

# London 2012 Making it Happen! Food safety- enforcement and compliance management workshop

23 April 2010

Notes and action points

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## Summary and recommendations

The event provided an opportunity for discussion about creating a consistent approach for food safety enforcement and compliance management for mobile and fixed food premises outside the main Olympic/Paralympics venues.

The group discussions recommended:

- Tougher enforcement for poor performing food businesses
- A graduated approach to enforcement leading up to Games time focusing on priority hot spots
- Local Improvement Action Plans to effectively manage poor performance/non compliance
- Government agency collaboration and support for alternative inspection and business support regimes
- Training programme to increase capacity for all environmental health staff
- Use of licensing conditions to manage events, street trading and mobile vending
- Use of Safety Advisory Groups for managing events and partnership building
- Establishment of a project team to explore shared resources and mechanisms to build capacity and capability e.g. an Enforcement Consortium
- Business support programmes
- Public information campaigns
- Practical protocols to aid effective response during Games time

## Introduction and aims of the event

The CIEH and other key stakeholders have continued to lobby for recognition of the role and impact that environmental health and especially food safety issues will have leading up to and during Games. The collaboration around the planning and preparations for London 2012 is complex and is likely to remain so until the interface and connections between the various streams and organisations takes place. The CIEH and FSA have been able to lead on the

inclusion of food safety within the LOCOG Food Vision strategy and the developing Food Charter.

In terms of co-ordination, two key groups have emerged to address the already identified priorities of mobile vending and wider food enforcement and compliance. These groups currently provide a focus for discussion and exploration of the challenges posed outside the venues. This framework also allows the consideration of the wider challenges of the Cultural Olympiad and the resource restriction that will continue and increase for many local authorities as a result of the current economic climate.

The event provided an opportunity for discussion about creating a consistent approach, identifying clear and realistic outcomes, and considering the available capacity and support to improve standards of food businesses outside the venues.

“Making it happen” aimed to explore how enforcement will be different, what intervention strategies could be used and how limited resourcing could be maximised.

The Food Standards Agency (FSA) supported the event and the work being undertaken through the Olympic/Paralympics food safety planning groups. The FSA position is one of ensuring that a “business as usual” service can be maintained whilst recognising and gearing up for the additional demands and impacts imposed by the London 2012 Games. The FSA also recognised that there is a high level of competence within the existing workforce and that this needs to be maximised. One of the issues for the FSA is to ensure that finance and resources are targeted at areas of greatest need. To date this has involved grant support for Safer Food Better Business (SFBB) projects and to assist the introduction of national Scores on the Doors (SOTD) scheme, targeted at delivering improvements for the 2012 Games. The FSA has a role in helping to promote policies across the UK to protect the public health of the visitors to the UK and is best placed to provide support and the mechanism to enhance the food safety legacy.

Although “business as usual” must continue, there is an urgent need to identify how best this can be achieved whilst addressing any additional risks and challenges London 2012 may pose for delivery services. In particular there is a need to assess the enforcement tools and identify any the gaps in promoting legislative compliance. Much of this work has already been started and is being informed through the Food Strategy group, the work of the Mobile Vending group and the HPA/LACORS Sampling Programme.

## Enforcement

The discussions concluded that current enforcement policies were consistent and that it was unnecessary to pull together a specific enforcement policy for the Olympics/Paralympics. However, it was highlighted that the application of the enforcement policies encompassed different approaches in different local authorities, which would require further consideration.

It was agreed that there were adequate legal powers for enforcement although a wish was expressed for the extension of Remedial Action Notices (RANs) beyond Approved premises. It was also recognised that it might prove more effective to consider alternative mechanisms to ensure that minimum standards would be achieved e.g. through the use of licensing conditions for events and street trading. This might be able to provide a quick resolution during Games time or at an event when there was insufficient time to apply escalating enforcement approaches. This would require consideration of current local authority licensing powers and of any need for adoption of additional byelaws.

Beyond such specific considerations it was agreed that the Games were likely to create additional demands on food businesses and in consequence a risk based food safety enforcement approach would require that increasing priority be given to the planning and preparation for the Games.

The group promoted the need:

- For enhanced real time communication, information and intelligence sharing
- For a more robust enforcement approach to continuing non compliance in the run up to London 2012
- To incorporate a "Graduated" approach acknowledging the need for increased urgency as Games time came closer. Enforcement protocols would need to be adapted to ensure that an appropriate response is achievable within these time constraints
- For consideration of mandatory display of Scores on the Doors certificates
- To maximise the use of the powers for the fixed premises especially with regard to planning services
- To consider the use of licensing conditions to manage events, street trading and mobile vending
- To use Safety Advisory Groups for managing events and building partnerships e.g. Police, Fire, Emergency Services
- To involve businesses in planning improvements and prepare information/support for new businesses

In addition to this there was general recognition that there were practical issues that need addressing specific to the London 2012 planning. These include the need for:

- Space and equipment to store any seized (food) products i.e. refrigerated and ambient
- Equipment to remove vehicles and mobile trading facilities i.e. flat bed trucks
- Adequate waste disposal arrangements
- Understanding of the role of police and their capacity for involvement in local authority regulatory activities (EH/TS/Licensing)
- Clarification of the Magistrate's response to the graduated enforcement approach
- Interrogation of databases to direct targeting of high risk premises for priority action (A/B and 0/1 star SOTD)
- Relaxation of other targets to allow such prioritised targeting

Other critical issues arising from the small group discussions included:

- The need to inform and prepare elected members to support Olympics focused activities and associated challenges
- The need for Food Standards Agency, LACORS and CIEH support
- Considering the Health and Safety Enforcement Management Model system as a tool for enforcement consistency in food premises i.e. to justify action or inaction
- Improving approaches to managing mass gatherings e.g. use of the CIEH guidance, with regular updating
- Development of Safer Food Better Business (SFBB) to cover temporary events
- Sharing learning on the use of Emergency Prohibition notices, application of Regulation 27 and similar enforcement tools to increase familiarity and confidence
- Cross authority collaboration- use of existing networks
- Assessment of numbers of trained officers and suitable qualifications for Games time enforcement needs
- Sharing different levels of expertise
- Developing business information and support
- Providing public information

## Compliance management

The group agreed that a common improvement standard should not be set for London 2012, as this should be 100% even if in practice this is aspirational. However, the discussion identified agreement for "Improvement action plans" which were specific to the local authority and recognised the local challenges and business needs within the area. The Improvement Action plans will be achievable and proportionate within their locality. The group agreed that there were sufficient legal powers to help achieve compliance, although an extension of RANs would be helpful, and that the focus needed to be on poor performance/premises not broadly compliant. Although this is not a new concept it is important to recognise this policy position as an agreed approach for managing compliance leading up to the Games in 2012. This places particular importance on the support from the FSA for special measures and targeted inspections. The graduated approach will also facilitate attention on hot spots and other priority areas such as tourist areas, transport corridors, open spaces and live sites.

The discussion also recognised that although there is useful learning to be gained from other Host City approaches in previous Olympics/Paralympics, the situation in the UK is different. For example in Vancouver food premises are licensed and there are significantly less in number.

Other critical issues raised by the group included:

- Recognition that SOTD and SFBB were excellent existing tools for supporting business compliance
- Cross government department/agency collaboration e.g. FSA, HSE, LBRO involvement was essential to achieve consistent high level strategic consideration
- Effective training of enforcement officers could increase the capability of limited staff resources
- Consideration of innovative approaches to drive up compliance e.g. incentives such as reduction in business rates linked to compliance levels
- Availability of widest range of sanctions e.g. use of fixed penalty notices/BIS/FSA/HSE
- Need to consider a Prior approval requirement for (new) businesses
- Intelligence led and evidenced based approaches to enforcement
- Measurement of outcomes

## Staffing and shared resources

Steve Miller informed the group that the Joint Local Authority Regulatory Services (JLARS) are producing protocols for the Olympic Park and are working closely with the ODA and LOCOG. The approach is not one of strict enforcement but is aimed at influencing the planning to achieve the standards required. East London Solutions, using money from Capital Ambitions, have been set up as a limited company across six East London authorities to achieve savings across environmental health, trading standards, emergency planning, building and development control. The benefits of this approach are seen to be:

- Economy of scale
- Savings in management
- Consistent policy, standards and approaches
- Removal of boundaries (professional and geographical)
- Bigger pool of resources
- Expertise across the piece

Steve also explained that JLARS was currently exploring the possibility of establishing a primary authority partnership with LOCOG. This would create a Single Point of Contact and set common standards for compliance, utilising existing expertise and partnerships.

In terms of sharing resources this is more than just officers on the ground and working across boundaries. It also involves collaboration between professional bodies such as the TSI and the CIEH and maximising professional guidance, networks and their role in facilitation and influence. There will be significant challenges for resource allocation, with differing needs inside and outside the venues. By 2012 the capacity and capability of local authority regulatory staff is likely to be significantly reduced. New approaches will be required to adequately protect public health.

## The Kent approach

Annie Sargent explained that the Kent Environmental Health Managers group have supported the setting up of the Kent Improvement Partnership. This facilitates the introduction of Memoranda of Understanding (MOUs) between authorities for service delivery. For example there is a Kent wide contract for risk assessments for private water supplies, an event management system to pool resource, and cluster teams for shared services (Sevenoaks and Dartford/ Maidstone and Ashford/ Thanet and Dover). One of the key challenges that this model of sharing services has created is the inevitable reduction in expertise and operational resource. There are also significant challenges in combining differing systems for HR, finance and IT. The impact of these changes to public health is currently not being evaluated. Other critical issues emerging are:

- The more partners sharing services and activities, the more complex the linkages and challenges posed
- Visibility of the service across multiple local authorities
- Differing political landscapes
- Differing corporate issues
- Differing skills sets

The small group discussions highlighted the issues around shared services and shared resources and how these might best be managed. Other alternatives to shared services include initiatives such as flexible warranting, joint inspections, cross borough authorisations, mutual aid, SLA/MOU and secondments. The groups discussed the possibility of an enforcement consortium for the purpose of responding to London 2012. The use of volunteers to help with increased demand was discussed and this will be further explored at an event to be held by the CIEH on 16 June 2010. JLARS may be able to utilise the volunteers in a range of ways e.g. to support enforcement of the Olympic Act regarding restricted trading in the immediate vicinity of the Olympic Park.

## Implications and further action

The group recommended the following action be taken:

- A workshop organised to consider the use of licensing as an effective means of managing enforcement during Games time for events, street trading and mobile vending.
- A project team developed to explore shared services/shared resources and other alternatives and how these could be best managed for London 2012. This would investigate the benefits of creating an Enforcement Consortium to aid environmental health responses.

- Creation of an interventions evidence base, measuring outcomes using the FSA database and information from SOTD.
- Establishment of practical protocols for seizure and condemnation of food.
- Establishment of protocols for accelerated court procedures and voluntary surrender.
- Development of a communication strategy for public information around food safety and the Olympics
- Development of support and communication packages for businesses, including new businesses
- Sharing information from this workshop, including the passport for mobile vendors, with the project groups developing the mobile vending strategy and the food strategy
- Identification of specific enforcement officer needs to inform Olympics training programme
- Existing guidance on environmental health involvement in SAGs issued/re-issued
- Existing guidance on outdoor catering and mobiles issued/re-issued

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# Annex 1

## Feedback from the small group discussions

### Enforcement

<ul style="list-style-type: none"> <li>• Are we inspecting everything?</li> <li>• What are the unknown risks?</li> <li>• All have enforcement policies but implementing them differently</li> <li>• Some outdated</li> <li>• Some authorities prosecute more</li> <li>• Back up from legal team</li> <li>• Model of EMM(H&amp;S) use for food safety- justify action ie decision not to serve notice</li> <li>• Not special for Olympics- do it now</li> <li>• Need to deal with bandwagon jumpers- domestic</li> <li>• What are the challenges for our services- adapt to Olympics</li> <li>• Challenge vs risk in policy</li> <li>• Event management for all big events</li> <li>• Training and qualification – skills base non qualified?</li> <li>• Moving mobiles on is this same for all authorities need consistency here</li> <li>• Problem with shortage of qualified officers</li> <li>• Secondments- leave weekends including overseas officers</li> <li>• Prepare members for impact UK wide – FSA relax targets for Games times</li> </ul>	<ul style="list-style-type: none"> <li>• All similar policies</li> <li>• Standard would be useful but may create political issues</li> <li>• Some issues more imperative eg mobile trading where is the expertise?</li> <li>• Enforcement approach can be influenced by culture and available resources</li> <li>• Enforcement is risk based and proportionate- if the risk increases the action increases</li> <li>• Need information about short term pop ups</li> <li>• Need to use /learn from similar expertise like Carnival</li> <li>• Knowing about potential problem business is the key/ info sharing and comms</li> <li>• Information to business/new business needs to be made available/ highlighted pro activity and high intensity</li> <li>• Educational stage of heirachy</li> <li>• Public information campaigns</li> <li>• Something simple and specific for events temporary businesses- SFBB add on</li> <li>• What is a food business? What is a party?</li> <li>• Vancouver learning- major entertainment planned</li> <li>• Storage for products seized/detained – shared facilities</li> <li>• Access to courts – accelerated protocols</li> <li>• Officer training- courts- training and information</li> <li>• Information on business hygiene readily available not just on websites</li> <li>• Award scheme resource issues charging etc?</li> </ul>
<ul style="list-style-type: none"> <li>• Enforcement policies already consistent but their application may not be- more consistency needed here</li> <li>• Tougher response or more consistency?</li> <li>• Adequacy of legal powers?</li> <li>• Make use of existing powers for fixed premises ( planning dealing with in advance)</li> <li>• Front garden food business more difficult- links with the police to get things done</li> </ul>	<ul style="list-style-type: none"> <li>• Enforcement tie in with non food traders</li> <li>• Two areas mobile and fixed premises</li> <li>• Some LA have no unauthorised street trading</li> <li>• Licensing is critical IOL networks</li> <li>• Licensed pitches</li> <li>• Licensed an event or individual a trader</li> <li>• All registered</li> <li>• Action to report to committee on Licensing</li> <li>• TENS not going to act as an effective</li> </ul>

<p>Challenges – barriers to making it work?</p> <ul style="list-style-type: none"> <li>• Magistrate liaison..establish links /protocols</li> <li>• Police liaison .....establish links/protocols</li> <li>• EPNs confusion..... better clarity needed</li> <li>• Officer experience... training</li> <li>• Seizure and storage.... hire space?</li> <li>• Powers for quick action... promote reg 27 – RANs for EC852</li> </ul>	<p>control ( police and crime/disorder)</p> <ul style="list-style-type: none"> <li>• Police support for Pedlars License</li> <li>• Need shared database- rogues</li> <li>• Map capacity for secure storage/flat bed trucks</li> <li>• Capacity for Licensing officers</li> <li>• Risk is linked to the scale and the density using less trained/focussed/pressure of safe</li> <li>• Seize equipment – crowd management</li> <li>• Licensed events ensure have compactors and skips</li> <li>• Police enforcement/clarify resource</li> <li>• License holder for event to help enforcement</li> <li>• No letters/no prohibition documented voluntary seizure</li> <li>• SAG group planning- inform SAGs for consistency</li> <li>• Formal seizure event organiser waste management and cleansing</li> <li>• Passport/MOT good idea</li> <li>• No PDAs</li> </ul>
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## Compliance management

<ul style="list-style-type: none"> <li>• Aspiration of 100% compliance</li> <li>• Requires robust application of enforcement policy</li> <li>• Focus on poor performers and reduce A/B</li> <li>• Evaluating and reviewing what information is being sent to local businesses</li> <li>• Use existing mechanisms such as SFBB/FSA/SOTD</li> <li>• Flow of internal information – new businesses and problem premises</li> <li>• LACORS/FSA support business rates incentives and other mechanisms such as court liaison- realistic fines</li> <li>• Resource focussed training</li> <li>• Prior approval</li> </ul>	<ul style="list-style-type: none"> <li>• Aspirational improvement target should be set</li> <li>• A common improvement standard is not the best way forward</li> <li>• An improvement action plan should be drawn up based on local LA standards</li> <li>• Subject to resourcing</li> <li>• SOTD provides an incentive for improvement and implementation of SFBB</li> <li>• Mandatory display to make it work best</li> <li>• Publicity key</li> <li>• Need FSA support for different approaches eg special measures targeted inspections</li> <li>• Need to know about /learn from/shared different approaches – what mechanism?</li> <li>• FSA; local, LBRO resources ongoing support to maintain encourage improvement</li> </ul>
<ul style="list-style-type: none"> <li>• No minimum level</li> <li>• Star rating focusing on not broadly compliant</li> </ul> <p><b>Strategy</b></p> <ul style="list-style-type: none"> <li>• Benchmarking</li> <li>• Projects- SFBB ( currently 0-1 star)</li> <li>• Start up services/advice</li> </ul>	<ul style="list-style-type: none"> <li>• Set an improvement target as an aspirational standard- identify hotspots- local improvement targets</li> <li>• Robust and consistency among professionals ( like house condition survey)</li> <li>• Graduated approach with intensive</li> </ul>

<ul style="list-style-type: none"> <li>• Use other agencies eg planning and trade refuse</li> <li>• Temp event licensing</li> <li>• Us of other legislation nuisance and byelaws</li> <li>• Manage media – put out relevant information re help available sanctions</li> <li>• Gap analysis- costings secondments CIEH</li> </ul> <p><b>Support</b></p> <ul style="list-style-type: none"> <li>• Low profile of EH in LA little clout actions to raise profile</li> <li>• FSA</li> <li>• CIEH</li> <li>• Work with community teams</li> <li>• Securement of mobiles – stop them operating?</li> <li>• Dedicated magistrates for condemnation</li> </ul>	<p>programmes on priority areas including venues/hotels/tourist areas/car park transport/ open spaces events/live sites</p> <p><b>Approaches</b></p> <ul style="list-style-type: none"> <li>• Key messages – consistent</li> <li>• Consult businesses and be proactive</li> <li>• Training businesses</li> <li>• SFBB</li> <li>• SCTD</li> <li>• Specific marketing using the Olympics</li> <li>• Visit Britain- visitor guides</li> <li>• London LA act to make display mandatory</li> </ul> <p><b>Support</b></p> <ul style="list-style-type: none"> <li>• Turnover</li> <li>• Impact on SOTD inspections</li> <li>• Marketing build into forward planning</li> <li>• Intensive programme for higher levels of non compliant ( authorise movement of staff/shared services)</li> <li>• Need help to speak to neighbours</li> <li>• Shared services – to help areas get up to standard or for Games time intensive programme</li> <li>• Using agency workers learn from this with existing staff outside the LA</li> <li>• FSA Challenge politicians to relax the code of practice</li> <li>• Measure inputs and outcomes and how these are measured</li> <li>• Intelligence led to divert interim staff</li> <li>• Deal with the knowns and permanent structures</li> <li>• Food supplies and movement</li> </ul>
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## Shared services

<ul style="list-style-type: none"> <li>• Project team across London to agree strategy</li> <li>• Consistency</li> <li>• Issues with practicalities</li> <li>• Implies loss of resources</li> <li>• Need more resources as extra work</li> <li>• Can be more efficient</li> <li>• Change in culture required</li> </ul>	<ul style="list-style-type: none"> <li>• Are shared services the same as shared resources?</li> <li>• Whose definition?</li> <li>• Cost driven changes- politically not evidenced based</li> <li>• Already share expertise</li> <li>• Can this be maximised</li> <li>• Use existing networks</li> <li>• Movement of resources to maximise effectiveness</li> <li>• Response to reduction in staff different models</li> <li>• Loss of services to support improvements in different localities</li> <li>• Secondments</li> <li>• Enforcement consortium defined time</li> </ul>
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	<p>need protocols but can be a temporary solution</p> <ul style="list-style-type: none"> <li>• SLA/MOU legal agreement for mutual aid</li> <li>• Ok for key components such as out of hours stray dogs</li> <li>• Logistics of Olympic workplace pool</li> <li>• FSA charging businesses for inspection especially for higher compliant for star rating improvement</li> <li>• Size of authority efficiencies of scale may not apply to overall service in London</li> </ul>
<ul style="list-style-type: none"> <li>• Incident management- use a consortium</li> <li>• Use of volunteers – experience and authorisation needed</li> <li>• Require responsible organisation for volunteers</li> <li>• JLARS and enforcement of Olympic Act may use volunteers</li> </ul> <p><b>Flexible warranting</b></p> <ul style="list-style-type: none"> <li>• HSE/LA</li> <li>• Shortage of resources</li> <li>• Street trading</li> <li>• Cross borough authorisations- what evidence is there it works/how is it managed and co-ordinated</li> <li>• Designated areas with list of premises</li> <li>• Border issues</li> <li>• Police support cross boundary</li> <li>• Security risks</li> <li>• Mutual aid – working group protocol as a working document for sign up</li> </ul>	