

REPORT TO: Safer Halton PPB

DATE: 10th September 2019

REPORTING OFFICER: Director of Public Health

PORTFOLIO: Environmental Services
Health and Wellbeing

SUBJECT: Food Safety and Standards
Service

WARDS: Borough Wide

1.0 PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to update the board on the work of Halton's Food Safety and Standards Team in particular the ongoing operation of the National Food Hygiene Rating Scheme and proposed changes to the law on allergen labelling.

2.0 RECOMMENDATION: That

- 1) The Board note the report and the overall improvement in food hygiene standards.**
- 2) The Board take the opportunity to raise any observations or queries about the Food Safety and Standards Service**

3.0 SUPPORTING INFORMATION

Background

- 3.1 The Food Safety Service is part of the Environmental Health Team within the Public Health Department and People Directorate.
- 3.2 The overall objective of the food safety and standards service is to protect the public from food-borne disease and food contamination by enforcing compliance with Food Hygiene and Standards Law. The law sets standards relating to the safety of food, the condition of food premises and the composition and labelling of food.
- 3.3 Compliance with Food Safety and Standards law is achieved by a variety of formal and informal activities. These include;
- Provision of advice and guidance to food businesses
 - Inspection of food premises
 - Investigation of complaints
 - Sampling and inspection of food

- Examination of food labels and menus
- Response to national food alerts
- Formal enforcement action: including; issuing improvement notices, emergency closure of food premises, seizure and detention of food.

National Food Hygiene Rating Scheme

- 3.4 The national food hygiene rating scheme is now an integral part of the food premises inspection programme. Halton council adopted the national scheme in 2011. Following an unannounced food hygiene inspection businesses are awarded a score from 0-6 based on the inspection findings. This score is published on the Food Standards Agency’s website at www.ratings.food.gov.uk. Window stickers are also provided to enable business to display the score on the premises.
- 3.5 In practice only those premises with the higher ratings of 3 and above voluntarily display their score. There is no current legal requirement in England for all businesses to display their score. Such a requirement is however in place in Wales were health matters are dissolved to the Welsh Assembly. The Food Standards Agency are committed to making the display of ratings in the UK mandatory however this would require legislation to pass through the UK parliament. Given the current focus of Government and Parliament is on the UK’s departure from the European Union it is considered unlikely that that this will pass through parliament in the near future.
- 3.6 A description of each score and what that score means in practice is set out in Table 1 below:

Table 1: Description of Hygiene Rating Scores

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>	<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>
 <p>Major improvement necessary</p>	<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>
 <p>Urgent improvement necessary</p>	<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 – although this can be avoided if immediate action can be taken to remedy the risk otherwise enforcement action in accordance with enforcement policy. Premises will be subject to regular revisits and monitoring until situation improves</p>

3.7 The scheme applies to all premises that are open to the public and includes shops, café's restaurants, takeaways, staff canteens, pubs hospitals, schools and sports / entertainment venues. The scheme does not apply to premises that are not open to the public i.e. manufactures, warehouses, distributors packers, importers and exporters.

3.8 At the time of writing there are a total of 1052 food premises in Halton. 811 of those premises are within the scope of the scheme and published on the website. Table 2 below provides a breakdown of the number of premises achieving each score.

Table 2 Breakdown of scores August 2019

Score / Description	Number of premises	% of total premises
 <p>Very good</p>	632	78
 <p>Good</p>	95	12
 <p>Generally satisfactory</p>	52	6

 <p>Improvement necessary</p>	16	2
 <p>Major improvement necessary</p>	16	2
 <p>Urgent improvement necessary</p>	0	0

3.9 The Food Standard’s Agency monitor local authority performance by measuring and reporting the number of premises that are deemed to be broadly compliant with food law – this equates to a food hygiene rating score of 3 and above. Halton’s current broad compliance level is 96%. This is slightly above the regional (95%) and national (95.3%) performance. This represents an improved performance since the last board report on this matter in 2015 when the level of broad compliance was 94%

3.10 A further comparison of the current breakdown of scores with those reported in 2015 also demonstrates an improvement in the overall hygiene rating achieved. There has been a significant increase in the number of premises achieving the top hygiene rating of 5. This is due to premises that previously scored 3 or 4 improving their rating to 5

The number achieving the lower ratings of 0, 1 and 2 has also improved (gone down in number) but not as significantly as the rise in five star ratings. This is reflected in the modest increase in broad compliance levels since 2015.

Table 3 Comparison of performance 2015 and 2019

Score / Description	% premises 2015	% premises 2019
 <p>Very good</p>	63	78
 <p>Good</p>	21	12

 <p>Generally satisfactory</p>	10	6
 <p>Improvement necessary</p>	3	2
 <p>Major improvement necessary</p>	2	2
 <p>Urgent improvement necessary</p>	1	0

- 3.11 It is clear that the scheme has provided an incentive for food businesses to improve and maintain standards of hygiene because consumers are now able to make an informed choice about where they eat and shop. However it is unlikely that the current level of performance can be improved on significantly. There is a considerable turnover of management and staff in food businesses particularly those premises that regularly achieve low scores. This makes it difficult to achieve long term sustained compliance in these premises. The fact the current performance is consistent with the national and regional performance level suggests this issue is common to all local authorities. Low scoring businesses receive more regular visits to provide advice and guidance to help them improve compliance and to ensure public health is protected.
- 3.12 In general the food safety team prefer to use informal means to secure compliance such as providing advice and guidance or issuing written warnings rather than a more formal approach such as prosecution. Providing advice and guidance is more likely to result in sustained long term compliance. However the council will take action to address serious risks to public health and persistent non-compliance. Since the last board report in 2015 the food safety team have closed down 7 premises using emergency powers - 5 of those premises have remained closed since this intervention.
- 3.13 There are a number of safeguards in place to protect the interests of business and ensure operation of the scheme is fair, transparent and consistent across all local authority areas. All local authorities operate to a standard set of guidelines issued by the Food Standards Agency known as the “brand standard”. Businesses have a right to appeal their rating. In practice very few appeals are received. Businesses that have complied with outstanding inspection findings are also entitled to request a re-inspection which may result in the business being issued

with a new hygiene rating. The council now charge for re-inspection requests as they are not considered part of the statutory inspection programme. This is consistent with other local authorities. The current fee is £112.65. In the last 12 months the council carried out 19 re-inspection requests. Once the fee has been made the re-inspection is carried out as an unannounced visit.

Allergen labelling

- 3.13 Allergens in the context of food law are food ingredients or processing aids that are known to cause allergic reactions in some consumers. In severe cases these allergic reactions can prove fatal. There are currently 14 allergens specified in EU food law and these include wheat, milk, peanuts and sesame seeds.
- 3.14 There has been a long standing requirement in UK food law for labels of pre-packed manufactured food to contain information on allergens. This requirement was extended in 2014 by EU law that requires allergen information to be provided for all food sold or served to consumers for example in restaurants, café's, takeaways and sandwich shops. This information can be provided verbally on request or in writing on menu's or notices. In practice this information is mostly provided verbally on request.
- 3.15 There is currently no requirement for foods that are packed on the premises - for example bread, cakes, and sandwiches at a bakers shop - to contain allergen information on the packaging. The rationale behind this approach is that the consumer can obtain that information from staff in the shop. However following a number of high profile fatal incidents the Government are now consulting on extending allergen labelling requirements that apply to manufactured food to all packaged foods.
- 3.16 It is essential that businesses provide accurate information to consumers as the consequences of providing inaccurate information could result in a serious allergic reaction. Failure to provide accurate information is potentially an offence. If this failure results in harm to a consumer then the business may be prosecuted under food law and also potentially by the police. A high profile case in Greater Manchester resulted in a takeaway owner being jailed for manslaughter after he served a meal containing peanuts that resulted in the death of a customer. The customer had specifically requested a meal without peanuts.
- 3.17 Despite the serious consequences compliance with allergen laws has proved challenging for many businesses particularly small independent business who do not have access to technical expertise available in larger multinational companies. Businesses must consider all components of the meals they produce including allergens that may be present in sauces and spice mixes that they buy in from suppliers.

Businesses also need to consider any changes to the menu and ingredients used and the potential for cross contamination in the kitchen that may result in the unintentional presence of allergens in a meal.

- 3.18 To promote compliance the food safety team has provided considerable advice and guidance to food businesses. Checks on the accuracy of information are made during the course of routine food hygiene inspections. To further monitor compliance and the accuracy of information provided the food team have scheduled a sampling programme for October and November 2019. Samples of meals will be submitted for laboratory analysis. The results will be compared with the allergen information provided by the food business.

4.0 POLICY IMPLICATIONS

- 4.1 Food Safety and Standards enforcement is a statutory function. Legislation and Policy is set at a European and National level and is overseen in the UK by the Food Standards Agency. Halton Council acts as a local enforcement authority for central Government.
- 4.2 Whilst the National Food Hygiene Rating Scheme is a non-statutory scheme it is strongly backed by the Food Standards Agency and has been adopted by every local authority in the UK.
- 4.3 The scheme provides a non-regulatory incentive for businesses to maintain high standards of hygiene by providing information that enables consumers to make informed decisions about where they eat and shop.

5.0 FINANCIAL IMPLICATIONS

- 5.1 None

6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

6.1 Children and Young People in Halton

There are no significant implications for this priority.

6.2 Employment, Learning and Skills in Halton

There are no significant implications for this priority.

6.3 A Healthy Halton

The overall objective of the food safety and standards service is to prevent food borne disease and prevent food contamination.

6.4 A Safer Halton

The overall objective of the food safety and standards service is to prevent food borne disease and prevent food contamination.

6.5 Halton's Urban Renewal

The food premises inspection programme assists with the maintenance of town centres by ensuring food premises are clean and measures are in place to control pests and waste.

7.0 RISK ANALYSIS

There are no significant risks associated with this report.

8.0 EQUALITY AND DIVERSITY ISSUES

There are no significant equality and diversity issues associated with this report.

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

None.