

**TONBRIDGE & MALLING BOROUGH COUNCIL**

**LOCAL ENVIRONMENTAL MANAGEMENT ADVISORY BOARD**

**27 May 2014**

**Report of the Director of Planning, Housing and Environmental Health**

**Part 1- Public**

**Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken by the Cabinet Member)**

**1 FOOD AND SAFETY TEAM PERFORMANCE 2013-2014**

**Summary**

**This report describes the operational activities of the Council in relation to its statutory function of food safety and health and safety for the year 2013/14.**

**1.1 Introduction**

1.1.1 The range of regulatory and educational activities of the Food and Safety team is described in this report.

1.1.2 During the year, the team delivered on the majority of proposed service improvements as identified in the report of 8 May 2013. Two training sessions were delivered to Chinese and Indian food premises with a food hygiene rating of between zero and three. Further training sessions are planned for 2013/14.

**1.2 Food Hygiene and Safety Inspections**

1.2.1 Programmed interventions, which include full or partial inspections and questionnaires to low-risk business, form the core activity of the food enforcement function. Three hundred and seventy three full or partial inspections were made to food premises rated category A-D with a further 103 inspections of category E (low risk premises). Eighty two low risk questionnaires were sent to category E premises. All but four programmed interventions to high-risk food premises, (Category A-D) that were due in 2013/14, were completed. The reasons that the four businesses could not be inspected were outside the team's control and involved seasonal closure, closure due to flooding and personal circumstances for one food business operator. One hundred and seventy four re-visits to food premises were undertaken to ensure legal contraventions had been remedied.

1.2.2 During 2013/14, the total number of proactive health and safety inspection visits dropped significantly, this is in line with Government Better Regulation Policy. We inspected two sites with cooling towers/evaporative condensers which were

selected for inspection as part of a national inspection target to reduce the risk of legionella.

- 1.2.3 Accidents were investigated where they met the accident investigation selection criteria, involving workplace transport and slips and trips. Specific details of food and health and safety interventions are shown in **[Annex 1]**.

### **1.3 Requests for Service**

- 1.3.1 The Food and Safety team received 103 service requests in 2013/14. These included complaints about food, food premises and the hygiene of food handlers, as well as workplace health and safety complaints. All these complaints were fully investigated and relevant action taken. Ninety nine percent of initial responses to service requests were responded to within the five day target.

### **1.4 Food Sampling**

- 1.4.1 Food sampling is important to help ensure the safety of food. The Food and Safety team participated in national sampling surveys which examined the safety of specific foods such as pre-packed sandwiches and soda water. In addition, samples were taken as a result of food poisoning allegations or complaints of poor hygiene and routine surveillance of manufacturers. In 2013/14, officers took 221 samples and sent them for microbiological examination. Twenty three borderline and 42 unsatisfactory results were investigated and advice given to businesses to resolve problems. Re-samples were taken where required. Further details can be found in **[Annex 2]**.

### **1.5 Food Poisoning and Food Related Infectious Disease**

- 1.5.1 The incidence of confirmed cases of food-borne disease in the borough over the last three years is detailed in **[Annex 3]**. During 2013/14, a total of 235 reports were made and investigated when food businesses were implicated. Two reports were reported as food poisoning but the specific causative organism was not known. This is an increase of 5 reported cases on last year. Campylobacter cases continue to be the largest number of reported cases of food poisoning in the borough. Advice is given to people suffering from food poisoning or food related disease and, where necessary, further investigations and sampling are undertaken with businesses that may be implicated.

### **1.6 Promotional Initiatives**

- 1.6.1 In November 2013 and then in February 2014 a free training session was held for Indian and Chinese businesses with a food hygiene rating of between zero and three. 27 food handlers from 11 businesses attended the Indian session and 11 businesses with 25 delegates attended the Chinese session. The purpose of the training was to highlight the importance of adequate hand washing, cleaning and disinfection and correct separation of raw and ready to eat foods to prevent cross contamination. Improvements will be reassessed at the next re-visit or full

inspection and the aim is to see an improvement in standards and the hygiene rating.

- 1.6.2 Press releases were also issued in connection with promotion of the hygiene rating scheme, Food Safety Week 2013 which promotes food safety in the home, and in advance of the Kent wide ice cream sampling campaign.
- 1.6.3 Officers continue to deliver food safety and health and safety training as part of the West Kent Training Partnership, operated in conjunction with other West Kent local authorities and K College. This year the partnership delivered 18 level two food hygiene and 2 level three courses. Level three courses are primarily targeted at supervisors and business operators in small and medium sized food businesses.

## **1.7 Broadly Compliant Premises**

- 1.7.1 The percentage of food businesses in the area which are broadly compliant with food hygiene legislation is determined from the inspection scores for food hygiene and food handling practices, structure of the premises and confidence in management.
- 1.7.2 The Council's results show that 93 per cent of our food businesses are broadly compliant and have achieved a rating of three or better in the National Food Hygiene Ratings Scheme. Full details are presented in **[Annex 4]**.

## **1.8 Formal Enforcement Action**

- 1.8.1 In order to protect public health, it is sometimes necessary to take formal action against businesses. In 2013/14, eleven food hygiene improvement notices were served to secure compliance in other businesses for offences such as lack of food hygiene training and inadequate food safety management systems.
- 1.8.2 During 2013/14, officers offered a simple caution to one local business for failing to protect the health and safety of an employee who fell from height and injured themselves on poorly maintained equipment. The company agreed to accept the caution as an alternative to a prosecution. Nine health and safety prohibition notices and six improvement notices were also served on other businesses.

## **1.9 Proposed Service Improvements – 2014/15**

- 1.9.1 It is intended that the following service improvements will be delivered in 2014/15:
  - 1) Education campaign for catering businesses with gas appliances to offer advice and support on maintaining gas appliances to reduce the risk of carbon monoxide poisoning.
  - 2) Two training sessions aimed at 0-3 hygiene rated Turkish and English businesses; and

## 1.10 Legal Implications

1.10.1 The Council has a statutory duty to monitor food safety and health and safety of commercial premises within the borough.

## 1.11 Financial and Value for Money Considerations

1.11.1 All service improvements will be undertaken within existing budgets.

## 1.12 Risk Assessment

1.12.1 Failure to properly manage and deliver the food safety functions could result in censure by the Food Standards Agency and breach of Section 18 of the Health and Safety at Work etc. Act 1974.

## 1.13 Equality Impact Assessment

1.13.1 See 'Screening for equality impacts' table at end of report

## 1.14 Recommendations

1.14.1 It is **RECOMMENDED** that the Cabinet **NOTE** the performance information relating to activities associated with the food and safety function in 2013/14 and **ENDORSE** the service improvements for 2014/15 as detailed in paragraph 1.9 of the report.

The Director of Planning, Housing and Environmental Health confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

Background papers:

contact: Melanie Henbest

Nil

Steve Humphrey  
Director of Health and Housing

Councillor Brian Luker  
Cabinet Member for Environmental Services

Screening for equality impacts:		
Question	Answer	Explanation of impacts
a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community?	No	The report is predominantly for information but asks Members to agree our Service improvements for 2014/15 which does not cause an adverse impact or discriminate against different groups in the community.

<b>Screening for equality impacts:</b>		
<b>Question</b>	<b>Answer</b>	<b>Explanation of impacts</b>
b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	Yes	The targeted training sessions are specifically designed to assist different ethnic groups comply with food hygiene requirements.
c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?		

*In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above.*