

Name of meeting: Cabinet Meeting

Date: 27th July 2021

Title of report: Food Safety Service Plan 2021

Purpose of report

For Members to approve the Food Safety Service Plan produced in accordance with the expectations of the Food Standards Agency and as contained in the Food Law Code of Practice

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	No
Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)?</u>	Key Decision – No Private Report/Private Appendix – No
The Decision - Is it eligible for call in by Scrutiny?	Yes
Date signed off by <u>Strategic Director</u> & name	Colin Parr Date: 25.06.21
Is it also signed off by the Service Director for Finance?	Eamonn Croston Date: 07.07.21
Is it also signed off by the Service Director for Legal Governance and Commissioning?	John Chapman Date: 05.07.21
Cabinet member portfolio	Cllr. Simpson

Electoral wards affected: All wards

Ward councillors consulted: N/A

Public or private: Public

Has GDPR been considered? Yes no personal data included and any sensitive data anonymised.

1. **Summary**

The Food Standards Agency (FSA) has a key role overseeing local authority activities concerning food safety enforcement. As a result, the FSA is proactive in setting and monitoring standards and auditing local authorities' enforcement activities in order to ensure enforcement is effective and undertaken on a more consistent basis nationwide. Powers to enable the FSA to monitor and audit local authorities are contained in the Food Standards Act 1999.

Food Safety Service Plans are seen by the Agency as an important part of the process to ensure that national priorities and standards are addressed and delivered locally. Development plans will also:

- focus debate on key service delivery issues;
- provide an essential link with financial planning;
- set objectives for the future, and identify major issues that cross service boundaries; and
- provide a means of managing performance and making performance comparisons.

Guidance issued by the Food Standards Agency provides local authorities with a service plan template which is designed to ensure that local authorities include in their service plans:

- information about the services they provide
- the means by which they will provide those services
- the means by which they will meet any relevant performance targets or performance standards set out under, for example, National Indicators (NI)

2. **Information required to take a decision**

In developing the plan, consideration has been given to a balance of enforcement measures depending on prevailing circumstances, level of risk, stakeholder engagement, and other external influences.

The Food Safety Service Plan for 2021 is attached.

The 2021 plan will summarise main actions/issues/outcomes to date (using the 2019/20 and 2020/21 Local Authority Returns Data) as well as providing an outline of future work priorities and direction.

Since the last development plan was completed (2017-19), the Food Safety team has undergone a number of personnel changes – the team has had one new Senior EHO and a new Team Manager who was appointed in August 2018. Staffing levels have stabilised but remain under pressure relative to the work given wider Council financial stresses.

Due to the uncertainties of the UK withdrawal from the EU (and impacts upon imported food requirements etc.) the 2017-19 Food Safety Development Plan was extended until March 2020. Since that time, due to COVID-19 there has also been significant impacts on the delivery of food official controls, due to the key role Food Safety Officers have played in the enforcement of Coronavirus Regulations.

The previous Food Safety Service plan was extended onto a third year as this allowed for a period of stability and consolidation given the structural and managerial changes that have taken place within the food team as well as the Service and wider Council. This was also appropriate given the uncertainties around time scales for the UK's exit from the EU and what the impacts in relation to food imports/exports to and from the EU might be. The plan was kept under review to ensure it remained relevant to the circumstances.

The Food Safety Team continue to follow the advice issued by the Food Standards Agency to ensure that the team is correctly applying guidance and regulatory requirements in a consistent manner.

3. Implications for the Council

3.1 Our Vision and Shared Outcomes

The Food Safety function directly links to the Council Vision for a strong, sustainable economy and great quality of life. The vision is underpinned by the Council's strategic priorities and shared outcomes, which again, the food safety function links strongly to, due to it being focused on public health, regulatory compliance and supporting businesses. The Council's strategic priorities are:

- Working with People
- Working with Partners
- Place Based Working
- Climate Change and Air Quality
- Improving Outcomes for Children

The Council's shared outcomes are:

- Best Start
- Sustainable Economy
- Well
- Safe and Cohesive
- Independent
- Clean and Green
- Aspire and Achieve
- Efficient and Effective

In addition, the Joint Strategic Needs Assessment identifies Food and Nutrition as one of its priorities. Furthermore, the link between unsafe food and public health is clear, and therefore, it is important to ensure that food processed, produced, sold and distributed in Kirklees is safe and fit for human consumption.

Timely, programmed and risk-based interventions will ensure that food businesses are inspected, and where necessary, proportionate enforcement action is taken. This approach will aim to ensure that problem premises are dealt with before their practices and procedures can have a detrimental impact on public health.

3.2 Working with People

The food safety team recognises the importance of engaging with business and how successful business can impact and increase local and council wide economic development. A consistent approach to food safety ensures a level playing field, with compliant businesses receiving recognition (through higher Food Hygiene Rating Scores) and failing businesses requiring proportionate enforcement action to secure compliance. The Public Protection Enforcement Policy outlines the graduated approach to enforcement, which starts at education and can ultimately lead to enforcement action where there is repeated failure to comply with legal requirements and/or the seriousness of the risk associated with non-compliance requires formal, enforcement action. This Enforcement Policy has been prepared in-line with the Regulators' Code.

Given the increase in awareness of food safety, and food hygiene rating scores, it is anticipated that customers to compliant businesses will increase and make the businesses more resilient. Having a satisfactory food hygiene rating is also a requirement for businesses to trade on online food ordering platforms (e.g. Just Eat) therefore it is in a business' economic interests to comply with food hygiene requirements. Similarly, it is anticipated that a consistent approach to enforcement will, in the longer term, ensure greater compliance and reduce the need for enforcement action.

Greater compliance should result in safer food and therefore the protection of public health of the residents of Kirklees.

3.3 Working with Partners

The food safety team works collaboratively with other areas of the Council, where appropriate. For example, there are strong links with School Catering to provide advice and guidance on legislative requirements; and with the Council's Pest Control Service etc. There is also strong collaboration with our neighbouring food safety teams in West Yorkshire to ensure that we are applying the law consistently. This is particularly relevant for businesses that have other outlets in other areas of West Yorkshire.

3.4 Place Based Working

The food safety function is required to follow the Food Law Code of Practice, which requires that all businesses be risk rated according to a national scoring system. This risk-based approach means that the businesses that pose the highest risk (whether that's because of undertaking high risk activities or due to poor levels of compliance) are inspected the most frequently. This targets resources to those areas which pose the greatest risk, based on intelligence and information.

3.5 Climate Change and Air Quality

The food safety team as part of Public Protection follows the Council's Travel Hierarchy for business travel. As part of this, officers have access to a fleet of fully electric vehicles. Officers are encouraged to do multiple visits in a locality to maximise productivity as well as resources and to minimise emissions. The new fleet of electric vehicles is likely to have resulted in a reduction in air emissions, resulting from the food safety function.

3.6 Improving Outcomes for Children

The FINE Project aims to positively impact the lives of children through the Ravensthorpe Pilot – Increasing nutrition literacy and through the ‘Healthy Holidays’ programme. They have also undertaken work to improve nutrition literacy in the under 5 setting.

3.7 Legal/Financial or Human Resources

Section 2 of the Food Law Code of Practice, 2021, (with reference to the Framework Agreement on Official Fee and Food Controls by Local Authorities) expects food safety service plans to be submitted to the relevant member forum for approval to ensure local transparency and accountability. Cabinet has previously considered the Food Safety Service Plan on an annual basis.

Kirklees, along with all Local Authorities signed up to a framework agreement with the Food Standards Agency for the regulation of food premises. In accordance with this agreement, the Local Authority has a duty to appoint a sufficient number of authorised officers to carry out the functions required by the Food Law Code of Practice (England).

In cases where local authority failure is identified (i.e. failure either to discharge functions adequately or failure to meet statutory obligations to apply the law), the agency has legal powers of intervention of direction and default.

Despite the low resources, the team continued to perform well. In 2017/18 the food safety team achieved 77.49% of the intervention programme.

As a result of us failing to meet the FSA imposed target of 100% of interventions due, the Food Standards Agency required a report to identify how this target would be achieved. Significant work was undertaken to review the reasons for failing to meet the target. This included: a review of the data base, which identified a number of anomalies that were showing as inspections not completed; reducing some of the advisory work that was undertaken; performance management of officers; and review of work procedures to ensure that productivity was maximised. A consultant was also engaged to conduct some inspections to compensate for some staff absence.

This approach and the hard work of food safety officers resulted in a significant improvement in the completion of the interventions. In the reporting period 2018/19 93.4% of interventions were achieved, with 94.86% of businesses being ‘broadly compliant’. This was with 9.76 FTE in post.

Building on the improvements of the 2018/19 period with 9.4 FTE (the establishment is 10) in place (due to staff turnover), we continued with the same approach. Due to the emergence of the COVID-19 pandemic, the Food Standards Agency instructed that routine food hygiene inspections should not continue in mid-March 2020. This resulted in two weeks’ worth of inspections not being completed during the reporting period 2019/20 (this would normally equate to approximately 80-100 inspections). Despite this, 95.11% of interventions due were completed for the reporting period.

Due to the COVID-19 pandemic, a significant amount of food safety officers’ time was diverted to Coronavirus enforcement duties, with food safety work being undertaken in accordance with the Food Standards Agency’s direction on high, medium and low priorities. The impacts of the pandemic, resulted in only 9.93% of the food inspection programme being completed during the 2020/21. However, the Food Safety Team complied with the FSA’s requirement to undertake all high priority work.

Using national data from The National Audit Office: Food Standards Agency Ensuring food safety and standards 2019 this identifies the officer and food business ratios:-

- Average number of food premises to Full Time Equivalent officers (FTEs):
Nationally: 416:1 Kirklees: 560:1
- If we were to operate at the national average we would require 12.7 FTEs. The 2021/22 budget has been reprofiled to provide extra resources for this important area of work and will look to finalise recruitment within the next financial year. It should be noted that due to the qualification and Competency Framework requirements for food safety inspectors, it is very difficult to recruit suitably qualified and experienced staff; therefore there may need to be some reliance on external contractors. We will continue to train and develop in-house members of staff to meet these recruitment needs.
- Prior to the COVID-19 pandemic, our officers continued to operate well above the national average of inspections per officer as can be seen by the ratio of food officers to premises. During 2019/20 the vast majority of inspections were undertaken by Environmental Health staff (rather than contractors). This is because we work to very tight targets compared to most local authorities and as a result, we are able to achieve an excellent output given the resources available. We also place high value in the importance of consistency in our approach and amongst officers, which is better supported using in-house staff. Our enforcement actions taken also place us within the top 10-15 local authorities in England (for both the 2018/19 and 2019/20 reporting periods).

Considerations are being made to increase the establishment of the food team to bring them in line with the national average, however, this will have budgetary implications. Also consideration is being made to the use of alternative resources such as the covid community support officers to undertake low level supportive, proactive, and surveillance work – however – the long term nature of the access to this resource is not yet agreed.

4. **Consultees and their opinions**

None

5. **Next steps**

The Food Safety Service Plan will need official sign off at Cabinet in line with the food law code of practice. The Portfolio Holder will be briefed prior to cabinet.

This Food Safety Service Plan will be reviewed in summer 2021, to further assess the impacts of COVID-19, once the Food Standards Agency has published the recovery programme for food safety departments.

6. **Officer recommendations and reasons**

Cabinet are asked to approve and adopt the Food Safety Service Plan 2021.

7. **Cabinet portfolio holder's recommendations**

That the Officer Recommendation be approved.

8. **Contact officer**

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9. **Background Papers and History of Decisions**

Food Standards Agency Service Plan Template
Food Law Code of Practice 2021

10. **Director responsible**

Wendy Blakeley – Service Director Climate Change and Environmental Strategy
(interim)