

Name of meeting: Cabinet Meeting
Date: 11 October 2022
Title of report: Food Safety Service Plan 2022

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: 11.08.22
Is it also signed off by the Service Director for Finance?	Eamonn Croston Date: 09.08.22
Is it also signed off by the Service Director for Legal Governance and Commissioning?	John Chapman Date: 09.08.22
Cabinet member	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 2022 is attached.

The Food Safety Service Plan for 2022 plan will summarise main actions/issues/outcomes to date (using the 2021/22 Local Authority Returns Data) as well as providing an outline of future work priorities and direction.

The Plan has been heavily influenced by the FSA 'Recovery Plan' which has identified minimum requirements for local authority food safety teams to meet, in relation to the recovery of their food hygiene inspection programmes as a result of the impacts of the Covid-19 pandemic (that resulted in the cessation of undertaking routine official controls, except in certain circumstances) and the subsequent, significant backlog in inspections.

During the period of the 2021 Food Safety Service Plan, COVID-19 continued to have significant impacts on the delivery of food official controls, due to a number of Food Safety Officers continuing to be diverted to the enforcement of Coronavirus business restrictions and the impacts social distancing and other health and safety controls have had upon the speed and efficiency of undertaking inspections and other official controls.

Since the last service plan was completed (2021), the Food Safety team has undergone a number of personnel changes. The team has a new Team Manager - acting up since

September 2021 and recently made substantive. Staffing levels are stable, with just one member of staff leaving the Service.

Due to the lack of Environmental Health Officers/Senior Technical Officers in the market (who meet the competency requirements to undertake official controls), this officer will shortly be replaced by an officer who holds the appropriate qualifications but who is inexperienced and will therefore be working towards full competency.

In recognising the difficulties of recruitment of appropriately qualified officers, the Food Safety Team is currently 'growing their own'. This includes two officers undertaking a BSc Apprenticeship in Environmental Health and a third officer who is commencing studies for the Higher Certificate in Food Safety Inspections. The aim is to future-proof staffing levels in this important area of public health work, to ensure that Kirklees Council continues to meet its statutory obligations to deliver official controls for food safety.

The Food Safety Team continue to follow the advice issued by the Food Standards Agency and through the Food Law Code of Practice and Practise Guidance, to ensure that the team is correctly applying guidance and regulatory requirements in a consistent manner.

3. Implications for the Council

3.1 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.

New initiatives are also being developed to address non-compliance through the provision of a targeted, educational offer to businesses with unsatisfactory food hygiene ratings (0,1,2). Commercial consultancy work is also being developed in relation to the provision of food safety sampling contracts to high risk business, which includes will include tailored food safety advice.

3.2 Working with Partners

The food safety team works collaboratively with other areas of the Council, where appropriate. For example, there are strong links with the Infection Prevention and Control Team, throughout the Covid-19 pandemic and infectious disease outbreaks in certain settings; 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.

3.3 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 is 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.

It is proposed to further develop our place-based working approach through the review of data on poor levels of food hygiene compliance and localities to identify and focus resources appropriately. This has the significant potential to address inequalities within communities, as it has been recognised that there is a correlation between areas of high deprivation and food businesses with poor food ratings. This focus will aim to improve health in these localities through improved food safety with the introduction of a low-cost workshop available to businesses with a poor food hygiene rating. This will also aim to improve engagement from businesses within these localities to achieve greater compliance with food hygiene requirements and to also provide them with additional skills at low cost. This is also in recognition of the cost-of-living pressures affecting businesses.

3.4 Climate Change and Air Quality

The food safety team, as part of Public Protection, follows the Council's Travel Hierarchy for business travel. This has been impacted by officers being based at home, due to the Covid-19 pandemic and using their own cars more than prior to the pandemic. However, the team is now working in more of a hybrid way (mixture of working from home and the office) and 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.

3.5 Improving Outcomes for Children

The Food Safety Team has been significantly involved in the 'Healthy Holidays' programme, which provides free activities and a meal during the school holidays to children who qualify for free school meals. Their involvement has been through vetting and inspecting all the individual schemes to ensure that food is being prepared safely for our children and young people.

3.6 Financial Implications for the people living or working in Kirklees Council

There are no known financial implications for people living or working in Kirklees from the Food Safety Service Plan. The Plan outlines the scope and function of the Food Safety Team, the staffing levels within it and identifies the priorities for the period of the Plan. The Plan is based upon the existing budget for Food Safety and does not request additional funding.

3.7 Other (e.g. Legal/Financial or Human Resources) Consultees and their opinions

Section 2 of the Food Law Code of Practice, 2021, (with reference to the Framework Agreement on Official Feed 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.

Due to the COVID-19 pandemic, during the period of the previous Food Safety Service Plan 2021, three officers continued to be diverted to Coronavirus enforcement duties and COVID-19 outbreak investigations etc. In July 2021, the Food Standards Agency published a 'Recovery Plan', which identified minimum expectations (with milestones for completion) for all food safety departments in England to meet. The aim is for all food safety inspection programmes to be back in-line with the requirements of the Food Law Code of Practice by 2024. At the time of writing, Kirklees Food Safety Team has exceeded these minimum requirements and is working ahead of the schedule to be back in-line with the frequency of inspection as set out in the Code of Practice.

No other comments have been received by other consultees

4. 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 late spring 2023, to further assess compliance with the FSA Recover Plan and to review the priorities within the 2022 plan to determine whether these have been met and what new priorities will need to be set.

6. Officer recommendations and reasons

That the Food Safety Service Plan 2022 be adopted.

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**

Katherine Armitage – Service Director Climate Change and Environmental Strategy