

REPORT TO: ENVIRONMENTAL SERVICES AND SUSTAINABILITY COMMITTEE
(23TH OCTOBER 2006)

REPORT ON: REVIEW OF THE FOOD SERVICE PLAN 2004-2005 AND THE FOOD
ELEMENTS OF THE ENVIRONMENTAL HEALTH AND TRADING
STANDARDS DEPARTMENT PLAN 2004-2007

REPORT BY: HEAD OF ENVIRONMENTAL HEALTH & TRADING STANDARDS

REPORT NO: 589-2006

1.0 PURPOSE OF REPORT

1.1 Approval is sought for the recommendations contained in the review of the Food Service Plan 2004-2005 and the Food Service elements contained in the Environmental Health and Trading Standards Service Plan 2003-2007.

2.0 RECOMMENDATIONS

2.1 It is recommended that the Committee remit the Head of Environmental Health and Trading Standards to

- a) Improve the internal monitoring of the food law enforcement function by:
 - (i) implementing predictive measures for monitoring Statutory Performance Indicators (food hygiene inspections)
 - (ii) implementing a schedule for the monitoring and verification of food law enforcement in line with the Framework Agreement and the department's documented procedures
 - (iii) reviewing the current scoring of premises for confidence in management and the enforcement action taken in these premises
- b) Review the sampling programme with a view to incorporating any changes in the sampling plan for 2007 to 2008.
- c) Liaise with Dundee College, the Food Standard Agency (Scotland) and the Royal Environmental Health Institute of Scotland with a view to the continuation of CookSafe courses, or their equivalent, locally.
- d) Liaise with the Head of Communities on the food safety needs in the community/voluntary sector.
- e) Examine the benefits of implementing an alternative enforcement strategy for lower risk premises, the outcome of which to be reported to a future Committee.

3.0 FINANCIAL IMPLICATIONS

3.1 None

4.0 SUSTAINABILITY POLICY IMPLICATIONS

4.1 None

5.0 EQUAL OPPORTUNITIES IMPLICATIONS

5.1 None

6.0 BACKGROUND

6.1 The Food Standards Agency Scotland (FSAS) audit of the Council's Food Enforcement Service requires that the Environmental Health and Trading Standards Department submit, for appropriate member approval, a yearly review of performance against all elements of the Council's food service.

The attached review therefore covers all the main elements of the food service plan as required by the Framework Agreement on Local Authority Food Law Enforcement.

7.0 CONSULTATIONS

7.1 The Chief Executive
Depute Chief Executive (Support Services)
Depute Chief Executive (Finance)

8.0 BACKGROUND PAPERS

8.1 None

Albert Oswald
Head of Environmental Health & Trading Standards

October 2006

FOOD SERVICE PLAN REVIEW

FOOD SERVICE PLAN 2004-2005

ENVIRONMENTAL HEALTH AND TRADING STANDARDS SERVICE PLAN 2003-2007

1. INTRODUCTION

- 1.1 As a Food Authority the Council is subject to the Food Standards Agency (FSA) Framework Agreement on Local Authority Food Law Enforcement. This sets the standards which Local Authorities are expected to meet and is the measure against which the Food Standards Agency Scotland (FSAS) audits local authority performance.

The Framework Agreement requires that the Council works to a Food Service Delivery Plan and that a performance review of the plan be carried out at least once a year. This review has to be documented and submitted for appropriate member approval.

2. SCOPE

- 2.1 The scope of this review covers:-

- a) The Food Service Plan 2004-2005
- b) Overlapping elements of the Environmental Health and Trading Standards Plan 2003-2007
- c) Performance information relevant to 2005-2006

- 2.2 For ease of reference the review is shown in tabular form with appropriate comments. The review is in 4 parts:-

Part A - Key Performance Indicators
Part B - Other key elements of the Food Service
Part C - Special impacts on the Food Service
Part D - Conclusions and Recommendation

3. PART A - KEY PERFORMANCE MEASURES

3.1 Core Audit of the Food Service carried out by FSA (Scotland) in June 2005)

The full audit report identified that a wide range of food enforcement activity complies with the set standard.

An action plan on non-compliance has been approved by Committee and agreed with the FSAS.

The FSAS is monitoring progress made by the Authority on the Action Plan. An update was sent to the FSAS on 6th June 2006.

3.2 Food Safety: Hygiene Inspections (Statutory Performance Indicator)

The Statutory Performance Indicator for Food Hygiene Inspections measures the number of establishments in each of the following three categories requiring inspection in the year, and the % of the inspections which were undertaken within the prescribed period:

Minimum inspection frequency	Number to be inspected		% of inspections undertaken within time	
	2004/2005	2005/2006	2004/2005	2005/2006
Cat A (6 months)	21	30	100.0	93.3
Cat B (12 months)	200	191	100.0	99.0
Cat C-E (More than 12 months)	513	564	91.8	86.5

4. PART B - OTHER KEY ELEMENTS OF THE FOOD SERVICE PLAN

4.1 Food Hygiene Inspections

4.1.1 Actual numbers of inspection carried out by inspection frequency bands.

a) Carried out within prescribed period

Minimum Inspection Frequency	<u>04/05</u>	<u>05/06</u>
Cat A		
- First 6 months	43	42
- Second 6 months	29	17
Cat B	200	189
Cat C-E	471	477

b) Carried out outwith prescribed period

Minimum Inspection Frequency	<u>04/05</u>	<u>05/06</u>
Cat A		
- First 6 months	3	2
- Second 6 months		
Cat B	2	1
Cat C-E	27	10

c) Not carried out

	<u>04/05</u>	<u>05/06</u>
Cat A		
- First 6 months	0	0
- Second 6 months		
Cat B	0	2
Cat C-E	8	43

4.1.2 Revisits to check on improvements

Minimum Inspection Frequency	<u>04/05</u>	<u>05/06</u>
Cat A	31	32
Cat B	25	23
Cat C-E	22	22

4.2 Food Standards Inspections

a) Food Standards visits check on the presentation, composition and quality of food.

More complex premises are given a high risk rating and are given separate food safety and food standards inspections.

All other premises receive an inspection which combines foods safety and standards. This approach was introduced in January 2005.

Food Standards Inspections	04/05	05/06
High risk rated premises	No figures available	15
Medium to low risk rated premises	316	515

- b) The audit noted that inspection of approximately 100 category A and B rated premises for food standards were overdue at the time of the audit and around 300 food businesses are not included in the food standards inspection programme.

However, the FSAS recognised that this is being addressed by the Authority by combining food safety and standards inspections and basing the planned inspection on the food hygiene risk-rating, as provided for in the new Code of Practice. The Authority expects this to be largely resolved within 12 months.

4.3 **Inspection Outcomes**

Enforcement Policy - Food Safety and Standards

- a) Enforcement action arising from food hygiene inspections

The department implements enforcement action based on our Committee approved Enforcement Policy as follows:-

- Letters/Intimations are sent to food operators following an inspection if actions are required by the operator to comply with food law. Hygiene Improvement Notices (HINs) are served if major contraventions are found or where the operator has failed to comply with the terms of a previous letter/intimation.
- Hygiene Emergency Prohibition Notices (HEPNs) are served when conditions of imminent risk to consumers are found. This has the effect of closing the premises or prohibiting a food process until the conditions causing imminent risk are removed.
- Reports to the Procurator Fiscal are made when there has been a failure to comply with a statutory notice or where the offences are particularly serious.
- Failings in food standards identified in premises rated medium to low risk for food standards are incorporated in the food safety letters/intimations

	04/05	05/06
Reports to Procurator Fiscal	-	-
Prosecutions	-	-
HEPNs	1	-
HINs	12	17
Letters/Intimations	632	502

b) Scoring of Premises

After each inspection the enforcement officer gives a score on the premises which then determines the date of the next inspection. The table below describes these scores as a percentage of premises within each inspection frequency band.

All premises receiving food standards checks are also given a risk rating for food standards. The current number of high risk rated premises is indicated in Paragraph 4.2. For medium to low risk food standard premises, frequency of inspection is determined by the food hygiene score.

Food Hygiene Premises Scoring 2004/2005

Confidence in Management

Inspection Frequency	A	B	C - E
Highly confident	-	-	0.90
Moderate confidence	7.50	8.65	13.33
Some confidence	17.50	63.94	81.80
Little confidence	72.50	26.92	3.97
No confidence	2.50	0.49	-

Food hygiene and safety compliance

	A	B	C - E
Excellent	-	-	-
Very good	2.50	8.65	19.63
Satisfactory	25.00	43.75	74.05
Fair	30.00	44.71	6.13
Bad	42.50	2.89	0.19
Very bad	-	-	-

Structural compliance

	A	B	C - E
Excellent	-	-	0.36
Very good	2.50	4.80	16.93
Satisfactory	27.50	47.59	68.64
Fair	25.00	39.90	13.88
Bad	45.00	7.22	0.19
Very bad	-	0.49	-

Food Hygiene Premises Scoring 2005/2006

Table 4.1: Confidence in Management

	A	B	C
Highly confident	-	-	0.34
Moderate confidence	2.94	4.59	11.59
Some confidence	29.41	58.16	82.01
Little confidence	67.65	37.25	6.06
No confidence	-	-	-

Table 4.2: Food Hygiene and Safety Compliance

	A	B	C
Excellent	-	-	0.17
Very Good	5.88	7.65	15.22
Satisfactory	20.58	43.87	77.16
Fair	29.42	46.43	7.27
Bad	44.12	2.05	0.18
Very Bad	-	-	-

Table 4.3: Structural Compliance

	A	B	C
Excellent	-	-	0.34
Very Good	5.88	7.14	14.18
Satisfactory	29.41	43.87	69.55
Fair	17.65	42.86	15.24
Bad	47.06	6.13	0.69
Very Bad	-	-	-

4.4 **Corporate Food Safety**

EHTS provides a service for Dundee City Council departments with an input to food provision within the City to advise on best practice in relation to compliance with food safety and food standards legislation.

As of 01/01/06 all food business operators were legally required to have a fully documented food safety management system in place.

Action taken in regard to Corporate Food Safety reports ensured that the Council had introduced and implemented the CookSafe food safety management system for its own food operation and that food service providers under contract to the Council had also complied with the new legal requirement.

Tay Cuisine, the supplier of Welfare meals to Social Work department, has, on the advice of EHTS, gone beyond legal compliance and now operates a food safety control system accredited by Campden and Chorleywood Food Research Association Group. To ensure that foods and ingredients supplied to Council's food service providers are safe and meet contractual standards set in partnership agreements, sampling programmes have been developed based on advice from EHTS.

Over 100 Corporate Food Safety enquiries were dealt with during 2005/06.

4.5 **Butchers Licensing**

With the implementation of new legislation requiring documented food safety systems the Scottish Executive terminated the Butchers Licensing scheme as from 1 January 2006.

4.6 **Special Approvals Under Product Specific Legislation**

Certain premises producing meat or fish products required special approval and enforcement in terms of product specific legislation.

There were seven such premises and each of them was inspected at least three times per year.

No additional approvals were issued in the period 2004/2005 and 2005/2006.

4.7 **Sampling**

The following number of samples were taken:-

	04/05	satisfactory	unsatisfactory	05/06	satisfactory	unsatisfactory
Chemical	201	163	38	116	91	25
Microbiological	322	244	78	233	198	35

4.8 **Food Complaints**

Food articles submitted under complaint by consumer were as follows:-

04/05	05/06
91	99

4.9 **Complaints about Food Safety, Hygiene and Standards**

The following complaints were received:-

04/05	05/06
110	77

The departmental response target time for responding to complaints is 48 hours.

The following performance was achieved.

04/05	05/06
96%	86%

4.10 **Food Poisoning Notifications**

Food poisoning notifications received from NHS Tayside are shown below. These include the cases referred to later in this report in which two separate outbreaks are described. When these are subtracted from the total, we are left with apparently unconnected individual cases in which the source of infection is unknown. A significant number of these are associated with foreign travel.

04/05	05/06
138	187

4.11 **Food Alerts - Issued by Food Standards Agency**

The following alerts were issued by the FSA to all Food Authorities. These fall into two categories.

- a) Alerts for action - require the department to take specific action such as visit premises to check that the suspect foods have been removed from sale.
- b) Alerts for Information - advise officers of suspect products which have been distributed in the UK. Officers check for these on routine visits.

Food Alerts	04/05	05/06
For Action	15	17
For Information	60	85

4.12 **Advisory Visits**

Specific advisory visits to proposed, new or existing food premises were as follows:-

04/05	05/06
84	24

4.13 **Food Hygiene Training/CookSafe/Food Safety Projects**

- 4.13.1 Dundee City Council's free general food hygiene training scheme in conjunction with Dundee College trained over 4000 Dundee food handlers representing over 620 food operators from all sections of the community between February 2002 and March 2005.

This was superseded in April 2005 by the FSAS funded CookSafe project designed to assist food operators comply with the above mentioned requirement to use documented food safety management systems. Free courses are being provided through Dundee College and to date over 1200 candidates have taken part in the CookSafe course. This included courses in ethnic languages.

- 4.13.2 The FSAS encourages local authorities to take innovative approaches to food safety training in the community by providing special grants. In 2004/2005 Dundee City Council was the recipient of a £10,000 grant for a project aimed at making food hygiene training more accessible. A training pack was translated into Urdu and courses were run in the community by Dundee College.

In 2005 / 2006 Dundee City Council was awarded a further grant of £10,000 from the FSAS to pilot a 'total' approach to food in the community and voluntary sector. A training package linking food hygiene, nutrition and community version of CookSafe is currently being offered.

5. **PART C – SPECIAL IMPACTS ON THE SERVICE**

- 5.1 This section describes special events or new demands which affected planned programmes.

To cope with such demands, lower risk programmes are de-prioritised. This results in some low risk premises not being inspected within the planned period or being re-programmed with a future target date.

5.2 **Food Incidents/Food Poisoning Outbreaks**

- a) September 2004

An outbreak of Salmonella food poisoning affected four people who ate from a Dundee restaurant. The premises voluntarily closed for remedial action. Further improvements in food safety procedures and general conditions were introduced through enforcement action.

b) June 2005

A food safety incident occurred on the discovery of potentially hazardous levels of *Listeria monocytogenes* of a sample of cooked turkey meat product.

The likely source(s) of the contamination lay within the premises of the supplier located in another authority. The local authority for the supplier was involved in the investigation as was the FSAS. The Dundee based food operator has now changed its supply arrangements.

c) August 2005

Eight apparently connected cases of Salmonella food poisoning were reported by NHS Tayside to the EHTS department. Three cases were clearly identified with the consumption of an egg based dish at a Dundee cafe. An egg link was possible in the remaining cases but no common premises could be identified. The cafe's procedures were quickly corrected and the other associated premises monitored specifically on the use of raw egg in their catering process. All these premises continue to be inspected.

d) January 2006

6 People attending a function in Dundee were affected by Salmonella food poisoning. The suspect foods were prepared by an unregistered caterer, within another local authority, who made some of the food at home.

5.3 **New Food Laws**

Since 1 January 2006 food operators have been required to implement improved food safety management systems. This and other European Community legislative changes has added to the workload of the food service. In particular, typical inspection times have increased. The full impact on resources to enforce new legislation may only become apparent during implementation.

5.4 **Improving Staff Flexibility**

- a) In January 2005 food safety inspections were combined with checks on food standards for most premises. Only the more complex premises retained separate food standards inspections.

Combining enforcement work in this way results in a more efficient use of staff.

- b) The EHTS Service Plan 2004 - 2007 states that we would examine ways of balancing the need for staff flexibility whilst maintaining specialism. To advance this objective, a company specialising in the training of enforcement staff was employed in February and March of 2006 to provide a suite of food courses.

Refresher training was given to EHOs from both the Health and Safety and Environment Teams. Update training was given to food and health and safety enforcement officers. The former group is now able to participate more fully in food enforcement activity.

5.5 **Loss of staff**

Between 9th April 2004 and 9th May 2005 3 officers left the Food Safety/Standards team and one officer was recruited.

6. PART D – CONCLUSIONS

6.1 Key Performance Indicators

a) Statutory Performance Indicators

The department continues to perform well on the percentage of premises inspected within the prescribed period, particularly in the 6 months and 12 months inspection frequency categories. Maintaining high performance in this area is important corporately, since this contributes to a basket of indicators across the Council upon which the Authority is assessed in comparison to other Scottish Councils.

Effective monitoring of performance is critical since missing the inspection target date (which has a tolerance of 28 days either side of the due date) for a relatively small number of premises can lead to a large percentage drop in the statutory performance indicator.

Consequently, monitoring the inspection programme using predictive data permits the early identification of potential problems and allows early corrective action to be taken.

The decline in the figures from 2004/2005 to 2005/2006 in premises with a minimum inspection frequency of more than one year reflects the special impacts on the food service as described in Part C of this review.

b) Core Audit of the Food Service by FSAS

The core audit identifies that although Dundee City Council largely complies with the Framework Agreement, a number of areas require strengthening.

The measures implemented by the department to meet the standards set in the Framework Agreement are based on a quality management approach. The Framework Agreement requires the deployment of resources to internally monitor enforcement activity, review procedures when necessary and have a system for verifying compliance with the standard Codes of Practice and centrally issued guidance.

The Environmental Health & Trading Standards Department's documented procedures made in compliance with the standard, outline measures for such monitoring, review and verification.

6.2 Other Key Elements of the Food Service Plan

a) Operation of the Enforcement Policy

A total of 1,134 letters/intimations have been sent to food operators over the period 2004/2006.

In the same period 29 Hygiene Improvement Notices (known as Improvement Notices prior to January 2006) have been served and complied with.

The number of premises in 2004/5 and 2005/6 in the highest risk rating remained steady at 43 in the first six months. This dropped to 29 (04/05) then 17 (05/06) in

the following 6 months, indicating that on the second inspection the premises dropped to a lower risk rating.

In the food hygiene scores for 04/05, officers reported they had little or no confidence in management in 75% of premises within the 6 months inspection rating category and in 27% within the yearly inspection category. The respective figures for 05/06 are 67% and 37%.

A key element in determining the confidence in management score is the extent to which food safety hazards are identified and controlled by the food operator.

Further analysis is, therefore, required on the link between scoring of premises and enforcement action taken.

b) Special Approvals under Product Specific Legislation

Premises within this category are, by definition, more complex and produce a high volume of foods for local markets.

Such premises require the use of advanced inspection techniques using a range of methods so that a complete picture of food safety performance is gained. This requires the use of auditing methods in which an enforcement plan for the premises is drafted and the inspecting officer uses locally documented protocols locally to guide each visit.

c) Sampling

Food authorities are expected by the FSAS to take account of the fact that 50% of foods on the market originate from outwith the European Community. However, to implement this objective, coordination with the FSAS and food liaison groups is required.

Sampling should also focus on areas of possible non-compliance with less emphasis being given to areas where, historically, compliance rates are high.

d) Free Food Hygiene Training

(i) The CookSafe funding has been fully allocated.

Ensuring the commercial continuity of CookSafe courses locally is highly desirable to assist those entering the food trade for the first time and those requiring further training support. Such provision should include courses in ethnic languages

(ii) Where community/voluntary organisation projects are underpinned by grant funding it is essential they take into account in their funding applications the cost of food safety training. Similarly those involved in administering funds should also be conscious of food safety training and advisory needs.

e) Special Impacts on the Food Service

The factors described in Part C will either repeat or be present in future provision of the food service. Following this review there will be re-examination of enforcement priorities and increased managerial and supervising resources deployed in the areas identified in the review.

The FSAS Codes of Practice governing food law enforcement permits authorities to implement alternative enforcement strategies (AES) in which lower risk rated premises are removed from the inspection programme of fully qualified officers.

In essence, the AES seek imaginative ways of monitoring de-prioritised premises without incurring the cost of full inspection. The resources released are then used in areas of greater priority.