



Name of meeting: Cabinet

Date: 11 July 2023

Title of report: Food Safety Service Plan 2023

Purpose of report:

A report to cabinet presenting the Food Safety Service Plan 2023. The Food Law Code of Practice requires Local Food Safety Authorities to have Food Safety Service Plans, this report and the appended plan complies with the Council's duties.

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? Decisions having a particularly significant effect on a single ward may also be treated as if they were key decisions.	No If yes give the reason why
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 If no give the reason why not
Date signed off by <u>Strategic Director</u> & name Is it also signed off by the Service Director for Finance? Is it also signed off by the Service Director for Legal Governance and Commissioning?	Colin Parr: 29 June 2023 Dean Langton: 29 June 2023 Julie Muscroft: 29 June 2023
Cabinet member portfolio	Give name of Portfolio Holder/s Cllr. Naheed Mather

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 2023 is at appendix 1.

The Food Safety Service Plan for 2023 will summarise main actions/issues/outcomes as at 31 March 2023 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.

Since the last service plan was completed (2022), the Food Safety Team has undergone a number of personnel changes, however, staffing levels are stable following successful recruitment.

However, in recognising the lack of appropriately qualified officers in the market (who meet the competency requirements to undertake official controls) nationally, the team has continued to develop officers in-house in response to longer term workforce planning. This includes 1 Senior Technical Officer (expected to qualify autumn 2024) and 2 BSc Apprentices (due to graduate in 2025). 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 have also been developed to address non-compliance through the provision of a targeted, educational offer to businesses with unsatisfactory food hygiene ratings (0,1,2). This has been undertaken through a low-cost workshop, 'Steps to Success' which commenced in January 2023. Commercial consultancy work is also being developed in relation to the provision of food safety sampling contracts to high-risk business, which 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.

The team also liaises regularly with and undertakes joint interventions with West Yorkshire Trading Standards, who enforce Food Standards for the whole 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.

During 2022/23 the place-based working approach has been further developed through the review of data on poor levels of food hygiene compliance and localities to identify and focus resources appropriately. This will include extending the 'Steps to Success' workshop in these localities. 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. The impact on food hygiene compliance of the Steps to Success workshop, will be assessed and the approach reviewed should it not result in the desired improvements in food hygiene standards. This will also aim to improve engagement from businesses within these localities and to also provide them with an opportunity to be provided with other useful information regarding the Council and other relevant services.

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. The team has worked closely with other Council teams who administer this programme, including Public Health colleagues.

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.

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.

The Food Safety Plan 2023 does not contain any measures which places the Authority in default of its legal obligations, requires additional financial contributions to its revenue budget or human resources issues.

It should be noted however, that due to the current budgetary constraints and recruitment challenges it is likely that through natural wastage there will be an overall reduction in staffing levels of the Food Safety Team during the coming years. An assessment of these reductions in headcount has been carried out by the responsible Head of Service and Operational Manager and it is considered not to materially affect the plan's outcomes.

It should also be noted that the Food Standards Agency (FSA) will be auditing Kirklees against our regulatory responsibilities in September 2023. The Food Safety Plan should be in place for the audit, as having an agreed plan is part of our responsibilities. It is the assessment of the Head of Public Protection that the measures in the plan and the overall performance of the Food Safety Team will result in a positive outcome for Kirklees during the FSA audit.

4. Consultation

No consultation has been undertaken as this is a statutory requirement to report on the activities of the Food Safety function and identify priorities to ensure the statutory obligations, to deliver official controls are met by Kirklees Council. The Plan is reporting on progress against the priorities set in the Food Safety Service Plan 2022.

5. Engagement

No engagement has been undertaken as this report is reporting on the progress against the priorities set in the Food Safety Service Plan 2022.

Next steps

With the agreement of Cabinet – the Food Safety Plan 2023 will be adopted and published on the Council's Website. The Food Safety Team will work to the actions detailed in the report and the outcome of those actions as well as our day-to-day regulatory activity will be reported in the Food Safety Plan 2024 in 12 months' time.

6. Officer recommendations and reasons

It is recommended that Cabinet note the report, agree to adopt the Food Safety Plan 2023 and direct officers to publish the plan on the Council's Website.

It is recommended that Cabinet adopt the plan according to our responsibilities under the Food Law Code of Practice and it recognises the excellent work the Food Safety Team has carried out over the previous 12 months up to 31 March 2023, in complying in full with the Food Standards Agency Recovery Framework, complied with its legal duties and ensured that the food the people of the district eat is as safe as it can be. The plan for the delivery of the food safety function of Environmental Health over the plan period April 23 to March 24 continues the good work up to press and builds on new initiatives such as low cost training to businesses.

7. Cabinet portfolio holder's recommendations

That Cabinet Portfolio Holder endorses the officer recommendation.

8. Contact officer

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9. Background Papers and History of Decisions

Appendix 1: Kirklees Council Food Safety Service Plan 2023

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

10. Director responsible

Katherine Armitage – Service Director Climate Change and Environmental Strategy