

REPORT TO: Safer Policy and Performance Board

DATE: 15 September 2015

REPORTING OFFICER: Director of Public Health

PORTFOLIO: Environmental Services, Health and Wellbeing

SUBJECT: Food Safety and Standards Update

WARDS: Borough wide

1.0 PURPOSE OF THE REPORT

- 1.1 This report follows a request from the Chair of the board for an update on the performance of the Food Safety and Standards Team
- 1.2 The report will examine how well Halton's food businesses are performing in relation to the National Food Hygiene Rating scheme and new and developing issues with regard to Food Safety and Standards.

2.0 RECOMMENDATION: That

- 1) **the report be noted; and**
- 2) **Members take the opportunity to raise any questions or comments regarding the Food Safety and Standards Service.**

3.0 SUPPORTING INFORMATION

3.1 National policy context – Food Safety and regulation

Since 2010 there has been a general trend in Government policy towards less regulation and a reduction in the perceived burdens on businesses. However as a result of a number of significant incidents in recent years - notably the 2012 horsemeat crisis and the risk of new and emergent foodborne diseases such as the 2013 outbreak of highly pathogenic E'coli – Government support for Food Safety and Standards enforcement remains strong.

The Authority is still required by the Food Standards Agency to submit an annual service plan including a detailed risk based inspection programme for all the borough's food premises. This requirement has remained largely unchanged in the 15 years since the inception of the Food Standards Agency.

3.2 National Food Hygiene Rating Scheme

The board have received reports in September 2012 and January 2014 on the operation of the food hygiene rating scheme and therefore many members of the board will be familiar with the scheme details. For the benefit of those members who are new to the board or less familiar with the scheme – some of the background information from previous reports is set out again below.

3.2.1 The scheme was introduced by the Food Standards Agency in 2010 and was adopted by Halton in 2011. The scheme aims to raise hygiene standards by providing information to customers that enables them to make informed choices about where to eat and shop and thereby provides an incentive for businesses to maintain and raise hygiene standards.

3.2.2 Scope of Scheme

All food business such as restaurants, cafes, takeaways, sandwich bars, shops, supermarkets, schools, staff canteens, care homes and mobile vendors are included in the scheme. There are some exemptions for premises that are not open to the public e.g. manufactures and warehouses. Child-minders are also exempt. Those premises exempt from the scheme are still required to comply with food safety law but are not required to display a score.

3.2.3 Display of scores -

All scores are displayed on the Food Standards Agency's website at www.food.gov.uk/ratings in addition businesses can display a window sticker with their score. However display of the sticker in England is currently voluntary and so many businesses that achieve the lower scores 0,1 and 2 rarely display their score.

The Welsh assembly government have made it a legal requirement for food businesses to display their score. Businesses that fail to display their score can be subject to a fixed penalty notice. The Food Standards Agency is examining the Welsh scheme with a view to introducing mandatory display in England. However this change would require new legislation to go through the full UK parliamentary process.

In 2015 the food team is taking part in an FSA initiative to increase the number of businesses displaying their score. The project will focus on town and local centres.




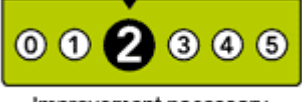


3.2.4 Hygiene Ratings

The score is based on the hygiene risk rating given to a business during the last food hygiene inspection by the Environmental Health Food Safety Team. The rating is based on three key criteria;

- How hygienically the food is handled
- The structure and cleanliness of the building
- How well the business is managed and its track record

Businesses are awarded a score from 5 to Zero. Table 1 below sets out what each score means in practice

Table 1: What the score means in practice

Score / Description	What this means in practice
 <p>Very good</p>	The premises is fully compliant with the law
 <p>Good</p>	The premises is essentially compliant with the law but with some minor contraventions that are not critical to food safety. No follow up is needed from the environmental health department
 <p>Generally satisfactory</p>	Overall satisfactory standard – premises need to make some minor improvements but these are not critical to food safety. Business will receive written advice but is unlikely to be a priority for revisit
 <p>Improvement necessary</p>	A number of contraventions have been identified – improvement necessary to prevent fall in standards. Follow up action in accordance with enforcement policy. Premises likely to be subject to revisit to ensure action has been taken
 <p>Major improvement necessary</p>	A number of major contraventions identified some of which if not addressed may be critical to food safety. Premises subject to enforcement action in accordance with enforcement policy. Premises will be subject to revisit to ensure improvements are made
 <p>Urgent improvement necessary</p>	General failure to comply with food law. Premises <i>may</i> pose an imminent risk of injury to health. Immediate action required to improve standards – this may include closure – otherwise enforcement action in accordance with enforcement policy. Premises will be subject to regular revisits and monitoring until situation improves

It is important to emphasise that whilst businesses may display a low score on the internet – as this is the score they achieved at the time of the last inspection – the business will have been required to carry out urgent action to resolve any imminent risk to public health. The score remains in place until the next inspection, the business requests a revisit or the business closes or changes hands.

3.2.5 Distribution of scores in Halton

There are currently 1019 food premises in Halton. 807 of these premises are within the scope of the scheme and their scores are published on the national website. Table 2 below sets out the number and percentage of each of the scores that Halton's food businesses achieve. 63% of premises now achieve the top score compared with 49% in 2014 and 41% in 2012. This suggests the scheme is motivating businesses to maintain and improve their score. There are currently 7 Zero rated premises 5 of which are takeaways. This is consistent with previous years.

Table 2

Score	Number	%
5	510	63
4	166	21
3	80	10
2	26	3
1	18	2
0	7	1

3.2.6 Improvements in takeaway food premises.

Since the report to the board in 2012 there has been a notable improvement of scores in takeaway food premises. In 2012 65% of takeaways received the top 3 scores however that has now increased to 77%. A number of initiatives have contributed to that improvement.

- The food team took part in an FSA funded project targeting low scoring premises.
- The team have hosted training sessions in Chinese for restaurant and takeaway proprietors
- As other premises have improved it has enabled the team to direct resources towards the poorly performing businesses.
- Increased use by businesses of the right to request a revisit – see section 3.2.9 for more details.

3.2.7 Performance Indicator – Broad Compliance

Premises that achieve the top 3 scores 5,4 and 3 are considered to be broadly compliant with the food hygiene law. The number of broadly compliant premises is used by the FSA as a measure of local authority performance.

Currently 92.2 % of all premises in Halton (including those that are not included in the food hygiene rating scheme) are broadly compliant with the law.

The performance from previous years is set out below.

Table 3

2008-2009	84%
2009-2010	84.77%
2010-2011	87.4 %
2011-2012	89%
2012-2013	90.3%
2013-2014	92.2%

There has been a steady improvement since 2008 to the current level of performance. Whilst there has been some notable improvements in takeaways it is considered unlikely this performance will improve much further due to some of the factors that prevent businesses achieving full compliance.

3.2.8 Factors Influencing Compliance

- **Staff and management turnover**

There is considerable turnover of management and staff particularly in the takeaway food sector. This makes it difficult for the food team to form a long term working relationship with the businesses and achieve sustained compliance

- **Competition**

There is considerable competition particularly in the takeaway food sector which means proprietors are often unable to invest in improvements. This increased competition also leads to the turnover of management

- **Insecure tenure of premises**

Many food business operators do not own the premises they operate in. The premises are rented on short term insecure basis that means they are reluctant to invest in premises they do not have a long term interest in.

- **Quality and suitability of buildings**

Linked to the issue of tenancy - some older buildings are in need of investment to bring them up to a standard that fully complies with hygiene requirements. It is difficult to secure these improvements because of tenancy issues. Food law does not contain any powers that can be used by the authority to require landlords to make these improvements.

- **Language**

The first language of many food business operators is not English. This can make it difficult to train and coach food businesses. Whilst the food team use a range of initiatives to ensure information is provided in different languages this barrier to communication can remain a challenge

- **Training**

Many food businesses operators do not have a background in catering and consequently have not undergone adequate training. Whilst there are sufficient training courses in English it is difficult to obtain training in other languages.

3.2.9 Right to request a revisit

The National Food Hygiene Rating Scheme contains a right for businesses to request a revisit. In order to request the revisit the business must make a formal application and provide some assurance that matters identified at the time of the inspection have been resolved. The revisit does not take place until at least 3 months after the initial inspection. Until the revisit has taken place the score achieved remains unchanged on the FSA website. The revisit will be unannounced to ensure that any improvement made is genuine. The revisit system encourages businesses to make the improvements identified during the inspection and rewards them with an improved score if the work is carried out. Businesses can only request 1 revisit per inspection period and it is possible that the score remains the same – or as we have seen with a few limited examples – go down. In 2014-15 the team received 43 requests for re-inspection – of those 41 premises improved their rating at the revisit – the remaining 2 premises closed before the revisit could be undertaken. These figures demonstrate the value of the revisit process and the incentive provided by the food hygiene rating scheme.

3.3 New EU Regulations on Allergen labelling

In December 2014 the new EU Food Information for Consumers Regulations 2011 came into force. It has been a legal requirement for some time that pre-packed food was labelled with comprehensive information on food allergens such as peanuts, shellfish or wheat. However this new regulation extends the requirement for allergen information to be made available for food sold loose including restaurant and takeaway meals and food packed by retailers for sale on their premises. The new regulations have posed a significant challenge for food businesses – particularly small food businesses without access to technical information and support. It is estimated that 800 of Halton's 1033 food premises are affected by this new regulation. In order to comply with the regulations food business operators must

undertake a comprehensive assessment of their ingredients and recipes to identify those menu items that contain any of the 14 specified food allergens. During 2014 and 2015 the food team have undertaken a programme of visits to food premises to provide advice and guidance to businesses to prepare them for the new regulations. Detailed advice and guidance was provided to 228 businesses. However due to the complexity of the requirement it is anticipated further detailed advice will be required. A particular challenge is the fact many proprietors in the restaurant and takeaway trade do not speak English as a first language. Arrangements have been made for advice materials to be made available in alternative languages. The provision of this advice and guidance will where possible be combined with existing food safety inspections. However in some instances additional visits may be required and routine visits will inevitably take longer.

3.4 Food Authenticity

Following the horsemeat crisis of 2013 and the subsequent Elliot review into the integrity and assurance of food supply networks commissioned by the UK Government – Food authenticity is now one of the FSA's strategic objectives for 2015-2020. The FSA has established a Food Crime Unit to co-ordinate the response to food fraud at a national level. However there will remain a significant role for local regulators to detect and respond to incidences of food fraud in liaison with the FSA and the national Food Crime Unit. The Food Standards Agency has indicated that they expect local authorities to have a greater focus on food authenticity and fraud. In the current economic climate it is unlikely that increased resources will be made available to support this work. Therefore the future challenge for the food team will be to balance the need to protect public health through the inspection of hygiene standards in food premises with the increased focus on food fraud and the labelling and composition of food stuffs. The transfer of Trading Standards back into the authority in 2014 has provided some additional resilience to address incidents of food fraud. Work on this objective will be intelligence led. The food team take part in all relevant regional and national authenticity sampling programmes funded by the food standards agency. The service also responds to complaints and other sources of intelligence.

3.5 FSA focus on Campylobacter food poisoning

A central theme of the Food Standards Agency's strategic objective for food safety is to reduce the number of incidences of Campylobacter food poisoning. Campylobacter is the most common form of food poisoning in the UK with over 280,000 cases reported a year. Up to 80% of cases are attributed to raw poultry meat. Based on interviews conducted locally with Halton residents who have suffered campylobacter it is suspected that many cases are contracted in the patient's own home after handling raw chicken. Although

campylobacter is killed by through cooking it can be transferred to other foods and surfaces in the kitchen if good hygiene precautions are not followed. The food team have used national resources produced by the food standards agency to provide advice locally to Halton residents in particular during Food Safety Week in June 2015.

4.0 POLICY IMPLICATIONS

There are not considered to be any significant policy implications associated with this report

5.0 FINANCIAL IMPLICATIONS

There are not considered to be any significant financial implications associated with this report

6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

6.1 Children and Young People in Halton

Schools, nurseries and child-minders are included in the food inspection programme.

6.2 Employment, Learning and 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 by reducing the incidence of food borne disease

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

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

8.0 EQUALITY AND DIVERSITY ISSUES

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

None under the meaning of the Act.