

Communities, City Management and Air Quality – Policy and Scrutiny Committee

Date:	09/02/2023
Classification:	General Release
Title:	Food Safety
Report of:	Nicky Crouch, Director of Public Protection and Licensing
Cabinet Member Portfolio	Councillor Aicha Less, Deputy Leader and Cabinet Member for Communities and Public Protection
Wards Involved:	All
Policy Context:	Resident and Consumer Safety
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1. Executive Summary

The overall aim of the Food Service is to reduce the risk to public health from food purchased, produced or eaten in Westminster. This report details the roles and responsibilities of the Food Service and will highlight:

- Background to the service
 - The service objectives
- Current inspection and enforcement activity
 - The post Covid recovery plan
 - Food Safety Service Requests
 - Food ratings - High Risk and New Premises
 - Hygiene Emergency Prohibition Notices
- Significant projects the service is involved in:
 - Allergens - Pre-Packed Direct for Sale Project
 - Modernisation of the national food hygiene delivery model
 - Implementation of a new digital system to enable self-assessment and remote working.
- Recruitment and retention challenges and opportunities.

2. Background

2.1 Food Safety Service

There are approximately 5304 food businesses within Westminster. 2800 of these are pubs, restaurants and cafés; more than any other Local Authority in London.

The main service objectives are to:

- Carryout inspections of food businesses and publish hygiene ratings.
- Investigate complaints about food businesses or about food purchased, produced or distributed within Westminster.
- To control and investigate cases of food poisoning, food borne diseases and other infectious diseases.
- Testing the safety of food.
- Maintain a register of all food businesses.
- Promote and regulate safety & standards in food businesses.
- To deal with illegally imported food products on sale within the City.
- To work with our partners to maintain or improve standards in food businesses.

3 Current inspection and enforcement activity

3.1 Food Safety – post Covid recovery plan

The Covid-19 pandemic had a significant impact on food businesses with many closing and being replaced by new premises, which require an initial inspection. Local authorities nationally struggled to deliver the normal inspection programme which caused a backlog of inspections. In response the Food Standards Agency set out a covid recovery plan, outlining elongated timelines to catch up with the inspection programme. (Figure 1 below).

To achieve the service aims in line with the Recovery Plan, our key priorities have been:

- The completion of Phase 1 which was **achieved** at the end of September 2021
- The completion of Phase 2 which is currently **on track** for the targeted completion date of March 2023.

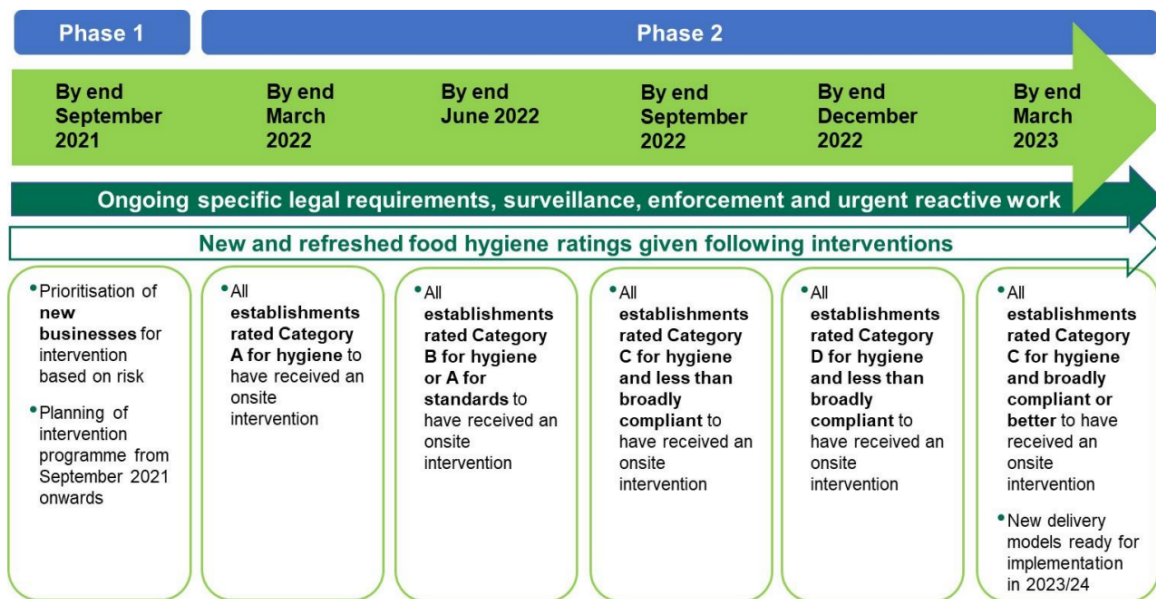


Figure 1: The Food Standards' Agency Recovery Plan

3.2 Food Safety Service Requests

Food related service requests are received from members of the public, local authority partners, the Food Standards Agency, National Food Crime Unit and local businesses, and are a core part of the work of the Food Service.

Food Service Requests include but are not limited to reports of:

- Unhygienic food premises
- Unsafe / contaminated food
- Reports of food poisoning & larger outbreaks of food poisoning
- Food safety and food standards issues associated with online food sales linked to companies with registered offices in Westminster
- Food information for consumers - food labelling contraventions
- Food allergen incidents
- Unauthorised Novel Food placed on the market, e.g. Unauthorised CBD products
- Local and National food incidents
- Unauthorised and misleading nutrition and health claims
- Food crime and food fraud – Counterfeit food on sale in Westminster, e.g. Wonka Chocolate Bars

Reports into the service can often result in extensive investigations which may require an enforcement response. A typical example would be pest complaints which when investigated reveal a serious infestation. This results in the emergency closure of the food businesses and subsequent court action. Other examples include serious

food allergy incidents and sporadic food poisoning outbreaks that require immediate investigation at short notice.

Service request data provides useful intelligence necessary for any food service planning. The data below shows the service requests received during the calendar year 2022 demonstrating the number of requests that were dealt with remotely and those that required an officer’s intervention.

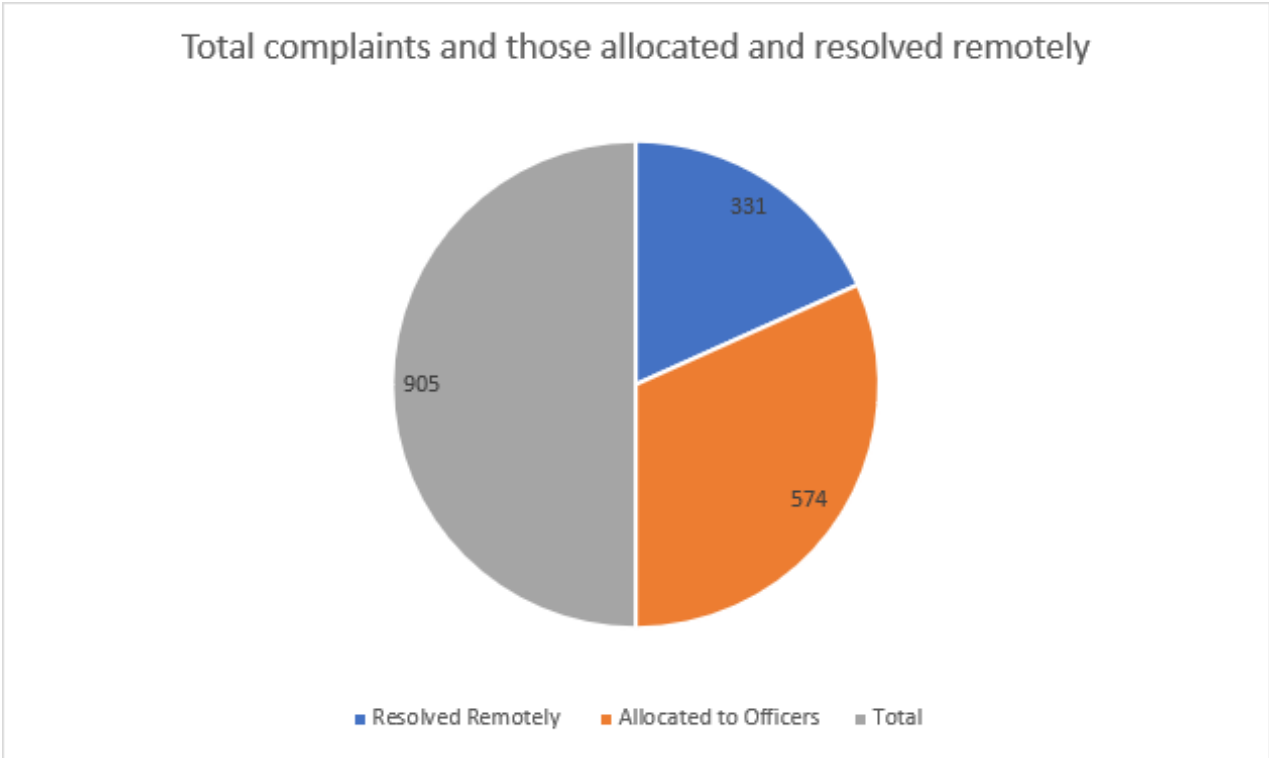


Figure 2 Service Requests – Jan’22 -Dec’22

*Please note that this data reflects all food service requests entered onto the uniform database. It does not include enquiries that come into the service from businesses concerning administrative issues or questions they may have that can be dealt with in one single communication. Such requests are mainly from businesses or their representatives.

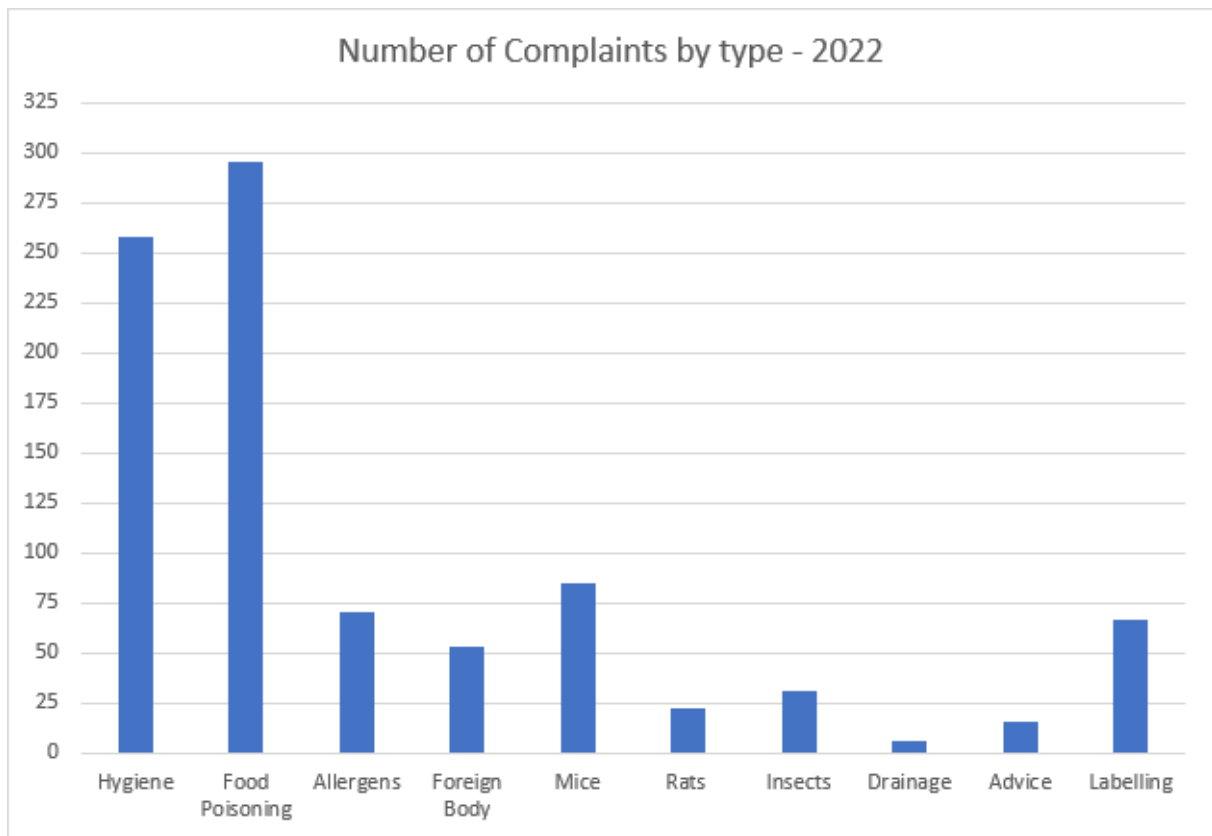


Figure 3 Service request by type

*Please note that food poisoning complaints includes all reports into the service of suspected / unconfirmed food poisoning. The vast majority of the food poisoning complaints received are unconfirmed and not all complaints involve an intervention following risk assessment.

3.3 Food ratings - High Risk and New Premises



All food premises are inspected and are risk rated where they are awarded a Food Hygiene Rating score ranging from 0-5 in terms of risk with 0 being deemed the highest risk.

While the scheme is set out in law in Wales and Northern Ireland, the display of the rating sticker is voluntary in England. The scores will however be published on the Food Standards Agency Website, should a consumer wish to check the rating of an establishment. This can be found at www.ratings.food.gov.uk.

Following each initial inspection premises are provided with a detailed report outlining matters which require attention to achieve compliance with food safety legislation as well as recommendations and advice relating to good practice.

Any premises that receives a rating of 2 or below will receive a revisit. A graduated enforcement approach is taken where revisits may result in compliance or the need for further enforcement action.

We are very proud of our Food Service and the businesses we support.

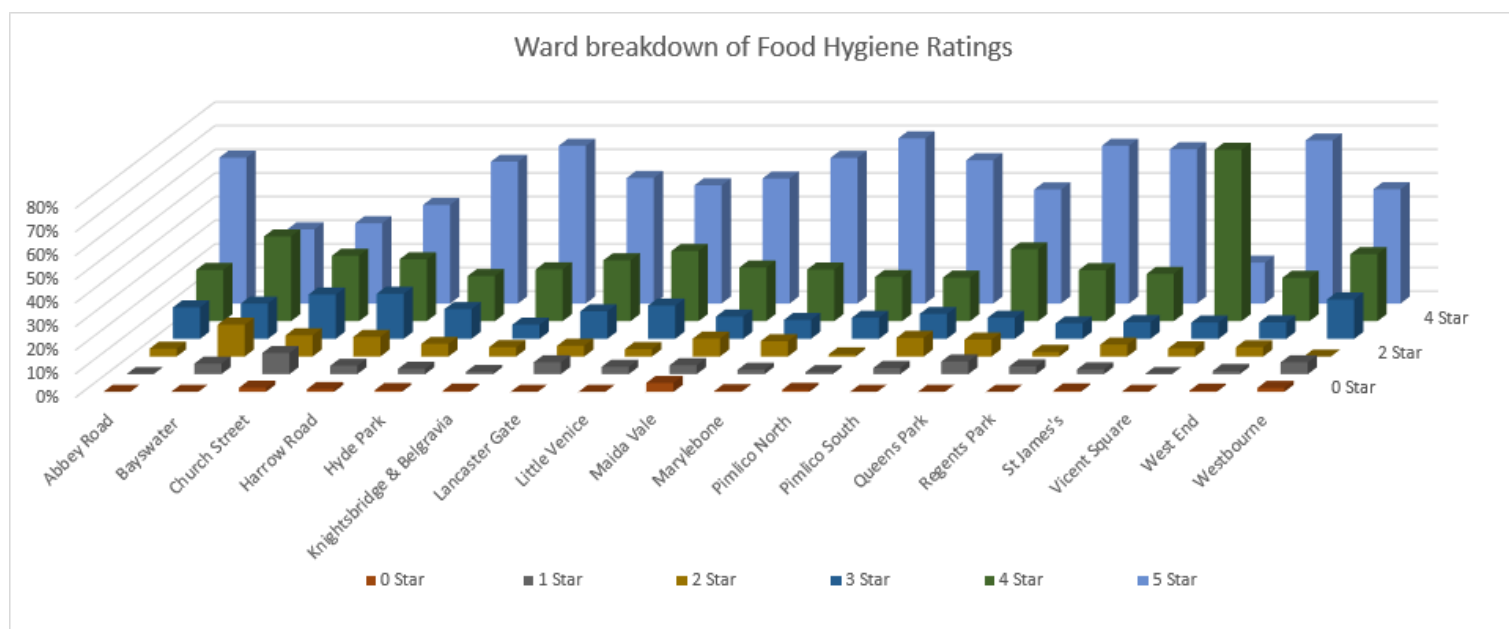
The current Food Hygiene Rating Scores profile within Westminster is below and indicates that 85% of our businesses achieve a FHRS rating of 4 star and above.

FHRS Score	Percentage
0	1%
1	2%
2	4%
3	8%
4	21%
5	64%

The current Food Hygiene Rating Scores profile across all wards within Westminster is set out on the following page:

Ward breakdown of Food Hygiene Ratings

Area	Ward	0 Star	1 Star	2 Star	3 Star	4 Star	5 Star
Central	Marylebone	0%	2%	6%	8%	22%	62%
Central	St James's	1%	2%	5%	7%	20%	65%
Central	West End	1%	1%	4%	7%	18%	69%
North	Abbey Road	0%	0%	3%	13%	22%	62%
North	Church Street	2%	9%	9%	19%	28%	34%
North	Harrow Road	1%	4%	8%	19%	26%	42%
North	Hyde Park	1%	2%	5%	13%	19%	60%
North	Little Venice	0%	3%	3%	14%	30%	50%
North	Maida Vale	4%	4%	8%	9%	23%	53%
North	Queens Park	0%	5%	7%	9%	30%	48%
North	Regents Park	0%	3%	2%	7%	22%	67%
North	Westbourne	2%	5%	0%	17%	28%	48%
South & West	Bayswater	0%	4%	13%	15%	36%	31%
South & West	Knightsbridge & Belgravia	0%	1%	4%	6%	22%	67%
South & West	Lancaster Gate	0%	5%	5%	12%	26%	53%
South & West	Pimlico North	1%	1%	1%	9%	19%	70%
South & West	Pimlico South	0%	3%	8%	11%	18%	61%
South & West	Vincent Square	0%	0%	3%	7%	72%	17%



3.4 Hygiene Emergency Prohibition Notices (HEPN)

When officers encounter conditions in premises which pose an imminent risk to public health a Hygiene Emergency Prohibition Notice is served which results in the immediate closure of the premises until the imminent risk has been removed and an officer has determined whether the business can be reopened. Case reviews are then held to decide on the most appropriate enforcement action which can range from a Warning Letter to Formal Caution or Prosecution.

Since April 2022 food officers have served 22 HEPNs.

4 Significant projects the service is involved in

4.1 Allergens - Pre-Packed Direct for Sale Project “Natasha’s Law”

On 1st October 2021 a new allergen labelling law, The Food Information (Amendment) (England) Regulations 2019, known as “Natasha’s Law” was introduced in relation to food pre-packed for direct sale.

This law was passed after campaigning took place following a tragic fatality associated with a sesame allergy after the consumption of a pre-packed sandwich which did not have allergen information on the product label.

The legislation requires businesses to label all food that is pre-packed for direct sale (PPDS) with the name of the food and a full list of ingredients, with any of the 14 major allergens emphasised within the ingredients list. This change means that people with a food allergy, intolerance or coeliac disease will be able to make safer choices about the food they buy.

It has been noted that larger food businesses including chains which have access to private food safety consultants, are mostly compliant with new legislation. However, small and medium businesses, which usually rely on staff knowledge are more likely to be non-compliant.

During inspection of businesses, Officers provide relevant information regarding allergens and the sale of PPDS products.

The service received a grant of £36,000 from DEFRA with the purpose of examining the implementation and enforcement of “Natasha’s Law” within Westminster.

A project team was established seeking to achieve a high level of compliance with Natasha's law throughout Westminster, to enable residents and visitors to make safe and informed decisions about the food they choose to eat which is PPDS.

As part of this project, a list of approximately 120 high risk businesses were identified. Each premises was visited to determine whether PPDS products were on sale. Education was provided to mitigate the risk and a PPDS pamphlet was left, which the project team created to provide easy access to best practice. A free training course for businesses, run by members of the PPDS project team, is being delivered over 2 days in February.

4.2 Modernisation of the food hygiene delivery model

The Food Standards Agency is looking at modernising the way it's currently delivering the Official Controls in the meat, dairy and wine sectors. The Future Delivery Model (FDM) consists of a series of changes to the Official Controls process aimed at implementing a more tailored, risk-based approach to regulation:

- Focus official controls on highest risk and/or non-compliant establishments
- Reduce regulatory burdens on compliant and or low risk establishments, including recognition of sustained compliance
- Require follow-up interventions, where appropriate until compliance is achieved
- Clarify the role of the food safety culture, aspects of allergens considered within the intervention rating scheme
- Risk-based approach to timescales for initial official controls of new establishments.

The food service have actively contributed to the development of the future delivery model with an officer involved in the national working group. This is still under consultation and it is anticipated that the new model will go live for implementation in 2024.

4.3 Digital Transformation Project

A Food Safety Digital Team has been formed with the main aims of enabling digital self-assessment for businesses and the development of a mobile inspection platform to enable officers to capture information in real time during inspections and generate digital documentation. This will be of great benefit to the Food Team in terms of efficiency and time management.

4.4 Recruitment and retention challenges and opportunities.

Workforce planning for the Food Service is vital to ensure we are able to meet our inspection programme, regulated by the Food Standards Agency, while being mindful to the unpredictable nature of service requests and time taken to carryout effective enforcement against businesses who remain non-compliant.

The Food Service therefore requires sufficient resources in order to be efficient, adaptable and responsive to the needs of the local population and to protect public health.

The Environmental Health profession is facing a resource crisis with a national shortage of Environmental Health Officers (EHOs). According to the Chartered Institute of Environmental Health “The [Workforce survey England - CIEH](#) found that 87% of local authorities are relying on agency cover and 56% have had vacancies unfilled for more than six months. This is causing Local Authorities challenges in recruitment and the retention of staff and Westminster are experiencing similar challenges.

The crisis is in part due to the lack of students applying and graduating from Environmental Health degree programmes. To address this the service are exploring opportunities to offer Environmental Health Apprenticeship programmes to existing staff and members of our local community. We hope by “growing our own” EHOs we will positively impact on retention within the organisation while helping our local residents develop a fulfilling career.

If you have any queries about this Report or wish to inspect any of the Background Papers, please contact Tiffany Lymn 07800 711999
tlymn@westminster.gov.uk