



ROYAL BOROUGH OF KINGSTON UPON THAMES

ENVIRONMENTAL HEALTH SERVICE

FOOD LAW ENFORCEMENT SERVICE PLAN 2009/10

MAY 2009

1. AIMS AND OBJECTIVES

1.1 Aims & Objectives

The aims of the food service are to ensure:-

- [i] the Council's statutory duties in relation to food law enforcement are met;
- [ii] food sold or approved for sale within the Borough is wholesome, fit for consumption and properly labelled and described;
- [iii] food businesses within the Borough are operating to the highest food safety standards;
- [iv] protection of the consumer through the enforcement of food laws and sampling and examination of food stuffs;
- [v] enforcement of legislation in a fair and consistent manner;
- [vi] maximum effectiveness and use of resources.

In order to achieve these aims the service will:-

- [i] prioritise food businesses according to risk and as set out in The Code of Practice issued under the Food Safety Act.
- [ii] give priority to higher risk food businesses whilst seeking to meet the minimum levels of inspection etc., laid down by the Code of Practice;
- [iii] ensure that there are clear procedures and policies which are applied fairly and consistently;
- [iv] respond to complaints about food premises, food products and communicable disease, in an efficient and effective manner and in accordance with the relevant Code of Practice etc;
- [v] value our staff as our most important resource in meeting our objectives;
- [vi] provide the service as cost effectively as possible.

1.2 Links to Corporate Objectives

The aims of the food service are a part of the Council's commitment to help create the best opportunities, services and environment for the Borough and its corporate values to seek value for money, quality in service delivery, and the creation of a healthier and safer environment.

The food service links to the Council's corporate environmental and community health policy aims which include the protection and promotion of health and safety and the promotion of Kingston as a healthy and caring place.

The involvement of all Food Division staff in the development of working procedures and monitoring in accordance with the Council's "Investors in People" accreditation and policy.

2. BACKGROUND

2.1 Profile

The Royal Borough is an Outer London Borough with a population of around 152,000 and covers an area of 3,724 hectares.

Much of the Borough is residential in nature, and there are no large industrial sites. Kingston has a leading commercial and retail centre and supports a major university. County Hall, the administrative centre for Surrey County Council, is located within the town, together with Magistrates, Crown and County Courts. The surrounding districts of New Malden, Surbiton and Chessington also have significant retail areas.

2.2 Organisational Arrangements

The Authority's functions are divided into four Directorates under the overall responsibility of a Chief Executive.

From the 3rd July 2008 Environmental Health responsibilities for food enforcement, licensing, infectious disease, noise, pollution and health and safety enforcement became part of a Environmental Health and Trading Standards Department.

Responsibility for the Council's food enforcement rest with the Food/Licensing Division.

In addition to all aspects of food law enforcement the Division is responsible for the bulk of the Council's public control and licensing functions, including premises and personal licences issued under the Licensing Act 2003, implementation of the Gambling Act 2005, pet animals and animal establishments including the zoo collection at Chessington World of Adventures; licensing of treatment establishments; lotteries and amusements; Sunday trading controls, health and safety enforcement in certain commercial premises; investigation of environmental complaints from commercial premises; quality of water supplies and infectious disease.

2.3. Scope of Food Service and Priorities

The Division deals with all the Council's responsibilities under the Food Safety Act and allied/ancillary legislation including the hygiene of premises; composition, quality and labelling of foods; complaints about food and food premises; food premises registration; sampling of foodstuffs; controls over animal feeding stuffs and investigation of cases of infectious disease.

Due to lack of resources no specific food hygiene training or food hygiene or food standards courses or promotional work is carried out [but see para 3.9].

Officers have a wide range of responsibilities and the Division prioritises its responsibilities as follows:-

- [a] Infectious disease enquiries;
- [b] Food alert warnings;
- [c] Serious health and safety notifications and accidents;
- [d] Complaints concerning drinking water;
- [e] Complaints concerning unsanitary conditions of food premises;

- [f] Applications for public control licences etc;
- [g] Complaints concerning foodstuffs;
- [h] All other complaints relating to food premises;
- [i] Health and safety complaints and other accidents;
- [j] Licensing and public control complaints
- [k] Food hygiene inspections;
- [l] Odour complaints;
- [m] Environmental complaints;
- [n] Food standards inspections;
- [o] Health and safety inspections;
- [p] Licensing and Public Control Inspections
- [q] Revisits to food premises;
- [r] Food sampling.

In accordance with the Food Standards Agency requirements certain Officers have specialist food responsibilities, as follows:-

Ms H. Jackson [P.E.H.O.]

Food Hygiene Lead Officer
 Food Monitoring Returns
 E.U. regulatory controls
 Monitoring and Audit

Mrs. M. Lincoln

Food Standards Lead Officer
 Home Authority responsibilities
 Food hazard warnings and food incidents
 Food poisoning

Specialist services for the examination of food stuffs etc are provided by:-

Eurofins Ltd (Mr. J. Wootten)
 Public Analyst

Compositional analysis of food and feeding
 stuffs etc.

Health Protection Agency –
 London Food, Water and Environmental
 Micro Biology Laboratory

Microbiological examinations etc.

2.4 Demands on the Food Service

As at 1 April 2009 there were 1260 food businesses within the Borough comprised as follows:-

785	Catering
437	Retailing
9	Manufacturers
12	Importers/Exporters
16	Distributors/transporters

In accordance with the Code of Practice issued by the Food Standards Agency all food businesses are rated for hygiene purposes into five categories with a relevant inspection interval ranging from six months to three years and for food standards purposes into three categories with an inspection interval ranging from 1 year to 3 years.

The breakdown of the food business into risk categories as at the 1 April 2009 is as follows:-

Food Hygiene

Categories	No of Premises
High Risk A [6 month inspections]	5
B [12 month inspections]	108
Medium risk C [18 month inspections]	647
D [24 month inspections]	144
Low Risk E [36 month inspections]	308
Awaiting classification	51

Food Standards

High risk: A [12 month inspections]	3
Medium risk: B [24 month inspections]	100
Low risk C [36 month inspections]	1093
Awaiting classification	51

In addition there are 2 premises which fall within feeding stuffs requirements and 1 premises which is subject to specific EU regulations.

There are few manufacturing or warehousing food businesses within the Borough - but there are a large number of catering outlets which include branches of most of the "chain" restaurants, public house, and take-away companies together with a wide range of specialist eating houses.

A large fresh fish packing unit is located in Chessington.

The New Malden area of the Borough has a number of Korean retail and catering outlets serving a significant Korean population within the area.

Chessington World of Adventures, one of the U.K's major theme parks, is located within the Borough and comprises the largest catering outlet.

There are also a number of companies importing foods and which are subject to specific EU legislation.

2.4 Service Delivery

The Environmental Health Department is located within the Guildhall and is open to the public between the hours of 9 a.m. - 5 p.m. Monday - Friday. Out of hours prescribed significant food poisoning outbreaks or major matters of food contamination may be passed on to the nominated E.H.O.s by the Council's emergency service.

2.5 Enforcement Policy

The Council has adopted the Enforcement Concordat as promoted by the Cabinet Office.

The Food Law Enforcement Policy is available both as hard copy and on the Council's website.

Only officers who are competent by qualification, training and experience are authorised to undertake enforcement action.

Prosecutions [including formal cautions] will normally be taken in respect of premises found to be in a condition that poses an imminent risk to health or where businesses fail to substantially comply with the requirements of Improvement Notices and/or food regulations.

In respect of other matters and complaints in considering whether to prosecute, regard will be had to the following:-

- [i] the seriousness of the alleged offence;
- [ii] history of the defendant concerned;
- [iii] the likelihood of a defence of "all due diligence";
- [iv] willingness of witnesses;
- [v] measures taken by the defendant to prevent a recurrence.

3. SERVICE DELIVERY

3.1 Food Premises Inspections

It is the aim of the Authority to inspect premises in accordance with the minimum levels prescribed by the Code of Practice issued by the Food Standards Agency and the planned inspection programme is shown below:-

3.1.a Inspection Plan 2009/2010

Programmed Food Premises Inspections 2009/2010

Food Hygiene Inspections			Food Standards Inspections		
Premises rated	A	10	High	A	3
	B	108	Medium	B	41
	C	502			
	D	102			
	E	254	Low	C	489
	Unrated	51	Unrated		51
Total:	<u>1027</u>	Total:		<u>584</u>	

In accordance with the Code of Practice those premises which were due, but did not receive a programmed inspection in 2008/9 have been included within the inspection programme for 2009/10.

In addition it is estimated that approximately 150 revisits to food premises will be carried out to check compliance with Notices and advice, etc.

This year Category 'D' or 'E' rated food hygiene inspections and Category 'C' food standard inspections will be dealt with as part of an Alternative Enforcement Strategy.

3.2 Food Complaints

Complaints about the quality, composition and labelling of foods or animal feeding stuffs will be thoroughly investigated in a prompt and consistent manner and in accordance with the Code of Practice and LACORS guidance notes etc.

Adequate recording of complaints will be carried out and, if after initial investigation, the complaint is founded, the suppliers/manufacturers will be notified forthwith particularly in those instances where corrective action is required to prevent any further risk to health or contravention of food law.

Where appropriate the "home" authority will be notified as a matter of urgency.

Complainants will be kept fully advised of action that the Council is taking.

In considering whether to take formal proceedings, regard will be had to the seriousness of the complaint, any previous history, witnesses, the likelihood of a due diligence defence and the likelihood of recurrence.

Prosecution will be considered in respect of the following:-

- [a] complaints of a serious nature which have or would have resulted in personal injury or food poisoning to a consumer;
- [b] labelling and compositional standards which are clearly fraudulent;
- [c] specific contraventions of compositional standards where advice from the "home authority" has not been followed:
- [d] food complaints concerning manufacturers who have failed to carry out recommendations laid down by their respective home authority;
- [e] repeated visits/complaints concerning retailers selling unfit or poor quality or out-of-date foodstuffs.

It is estimated that there will be 175 complaints about food and food premises.

It is the Council's policy to initially respond to all food complaints within 5 working days.

3.3 Home Authority Principle

The Council endorses the need for food businesses to be provided with a locally based source of guidance and advice on regulatory compliance and for a system to resolve problems and disputes.

For those food businesses whose main manufacturing or import/export head office is located within the Borough we will endeavour to monitor food products and provide a response to requests for advice and guidance and respond to enquiries from other enforcing authorities.

We will ensure the competency of staff involved and commit ourselves to confidentiality. Advice will, if necessary, be sought from the Public Analyst on interpretation of food law and labelling of products.

The Authority has no formal agreements with companies in connection with the Home Authority Principle.

3.4 Advice to Businesses

The Division will advise companies and particularly small businesses, operating within the Borough and will assist persons proposing to establish food businesses within the area. Guidance and literature on food hygiene and standards is available to all enquirers.

3.5 Food And Feeding Stuffs Sampling

The Council's objective of food sampling is to ensure the protection of the consumer through the enforcement of food legislation.

In order to maximise resources much of the food sampling work is carried out in accordance with the policies of the London Borough's Food Liaison Committee. In addition the sampling plan reflects local needs including examination of complaints, local manufacturers and importers and ethnic foods.

A co-ordinated sampling programme is carried out in conjunction with the other boroughs in the SW London Sector, the Local Authorities Co-Ordinating Body for Regulatory Services [LACORS] and the Food Standards Agency [FSA].

The sampling programme for 2009/2010 includes the following viz:-

- Trans fats in open foods such as biscuits and cakes
- Microbiological analysis of take away donor kebabs
- Fat content of low fat crisps and snacks
- Composition of economy minced beef
- Sulphites in precooked chips from fish and chip shops
- Microbiological analysis of ready to eat meats from butchers shops

In addition funding from the FSA will permit examination of imported foods for the following: -

- Aflo toxins in basmati rice
- Organic contaminants in smoked and dried fish

As part of the co-ordinated groups programmes it is estimated that 50 food samples will be taken and checked during the year.

In addition a further 20 samples will be checked as a result of complaints or food poisoning investigations or as a result of inspections at local retailers, importers etc.

For the year 2009/2010 there is a budget of £7500 for food sampling.

In addition, additional funding has been provided by the Food Standards Agency to carry out analysis of imported foods from South Korea and other SE Asian countries which will result in a further 30 samples.

3.6 Control and investigation of outbreaks and food related infectious disease

Dr. Barry Walsh, Consultant in Communicable Disease Control [CCDC] is the Council's Proper Officer for infectious disease and environmental health staff work under the general direction of the Proper officer in the investigation of infectious disease. The control and investigation of premises involved is the responsibility of the Environmental Health staff.

Where a food premises is suspected of being the source of food poisoning a visit will be made and an inspection of the establishment carried out.

The CCDC in collaboration with the Assistant Head of Environmental Health will be responsible for instituting the joint outbreak documented plan, and establishment of the outbreak control team.

Based on the previous years notifications it is estimated that there will be 150 cases of food related infectious disease notified during the year.

3.7 Food Safety Incidents

The Council will ensure that all responses to food alerts received from the Food Standards Agency [FSA] and other food safety incidents are actioned in accordance with the procedure laid down in the relevant Code of Practice and that the FSA and other agencies are notified of any serious incident or wider food safety problem that is suspected or found to have occurred.

3.8 Liaison with other Organisations

In order to achieve consistency in enforcement measures and a co-ordinated approach to food sampling and food safety, this Borough supports the London Boroughs food liaison arrangements and is a member of the S.W. Sector London Food Liaison Group and contribute to the formulation of sector policies.

Regular liaison takes place with the H.P.A. and the Public Analyst, and meetings to discuss infectious disease issues are held with the C.C.D.C, Staff frequently attend the Chartered Institute for Environmental Health London Food Study Group.

3.9 Food Safety and Standards Promotion

Due to lack of resources and the consequent need to prioritise activity, the Division does not run any specific food safety training courses or promotional activities.

Food safety education is, however, considered an integral part of the inspection process and details of training courses run by local colleges etc., together with a wide range of advisory leaflets giving guidance on food safety advice and standards are given to food businesses at the time of inspection and/or with enforcement letters.

In addition, Officers will give advice, particularly to small businesses, as well as the general public upon enquiries, on food matters including labelling and compositional standards.

4. RESOURCES

4.1 Staffing Allocation

The Food/Licensing Division currently has the following full establishment.

Mr. Barry Gilbey	Assist. Borough Environmental Health Officer*	[F/T]
Ms. Helga Jackson	Principal Environmental Health Officer	[P/T]
Mr. Peter Groves	Principal Licensing Officer	[F/T]
Mrs. Theresa Fidge	Environmental Health Officer	[P/T]
Ms. Laura Ritchie	Environmental Health Officer	[F/T]
Mrs. Melanie Lincoln	Environmental Health Officer	[P/T]
Mr. Nigel Purchase	Environmental Health Officer (Resigned 4/1/09)	[P/T]
Mr. Keith Fowler	Environmental Health Officer	[F/T]
Ms. Mandy Woodcock	Licensing Assistant	[F/T]
Mr. Wayne Bailie	Technical Officer (Resigned 31/7/08)	[P/T]
Ms. Marta Makurat	Technical Officer (w.e.f 14/11/2008)	[P/T]
Mrs. Jane Harmsworth	Administrative Assistant [Admin]	[F/T]

*(Mr Gilbey will be retiring from the Council's Service in June 2009).

It is estimated that, on the basis of a full establishment, there is the equivalent of 3 1/3 full time officers and one administrative assistant dealing with food service responsibilities.

4.2 Estimated Costs of Food Service in 2009/2010 (including full on-costs)

£

Inspectorate	125,000
Administration	18,200
Food Sampling	7,500
Training	As required
Total:	<u>150,700</u>

In addition support is also provided by the Council's I.T and Legal Services. The specific cost of providing support is not available and is variable according to need. Additional funding for sampling was obtained from the Food Standards Agency.

4.3 Staff Development Plan

The aim of the staff development plan is to train and motivate employees so as to ensure the most effective delivery of service; to devolve responsibility to appropriate levels; and to meet statutory and procedural requirements.

Staff are the most important resource in achieving an objective and every encouragement is given to individual training to ensure the highest possible professional delivery of services.

Training and development of staff is by:

- [a] departmental and division meetings at which legislation, policies and procedures are discussed; Officers give presentation and "cascade" information from courses;
- [b] attendance at seminars, courses and presentations by the C.I.E.H., the F. S. A., the Council's own trainers, outside organisation and other professional bodies;
- [c] attendance on courses leading to approved qualifications.

5. QUALITY ASSESSMENT

The division has in place a procedure to monitor inspections and documentation including:-

- [i] review of files to check that inspection procedures etc. have been carried out;
- [ii] checks on formal and informal Notices and documents;
- [iii] accompanied inspections and visits to check quality and practices;
- [iv] verification of correspondence;
- [v] cross checking of all changes to risk assessment of higher risk food premises.

In addition, the performance of this Authority against the Service Plan will be monitored by:-

- [a] comparison of quarterly and annual inspection and complaint statistics against the planned inspection programme etc.;
- [b] annual review of food sampling;
- [c] annual review of procedural guidance etc.;

[d] review following any major outbreak of food borne disease;

[e] annual training assessment.

The Council is accredited as an “Investors in People.”

REVIEW 2008/2009

6.1 Identification of any variation from Service Plan

Priority was given to high risk premises and 98% inspection rates of high risk category A and B food hygiene inspections and 94% of category C [medium risk inspections] were achieved.

In respect of food standards we achieved 100% inspection rates for high and medium risk premises. The vast majority of premises are rated low risk for food standards purposes.

6.2 Activity during year

The following summarises activity in the year under review.

[i] Food Related Cases of Infectious Disease

Cases of food borne disease were reported. Where appropriate, action was taken to identify the other source of infection and advice given concerning possible spread.

[ii] Food Hazard Warnings, Incidents and Complaints

There were no major food incidents affecting the Borough. The Food Standards Agency did however issue 84 food alerts and 58 allergy food alerts and where appropriate checks were made at outlets and advice issued to the public by use of press release.

There were 68 complaints related to the condition and labelling of foodstuffs and complaints concerning the condition of food premises. All complaints were investigated and, where appropriate, enforcement action taken. In addition a further enquiries were received which required a response.

[iii] Food Sampling

A total of 114 samples were examined for bacteriological, compositional and/or labelling standards. A number of the samples were part of Food Standards Agency or LACORS surveys.

Amongst other matters we sampled for allergens in “free from products” and found all to be satisfactory.

Sandwiches were examined for bacteriological levels and staphylococcus aureus was found in two sandwiches, a visit was carried out to ensure improvements were made.

Following a complaint of ecoli food poisoning a visit was made to a public house, food samples were taken for microbiological examination and environmental swabs all results came back satisfactory.

Samples of kebabs were taken to check the genuineness of the meat, fat and salt content. The meat was in accordance with the label but the kebabs were high in fat and salt.

Ready to eat shelled nuts were examined for bacteriological levels, they were all found to be satisfactory.

A number of food samples which made “omega 3” claims were examined, they were all found to be satisfactory.

Additional funding was provided by the Food Standards Agency for a survey into imported food. Salt content was analysed and in the majority of cases found to be very high. Noodles were examined for irradiation and were satisfactory. A number of the samples had unsatisfactory labelling.

[iv] Food Hygiene and Food Standards Inspections

The following table sets out the level of actual inspections against the inspection programme based on the previous format of risk rating.

Food Hygiene Inspections

Risk Rated Premises	Initial programmed inspections	Actual Full Inspections [1]
Rated: A	24	16
B	166	175
C	424	382

Risk Rated Premises	Initial programmed inspections	Actual Full Inspections [2]
Rated: D	96	45
E	262	32

Food Standards Inspections

Premises Rated:

High	1	3
Medium	42	60
Low	378	139

[1] It should be noted that some discrepancy between “initial” and “actual” visits will occur due to existing premises closing and new premises opening, and down grading of risk.

Decrease in High Risk Food Premises

[v] The number of high risk food premises has decreased during the year to 5 (Category ‘A’) and 108 (Category ‘B’).

[vi] Enforcement Action

30 premises, (compared to 241 last year), were subject to formal enforcement notices.

434 premises (compared to 516 last year) were issued with warning letters regarding contraventions.

1 premise was subject to a formal caution.

One catering outlet was subject to voluntary closure.

[vii] Training

Members of the team attended a number of training courses that included food standards legislation, hazard analysis.

[viii] Scores on Doors

The scheme, which has been launched in 2007 was fully implemented during the year.

There are strong indications that the scheme, particularly as regards catering premises, has been successful in raising standards of premises in the borough.

Each premises receives a star rating, ranging from five stars – “excellent” [very high standards of food safety management and fully compliant with food safety legislation] to “no stars – “very poor” [general failure to comply with legal requirements, little or no appreciation of food safety].

The purpose of the scheme is to ensure that high achieving businesses receive the recognition they deserve, and under-achieving businesses have an incentive to raise their standards and improve food safety.

Details of premises can be viewed via the Council’s website.

The scheme recognises that the star ratings applied following an inspection are a snapshot and only reflect the circumstances found at the time of inspection, and therefore under the scheme the proprietor is able to give an explanation of subsequent actions or mitigation for the circumstances at the time of inspection, and comments submitted are also placed on the website.

[ix] Partnership Working

Team members regularly attended meetings with the Health Protection Agency on infectious disease control; the SW London Boroughs Food Enforcement Co-ordinating Group on food law enforcement and sampling; and the Food Standards Agency on issues such as monitoring and the implementation of “scores on the doors”.

[x] Korean and Sushi Restaurants

Targeted inspections continued to be carried out of both Korean and Sushi restaurants to ensure food safety standards for production and cooking were being met.

[xi] Safer Food Better Business

The service was successful in its bid for grant aid for participation in the Safer Food Better Business (SFBB) project run by the Food Standards Agency.

The purpose of the SFBB scheme is to improve food safety and compliance with regulatory standards in poor performing catering premises.

A total grant of £46,000 has been received from the Agency to cover both 2008/9 and 2009/10.

Some 230 businesses within the borough (mainly small catering and take-aways) were considered to be within the target category and were invited to participate in the scheme. To date 114 businesses have received coaching and training visits by appointed consultants in food safety management. The scheme is monitored by the service.

The project is due to be completed in the Autumn of 2009 and will be subject to validation but indications are that there have been significant improvements.

It is hoped that in the long term this training will result in more premises achieving compliance with national standards and being rated as satisfactory or above.

7. **Service Improvement 2009/10**

In 2009/10 we plan to:-

- Focus on inspections of high risk food premises. Target those premises which in the last few years have been consistently classified as poor and have not taken steps to improve their premises.
- Continue the “Scores on Doors” project with the aim of reducing the number of premises scoring 0*.
- Obtain additional funding from the Food Standards Agency to carry out analysis of foods which are imported into the borough from South East Asia.
- Finalisation of the Safer Food better Business project and validation of the scheme.