outbreaks or where local intelligence suggests that there is a risk to public health. These samples are examined by the Public Health Laboratory at York.

#### **Sampling Food Standards and Feed**

The Local Authority has a duty to appoint a Public Analyst for Food and Agricultural Standards.

During the year food/feed samples will be taken for composition and labelling. These will be taken as part of:

- Planned project work.
- Inspections.
- Home Authority sampling.
- Food sampled from local producers within the city.
- Regional or national initiatives.
- Samples requiring testing as a result of complaints.

Food complaints items are submitted to the Public Analyst, where compositional or quality issues are examined. The Council's Public Analysts the Public Analyst Service, Wergs Road, Woodthorne, Wolverhampton WV6 8TQ Telephone: 01902 693314.

### **3.9 Control and Investigation of Outbreaks and Food Related Infectious Disease**

It is the council's policy to investigate incidents of infectious disease in an attempt to identify the cause of illness and any practical measures to control potential outbreaks. It is estimated there will be approximately 300 reported cases this year.

#### **3.10 Safety Incidents**

Environment and Regulatory Services will respond, as appropriate, to any Withdrawal Information Notices and Product Recall Information Notices issued by the Food Standards Agency. Any action taken will be in accordance with the Food Safety Act Code of Practice and Practice Guidance Notes.

Food alerts are transmitted electronically via a national network called Environmental Health Communications Network (EHCNet) and by fax, if requested. On receipt of the warning, the responsible officer will ensure it is distributed and dealt with, as appropriate.

Details of the latest product withdrawals and recalls, including Food Alerts for Action, can be found on the Food Standards Agency website: <http://www.food.gov.uk/enforcement/alerts>

The Team Leader (Food and Safety) and Team Leader (Trading Standards) liaise with the Food Standards Agency, DEFRA, Animal Health, DOH, Local Government Regulation and CIEH, as appropriate, to achieve up to date advice and information on matters of enforcement consistency or uncertainty.

#### **3.11 Liaison with Other Organisations**

Consistency with neighbouring local authorities and best practice is achieved by membership of TSEM (Trading Standards East Midlands), the Derbyshire Environmental Health Chief Officers Group, the Derbyshire Food Liaison Group, Derbyshire Food Sampling Group and the Unitary Cities Group.

#### **3.12 Promotional Work, and other Non - Official Controls Interventions**

Educational and promotional activities are considered to be important aspects in the delivery of a comprehensive food service and are achieved in the following ways:

- Food information available directly from the teams.
- Targeted advice/information sent to relevant groups on issues of county, regional or national significance.
- Active promotion of Food Safety Week.
- In March 2012, the Council adopted the national Food Hygiene Rating Scheme, which provides information to consumers on the standards found during a food hygiene inspection. The service works with businesses to help them improve their hygiene rating.

## 4. RESOURCES

### 4.1 Financial Allocation

The recent restructure and reorganisation of the service has resulted in difficulty in identifying specific food-related revenue budgets, especially as work such as food hygiene inspections is combined with other types of intervention. The actual financial allocations will be examined later in the year.

### 4.2 Staffing Allocation

The staffing allocation in relation to food is estimated as follows;

Changes in resources – expressed as FTE:

#### Food and Safety Team

	13/14	14/15	15/16	16/17	18/19
Team Leader	0.5	0.5	0.5	0.5	0.5
Senior EHOs	1.4	1.8	1.3	1.3	1.3
EHOs	1.6	1.8	2.0	1.5	1.5
Specialist TO	1.0	1.0	1.0	1.0	1
TO	0	0	0	0	0
Total:	4.6	5.1	4.8	4.3	4.3

#### Trading Standards

The following FTEs will carry out food standards, feed and animal health duties alongside other trading standards duties in 2017/18:

Team Leader	0.0	Management
Principal TSO	0.5	Management/Operational
TSOs	1.5	Operational
Fair Trading Officers	0.5	Operational

**Note:**

Trading Standards operates a multi-disciplinary team and all officers now have a wider role in delivering the trading standards service and none of those listed above will carry out food work exclusively.

### 4.3 Staff Development Plan

All staff within the service will have their training needs identified via Managing Individual Performance interviews. Training requirements are then included within the departmental training plan and resources are allocated according to priority.

The Regulators' Development Needs Analysis (RDNA) Tool is used to address the needs of experienced staff and to provide support for CPD. All officers will receive training to enable them to comply with the requirements of the Code of Practice, which states that a minimum of 20 hours CPD type training will be given to all food safety officers and food standards officers each year.

Priority is given to the need to ensure continuing development and competency in professional areas of work. The 2015 revision to the Food Law Code of Practice outlined new qualifications and competency requirements for authorised officers who carry out official controls and interventions to verify compliance with food law.

The Code recognises two defined roles that deliver official controls for food hygiene and food standards:

- Lead Food Officer
- Authorised Officer

In accordance with the Code of Practice, authorised officers have their competency assessed against the competencies detailed in Chapter 4 of the code. If the Lead Officer determines that the authorised officer does not meet the competency requirements then they will discuss with them how their development need will be addressed. All members of staff within have completed their competency assessment and are deemed competent to perform their duties.

## **5. QUALITY ASSESSMENT**

### **5.1 Quality Assessment and Internal Monitoring**

The service has documented procedures relating to food safety/standards duties. Internal audits are carried out by senior officers on a monthly basis to ensure compliance with these procedures.

The service actively seeks the views of businesses by issuing post-inspection questionnaires to food premises. Information from these returns is incorporated in the council's performance monitoring system, DORIS.

## **6. REVIEW**

### **6.1 Review against the Service Plan**

Senior Environmental Health Officers and the Principal Trading Standards Officer (Food Standards and Metrology) hold quarterly performance reviews to monitor performance against this plan. The monthly review and remedial action required will be reported and agreed with the Team Leaders.

Service Plans are reviewed on a quarterly basis by senior management and performance figures are reported on DORIS and scrutiny is undertaken by Chief Officer Group and Scrutiny Boards.

An annual review will be carried out which will identify variances from targets or performance standards. A summary of the annual review is set out in the appendix to the report.

### 6.1.1 Food Safety Performance Review 2016/17

Item	Target	Achieved	Comments
Number of Interventions achieved (The Food Law Code requires all A-E rated premises to be inspected )	100%*	92.9%**	Target not achieved due to staffing issues.
Number of interventions achieved (A-C rated)	100%	100%**	
Broadly compliant premises	92%	95.7.% **	
Premises rated 4 or 5 under the FHRS	80%	90.7%	
Number of re-visits	10%	19.1% ** (221 visits)	
Alternative enforcement surveys	N/A	0	Due to the number of premises falling under the FHRS, where a business can only be rated after an inspection.

\* NB. The Food Law ACOP requires all A-E rated premises to be inspected.

\*\* NB. Statistics are taken from the 2016/17 LAEMS Return.

### 6.1.2 Complaints

Item	Food and Hygiene of premises
Number of complaints received	133

### 6.1.3 Control and Investigation of Outbreaks and Food Related Infectious Disease

Item	Estimate	Actual	Comments
Number of Cases	300	307 (223 were campylobacter)	

#### 6.1.4 Food Standards Performance Review 2016/17

Item	Food Standards
Number of High Risk Inspections	28
Number of complaints received	55
Number of Written Warnings	5
Number of Food Standards Interventions	805

#### 6.2 Identification of any Variation from the Service Plan

##### Food Standards

By 1 April 2017, 76% of premises were found to be 'broadly compliant'. The service carried out 805 interventions that included inspections of all of its high risk businesses.

##### Food Hygiene

In the year 2016/2017, 92.9% of the food safety interventions that were due were achieved and in addition, a total of 224 new food businesses were inspected and rated.

#### 6.3 Areas of Improvement

##### Food Standards

Food fraud seems to be a growing area and this will be the focus for the region in 17/18. There will also be an attempt to bring down the unrated premises, last year there was over a 30% reduction of unrated premises.

##### Food Hygiene

The Alternative Regulatory Strategy to Support and Advise New Food Businesses provided clear evidence that the provision of advice at the point of start-up is beneficial for both regulator and business.

This enables local authorities to direct their limited resources towards the non-compliant premises and food businesses benefiting from the increased business, a high food hygiene rating can bring to their new operation. A strong evidence base combined with successful leadership has resulted in the support from all key stake holders to enact the recommendations arising from the project through a future pilot across the entire D2N2 region. The ambitious proposal seeks to provide tailored regulatory advice at the point of business start-up, under the current proposals to extend and simplify the Primary Authority Scheme, through a co-ordinated partnership. A link to the full project evaluation report is available on the FSA website at:

<http://www.food.gov.uk/enforcement/enforcetrainfund/local-authority-evaluation>

### **Promotion, Advice and Support**

- The Food and Safety Team has continued to implement the 'Safer Food Better Business' guide in food premises. This is a toolkit, which has been developed by the Food Standards Agency, to assist small catering businesses to prepare documented food safety management procedures.
- The Team continued to inform consumers on the hygiene standards found in food businesses throughout the city, by ensuring the regular upload of Food Hygiene Ratings onto the FSA Website and use of media coverage on recent ratings in the Derby Telegraph.

### **Changes to the Monitoring System**

The Local Authority Enforcement Monitoring System (LAEMS) is now used to report local authority food law enforcement activities to the Food Standards Agency. It is a web-based system onto which local authorities are able to upload local data on food enforcement activities.

Data for the return for 2016/17 has now been completed and submitted to the FSA.

## **Food Hygiene Rating Scheme**

The Food Hygiene Rating Scheme (FHRS) is a Food Standards Agency (FSA)/Local Authority partnership initiative designed to help consumers make an informed choice about where to eat out or shop for food. It does this by giving them information about the hygiene standards in food outlets at the time they were last inspected for compliance with legal requirements.

The purpose of the FHRS is to allow consumers to make informed choices about where to eat or shop for food and through these choices, encourage businesses to improve their hygiene standards. The overarching objective is to reduce the incidence of food-borne illness.

Under the scheme, food businesses are rated on a numerical scale ranging from zero (meaning 'urgent improvement necessary') to a top rating of five ('very good'). The food hygiene ratings are published on-line at <http://ratings.food.gov.uk/> and with a link on the Council's website. Each business is also encouraged to display its ratings sticker at their premises. The FHRS incorporates safeguards to ensure fairness to businesses, which includes an appeal procedure and a right to reply for publication and a mechanism for requesting a re-inspection/re-visit for the purposes of a re-rating when improvements have been made.

- In the year 2016/17 the service received:
  - 3 Right to reply forms
  - 1 Appeals against a rating awarded
  - 32 Re-score requests

## Derby Restaurant Moza in Court over Food Hygiene Rating Offence



Four Brothers Ltd, which owns Indian restaurant Moza, and the company director, Rushan Ahmed, right, each pleaded guilty to a charge of "engaging in unfair commercial practice". A Derby restaurant has been fined £2,000 after falsely it advertised a food hygiene rating of five when it had been awarded a zero.

Derby City Council gave Indian restaurant Moza the lowest possible rating yet the owners continued to advertise five stars in an [Oakwood newsletter](#).

**Southern Derbyshire Magistrates' Court** was told how **Moza**, in Nottingham Road, Chaddesden, which is owned by Four Brothers (Derby) Ltd, went from three stars in 2014 to a zero last year.

Lucy Keeler, prosecuting, said Four Brothers and its director, Rushan Ahmed, of Broadway, Walsall, were in breach of the Consumer Protection from Unfair Trading Regulations Act 2008. She said: "During September of last year, a Derby City Council worker received a copy of CandC Oakwood and saw an advert for Moza which stated they had a five-star hygiene award. She knew from her role that this was incorrect and she reported it to Derby City Council."

Ms Keeler told how Moza was visited on April 23, 2014, and was awarded a food hygiene rating of three. On February 24, last year, it was then visited again and handed a rating of one. But the city council found adverts containing "five stars" in C & C Oakwood magazines in July and August issues, last year.

On July 8 last year, **a rating of zero was then handed to the manager, by hand**. In court on Thursday, Ahmed pleaded guilty on behalf of himself and company to breaching the 2008 act.

Four Brothers admitted three charges of "engaging in unfair commercial practice" and Ahmed admitted three charges of "consenting to or conniving with Four Brothers to engage in an unfair commercial practice". Ahmed, 29, said he had been advertising with the C & C Oakwood magazine since Four Brothers, based in Birmingham, opened the restaurant in 2012. He claimed the advert was an old one that had not been changed.

He said he had not been directly involved in the running of Moza, which is Four Brothers' only business, as much as he had been before because of personal reasons.

He said: "We are proud in serving the local community and we try to help the community in Chaddesden as well. If I affected anybody in the local community or the council then I do apologise."

Magistrate Judith Anderson said: "This was a serious offence and it could easily have had a detrimental effect on other businesses in the area."

Four Brothers was fined £2,000, ordered to pay £1,051 court costs and a £120 victim surcharge. Ahmed was fined £200 and ordered to pay £1,051 court costs and a £20 victim surcharge at the hearing today.

**\*At the last inspection, in February, Moza was awarded three stars.**

<http://www.derbytelegraph.co.uk/derby-restaurant-moza-court/story-29192666-detail/story.html>

## Sampling of Indian sweets highlights the need for some Retailers to Improve Food Standards



Derby trading standards have highlighted that Indian sweet sampling in the city has revealed undeclared nuts and excess food coloring at some retailers.

The food testing conducted mainly in the Normanton area showed that of the five premises that were visited, two samples were found to contain unannounced almonds and peanuts and one sample had more than the permitted amount of the Ponceau 4R (E124) red food colouring.

Speaking of the shops that sell the Indian delicacies that are very rich in taste and primarily made from milk, sugar and flour, Councilor Baggy Shanker said:

"It is concerning when businesses are unaware of all the ingredients that are going into their products. If someone consumes food they have been told is 'nut free' and then suffers an anaphylactic shock, the consequences can be fatal".

The sampling that was funded by the Food Standards Agency, found that 70% of Derby retailers selling the sweets were satisfactory. Of the seven samples that passed, three failures were being dealt with through advice.

Fakir Osman, Principal Trading Standards Officer said:

"We will be advising the business on the limits of Ponceau 4R (E124) and to consider using an alternative. The Food Standards Agency has asked the UK food industry for a voluntary withdrawal of Ponceau 4R (E124) as scientific research links the consumption to an increased hyperactivity in some children and is already banned in some countries

<http://www.tradingstandards.uk/extra/news-item.cfm/newsid/1896>

## There is no 'plastic rice' in Derby, Public Assured



**City officials say the rice, believed to have been imported to the UK from areas of Asia including China, India, Indonesia and Vietnam, was being sold as real rice.**

Checks have been carried out in Derby to rule out the presence of 'plastic rice'.

City officials say the rice, believed to have been imported to the UK from areas of Asia including China, India, Indonesia and Vietnam, was being sold as real rice.

Trading standards said the 'rice' is produced using a mix of potatoes, sweet potatoes, and plastic. It is formed by mixing the potatoes and sweet potatoes into the shape of rice grains, before adding industrial synthetic resins.

A statement by Derby City Council said the 'rice' does not behave like normal rice, it remains very hard even after it has been cooked properly, so it could be a choking hazard for consumers, especially young children. Tests on fake rice have also confirmed that the synthetic resins and plastics used in making the product are harmful.

However, internet sites devoted to debunking urban myths have cast doubt on the existence of "plastic rice", claiming stories about it have been based on un-checked and un-sourced stories being given credence by social media

The Derby City Council statement said: "Derby City Council Trading Standards have been working with the Food Standards Agency (FSA) on sampling projects this year to help tackle problems with food that could be damaging to consumers.

"One of the first projects completed was sampling for 'Plastic Rice' which is believed to have been imported to the UK, from areas of Asia including China, India, Indonesia and Vietnam and was being sold as real rice. In Derby, samples which were taken by the Trading Standards team were tested and showed that none contained plastic rice."

Fakir Mohamed Osman, Principal Trading Standards Officer, said: "We work closely with the Food Standards Agency on a number of projects to ensure that consumers in Derby are protected from potentially dangerous food products. We're pleased to report that no fake rice has been found in Derby as part of our sampling project".

<http://www.derbytelegraph.co.uk/eat-safe-there-is-no-plastic-rice-in-derby/story-30030443-detail/story.html>

## Filthy Normanton Takeaway with Mouse Droppings in its Food is Shut Down



THE owner of a filthy Normanton takeaway which had a mouse infestation has been ordered to close it down.

Balvir Singh, the owner of Indian Spicy Foods, was given the hygiene emergency prohibition order at Southern Derbyshire Magistrates' Court yesterday.

Derby City Council applied for the order after an environmental health officer visited the takeaway in Normanton Road for a routine hygiene inspection last Thursday.

The inspector found mouse droppings in food, on the floor and in equipment.

Read more at:

<http://www.derbytelegraph.co.uk/filthy-normanton-takeaway-mouse-droppings-food/story-27848740-detail/story.html#3>