

Report title: Food Safety Service Delivery Plan 2024

Meeting	Cabinet
Date	9th July 2024 Cabinet
Cabinet Member (if applicable)	Cllr Hussain
Key Decision Eligible for Call In	No Yes
Purpose of Report To report to Scrutiny panel and Cabinet on the proposed Food Safety Service Plan for 2024 that incorporates a review of the performance of the Food Safety Team against the priorities set in the Food Safety Service Plan 2023/24 and identifies the priorities for 2024/25.	
Recommendations It is recommended that Cabinet note the Food Safety Service Plan that accompanies this report and agrees to adopt the Food Safety Service Plan 2024 and direct officers to publish the plan on the Council's Website.	
Resource Implication: Existing budget to the Food Safety Team, no additional budget required.	
Date signed off by <u>Strategic Director</u> & name Rachel Spencer-Henshall Is it also signed off by the Service Director for Finance? Yes Is it also signed off by the Service Director for Legal Governance and Commissioning? Yes	Give name and date for Cabinet / Scrutiny reports Food Service delivery Plan 2024/25 Scrutiny Panel 26 th June 2024 Cabinet 9 th July 2024 Yes – John Bartlett, for Kevin Mulvaney 26.06.24 YES – David Stickley, Principal Lawyer, for Samantha Lawton, Service Director 25.06.24

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. Executive 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 a requirement of the FSA Framework Agreement and the Food Law Code of Practice and are seen by the Agency as an important part of the process to ensure that national priorities and standards are addressed and delivered locally. These priorities and standards are set by the Food Standards Agency with the LA identifying some local priorities based on compliance and local needs. The FSA Framework Agreement 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 and how they are delivered.
- The means by which they will provide those services, and the financial resources required to deliver food safety official controls, in line with the Food Law Code of Practice.
- The means by which they will meet any relevant performance targets or performance standards set out under, for example, National Indicators (NI). This includes managing performance and making performance comparisons.

The Food Safety Service Plan reviews the excellent work the Food Safety Team has carried out over the previous 12 months up to 31 March 2024, in:

Fully complying with the Food Standards Agency Codes of Practice, with reference to the completion of food official controls, as follows:

- 1329 food hygiene inspections were undertaken.
- 136 Revisits completed
- 466 food and environmental samples taken from food businesses.
- 139 businesses provided with education or advice (in addition to that given during inspections).
- 85 Food Hygiene Rating Reassessment Inspections.
- 243 'low risk' interventions in lower risk food businesses.
- 490 complaints relating to food and/or food premises dealt with.

Complying with its legal duties and worked to ensure that food manufactured and sold within the district is as safe as it can be. The following enforcement actions were taken:

- 9 voluntary closures of businesses
- 6 Hygiene Emergency Prohibitions of businesses
- 1129 written warnings
- 54 hygiene improvement notices
- 1 suspension/revocation of approval
- 1 seizure of food
- 4 remedial action or detention of food notices
- 3 completed prosecutions and 4 pending
- 1 simple caution issued.

Met its priorities for 2023/24 as follows:

- Delivered and expanded the low-cost food hygiene workshop - Steps to Success.
- Continued to share expertise across West Yorkshire through the Food Lead Officers Group.
- Continued to monitor performance.
- Maintained staffing levels as per the budget.
- Increased business resilience through the adoption of the FSA online registration.

The Food Safety Service Plan 2024 sets out the continued, and new priorities for the delivery of the food safety function of Environmental Health over the plan period April 2024 to March 2025, to ensure that the Food Safety Team meets all the necessary, statutory requirements for the delivery of official controls. Furthermore, it continues the good work, up to press, and continues to further develop and expand low-cost training to businesses as well as other initiatives with aim to ameliorate food safety standards across the district. For example, develop a communications strategy around the ways people like to access information; and greater place-based working, in areas where there is a correlation between poor food hygiene standards and areas of high deprivation.

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 2024/25 is attached.

The Food Safety Service Plan for 2024/25 will summarise main actions and outcomes as at 31 March 2024, as well as providing an outline of future work priorities and direction.

The Plan has identified requirements for local authority food safety teams to meet, in relation to their food hygiene inspection programmes including the ongoing impacts of the Covid-19 pandemic (backlog of Category D inspections).

Since the last service plan was completed (2023), the Food Safety Team has undergone a number of personnel changes, with the loss of 1.5 FTE (through one retirement and one resignation). However, staffing levels are stable following successful recruitment of one FTE, Environmental Health Officer. The current number of FTEs is deemed adequate to fulfil all the Team's statutory duties and to deliver on the priorities set in the Plan.

The Food Safety Team continues to follow the advice issued by the Food Standards Agency and through the Food Law Code of Practice and Practice Guidance, to ensure that the delivery of official controls is being undertaken in accordance with the statutory frequencies and with reference to the guidance and regulatory requirements in a consistent manner.

3. Implications for the Council

3.1 Address our financial position in a fair and balanced way

The Food Safety Service Delivery Plan outlines the scope and function of the Food Safety Team and identifies the official controls that will be required to be undertaken, during the 12-month period, the staffing levels within the Team and an assessment of whether the resources are adequate to undertake the necessary official controls. The Plan also 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, so therefore will achieve a fair and balanced budget. Please note that budget details are provided in section 3.5.

3.2 Strive to transform council services to become more modern, efficient, and effective.

The Food Safety Team continues to deliver official controls in accordance with the requirements of the Food Law Code of Practice and is obliged to undertake these official controls within the guidelines. However, to achieve greater compliance with food safety requirements, without the need for formal action, the Team is committed to providing advice to food businesses; this may involve carrying out a visit to assist food businesses to comply with food hygiene legislation. With implementation of the Steps to Success workshop and the limited resources, following Council priorities, we've placed greater information and detail on the Kirklees website, which, coupled with information available on the FSA website, gives prospective businesses all the information they require. This aims to enable businesses to inform themselves and improve their food hygiene standards without the need for resource intensive, formal enforcement action.

3.3 Continue to deliver a greener, healthier Kirklees and address the challenges of climate change.

The food safety team, as part of Public Protection, follows the Council's Travel Hierarchy for business travel. 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 council vehicles. Officers are encouraged to do multiple visits in a locality to maximise productivity as well as resources and to minimise emissions.

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 and therefore contributes to this important public health work.

3.4 Continue to invest and regenerate our towns and villages to support our diverse places and communities to flourish.

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.

Furthermore, the review of food hygiene ratings data, has identified a correlation between areas of high deprivation and poor food hygiene standards. To support our diverse places and helping communities to flourish, the team in 2024/2025 will continue to review data on poor levels of food hygiene compliance and localities, to identify and focus resources appropriately. This will include continuing the 'Steps to Success' workshop in these localities. This has the significant potential to address inequalities within communities, through the provision of this low cost, targeted food hygiene training in the areas with the highest levels of non-compliance. This continued 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 continue to 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. Greater engagement will also aim to identify the barriers to compliance, within these localities and assist the Team in reviewing its approach, to attempt to support these businesses effectively.

3.5 Financial Implications

The Food Safety Service 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. The Team budget for 2024/25 is as follows:

	2024/25
Expenditure	Food Team Budget
Staffing	£663,908
Training	£2000
Travel and other subsistence	£3083
Supplies and services	£1702
ICT	£0
Sampling	£2783
Total Expenditure	£673,476

The funding for the Team's budget is based on the following funding streams:

- Government Grants £484,000
- Council Tax/Business Rates £165,000
- Fees and charges £24,000

3.6 Legal Implications

Section 2 of the Food Law Code of Practice (2023), (with reference to the Framework Agreement on Official Feed and Food Controls by Local Authorities), details that food safety service plans should 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 and delivery of 'official controls'. 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 Service Plan 2024 does not identify any resourcing or other issues for the period of review of 2023/24 and the forward-looking period of 2024/25, which would place the Authority in default of its legal obligations, nor does it require additional financial contributions to its revenue budget or staffing resources.

It should be noted however, that due to the current recruitment and budgetary constraints of Kirklees there has been an overall reduction in staffing levels of the Food Safety Team during the previous financial year. This has been through vacancy management and due to budget constraints, these posts will not be recruited to. An assessment of the impact of these reductions in headcount has been carried out by the responsible Head of Service and Operational Manager, and with the assessment of the delivery of official controls for 2024/25, it is considered not to materially affect the plan's outcomes. However, this situation will be kept under review to ensure that all statutory requirements are met.

3.7 Other (e.g. Risk, Integrated Impact Assessment or Human Resources)

The Food Safety Service Plan does not provide any material change to the delivery of official controls in relation to food businesses and food activities within Kirklees. Rather, it is a review of the delivery of official controls during the financial year 2023/24 and an assessment of the required resources for 2024/25. The findings of the Food Safety Service Plan are such that the delivery of official controls has and should continue to be undertaken in accordance with all statutory requirements. It does not, therefore, pose any new or greater risks for Kirklees Council nor its residents. There is also no change to the risk register or Corporate Risk Matrix.

The review of staffing resources and other elements that might impact on the delivery of official controls has been considered, based on the predicted number of official controls that are anticipated based on the number of inspections that will be due during the financial year 2024/25 and the estimation of the number of new businesses that will require an official control during the period (based on data from previous years). There is no new or greater risk identified from this assessment.

The Food Safety Service Plan does not materially change the service delivery of the Food Safety Team and there are no significant budgetary changes/implications associated with it. There is no, identified, impact on persons with protected characteristics as the delivery of official controls is a statutory function, to be undertaken in accordance with the relevant Food Law Code of Practice. An Integrate Impact Assessment (IIA) has been completed.

It is, however, hoped that the priorities identified within the plan, specifically those aimed at improving businesses' access to information and guidance (including through the delivery of a low-cost food hygiene workshop) will have a positive impact on food hygiene compliance that will result in:

- An increase in safe food within Kirklees, that in-turn will be conducive to improved health and wellbeing for all residents.
- Reduce the number of enforcement activities that are necessary where there is non-compliance – this will result in less officer time taken up with enforcement action and less impact on staffing resources.
- Less pressure on staffing resources will ensure that there is no new or increased risk to Kirklees Council failing to meet its statutory obligations, with regards to the delivery of official controls. The priorities may, indeed result in a reduction to this risk.

4. Consultation

No formal consultation has been undertaken as the Food Safety Service Plan is a statutory report, which is required to follow a prescribed format to detail the delivery of official food safety controls and identify priorities to ensure the statutory obligations are met by Kirklees Council. The Plan is reporting on progress against the priorities set in the Food Safety Service Plan 2023 and sets new priorities for 2024/25. As the priorities are, in the main, statutory obligations, these are set within the Food Law Code of Practice and therefore formal consultation is not required. However, in determining the priorities, beyond the statutory requirements, discussions/consultations have taken place with: colleagues in our neighbouring WY authorities (as part of the West Yorkshire Lead Officers Group); Public Health colleagues – e.g., the Healthy Activities and Food and UK Health Security Agency in relation to infectious diseases; and are also based on feedback from food business operators.

5. Engagement

No engagement has been undertaken for the reasons stated in relation to consultation, above.

6. Options

6.1 Options Considered

It is recommended that Cabinet note the report, agree to adopt the Food Safety Service Plan 2024/25 and direct officers to publish the plan on the Council's Website.

6.2 Reasons for recommended Option

It is recommended that Cabinet adopt the Plan according to our responsibilities under the Food Law Code of Practice and that it recognises the excellent work, undertaken by the Food Safety Team in 2023/2024, to comply, in full, with the Food Standards Agency Codes of Practice 2023. Furthermore, as detailed in the Plan, the Food Safety Team aims to build on new initiatives such as low-cost training to businesses to further improve food hygiene standards in the borough.

Next steps and timelines

With the agreement of Cabinet – the Food Safety Plan 2024/5 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 2025/26 in 12 months' time.

7. Contact officer

Leanne Perry, Environmental Health Group Leader, Public Protection,
Environmental Health, PO Box 1720, Huddersfield, HD1 9EL
Tel: 01484 221000.
Email: leanne.perry@kirklees.gov.uk

8. Background Papers and History of Decisions

Food Standards Agency Service Plan Template
Food Law Code of Practice June 2023

9. Appendices

N/A

10. Service Director responsible

Katherine Armitage – Service Director Climate Change and Environmental Strategy