

Housing and Communities Overview and Scrutiny Panel – 18 September 2024

Food Safety Performance Report

Purpose	For Review
Classification	Public
Executive Summary	<p>This report details the performance of Food and Safety Team in the delivery of the food safety activities in 2023-2024.</p> <p>It informs the panel of the food safety work undertaken across the district, with the resources available and by taking a risk-based approach to prioritisation of work.</p> <p>The report also sets out the service priorities for the 2024 – 2025 year.</p>
Recommendations	It is recommended that the Housing and Communities Overview and Scrutiny Panel: 1) Note the performance of the Food and Safety Team for 2023-24 and support the work plan for delivery of food controls in 2024–25.
Reasons for recommendation(s)	<p>It is a Food Standards Agency requirement that local authorities provide an update to a relevant member forum.</p> <p>This report ensures that the panel is aware of and in support of the proposed work plan, and the Council's use of its limited resources in the delivery of the service.</p>
Ward(s)	All
Portfolio Holder(s)	Cllr Dan Poole
Strategic Director(s)	Richard Knott – Strategic Director of Housing & Communities
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Introduction

1. The Food Standards Agency (FSA) Food Law Code of Practice for England dated June 2023 requires Local Authorities to produce a plan on how it, as a Competent Authority, intends to deliver and resource official food controls and how it will work towards addressing variances where the outcomes in the plan may not be met.
2. The Code of Practice also requires the performance to be reviewed at least once a year and for it to be documented.
3. This report meets the FSA requirements by providing Members of the Housing and Communities Overview and Scrutiny Panel with a summary of the Food and Safety Teams performance during 2023-24 and identifying how food law controls will be delivered in 2024-25.
4. The work plan takes a risk-based approach to food interventions, which ensures that resources are targeted where they will have greatest impact in protecting and improving the health of residents and visitors to the New Forest.

Background

5. The Food Standards Agency Food Law Code of Practice sets out a framework and guidance that Local Authorities must follow when enforcing food law.
6. It requires the Council as a Competent Authority to set up, implement, maintain and carry out food controls in accordance with documented plans, policies and procedures. These documents ensure that the Authority appoints competent, authorised officers to carry out the full range of official food controls including an intervention programme, investigation of incidents, alerts, complaints, outbreaks, undertaking sampling and taking follow up action or enforcement when required.
7. The intervention programme which is part of the work plan has been drawn up in line with the Code of Practice to ensure inspections and interventions are effective, appropriate and consistent. All food businesses are categorised and given an inspection frequency, based

on the size and scale of the business, types of food handled, and the standards observed during the inspection.

8. A category A business is classed as high risk, due to a combination of either poor standards observed at inspection, high risk foods being handled or sizeable scale of operation. These businesses receive frequent inspections (every 6 months). Whereas category E businesses are smaller scale and lower risk – for example a home-based cake maker and receive less frequent inspections (3 yearly).
9. Following an inspection, businesses also receive a food hygiene rating, between zero and 5, which is a measure of the food safety standards found during the inspection. This score is available on the Food Standards Agency website and is designed to allow the public to make informed choices on where they may wish to eat and shop.
10. Whilst most businesses receive an inspection by an officer, the code of practice does provide some flexibility of approach to interventions, enabling targeting of resources at business of greatest risk, whilst providing a lighter touch approach to lower risk businesses.
11. The Food Standards Agency is currently developing a new modernised food hygiene delivery model to assist Local Authorities in undertaking their role. This is considering options such as national level regulation for the largest food businesses, enhanced registration of businesses, the extension of the roles of regulatory support officers, as well as the use of remote inspections and triaging certain types of businesses. Once this approach has been tested and agreed, it will be implemented into future work plans.

Work Performance in 2023 – 2024

12. In 2023/24 the team required to carry out food safety inspections consisted of four full time Environmental Health Officers and one part time Environmental Health Technical Officer. The team carry out a wide variety of functions in addition to food safety, which includes other high priority work such as health and safety enforcement, animal welfare licensing, skin piercing and caravan licensing.
13. The total time spent on food safety work last year was equivalent to approximately 2.2 full-time equivalent staff, with a contractor, funded by vacancy savings, also employed for 4 months to carry out food inspections.
14. The team carried out a total of **636** food hygiene inspections in 2023/24 which were prioritised on risk, compared to **472** inspections in 2022/23. In addition to these, **125** low risk premises were reviewed via visit, telephone call or email. A greater number of

inspections were completed last year by fewer officers, due to the FSA Code of Practice published in June 2023 giving a greater flexibility of approach with interventions.

15. Of the total number of inspections carried out, **100%** (111) of the highest risk due inspections were completed. This included all high-risk category of A and B (food manufactures and care homes) as well as all poor performing businesses, which are those with a food hygiene rating of 0, 1 or 2.
16. Almost all, **99%** (169 of 171 due) category C medium risk inspections were completed. The two which were not inspected were closed based on being seasonal businesses.
17. In addition, **81%** (267 of 330 due) category D lower risk inspections were undertaken.
18. A total of **26%** (214 of 818 due) lowest risk E rated interventions were undertaken – some were inspections of new low risk businesses, and some a review of existing businesses. It should be noted that many of these E rated food businesses are temporary businesses and have ceased trading since their previous inspection without notifying the Council. Officers are reviewing these businesses as part of their ongoing actions.
19. The performance of the Council in completing E rated interventions is broadly in line with other similar local authorities in Hampshire.
20. During the year, 248 new business registrations, across all ratings, were received, and of those 160 (**65%**) received an inspection. Upon registration, all newly registered businesses are sent a questionnaire which is used to determine the priority schedule of inspection, based on the food safety activity taking place. Lower risk businesses are aimed to be inspected within 4 months of operating where resources allow, so there is always likely to be a disparity in the number of registrations, compared with inspections.
21. A total of 436 food related complaints and requests for service were received during the year, as well as 345 notifications of infectious disease to investigate. This is slightly higher than in the previous year where we received 391 food related complaints and 213 infectious disease notifications.
22. In addition, 130 food samples were taken and to supplement these samples, over 200 indicative swabs were taken during food inspections to indicate standards of hygiene in the business. Sampling is carried out in higher risk premises, in manufacturers where there may be higher risk processes and as part of national and local campaigns based on emerging issues.

23. A total of 15 hygiene improvement notices and 1 imported food detention notice was served in 2023/24. The notices were served due to food businesses not implementing food safety management systems, some having no wash hand basins and for the illegal import of organic food. Food business operators are given a set time to comply with the notice and officers revisit after this time, to ensure the work has been completed.

The Work Plan for 2024 – 2025.

24. The Food Safety Service priorities for 2024-25 are detailed in Appendix 1. This aligns closely with priorities set within the Food Standards Agency Food Law Code of Practice and the Council's Corporate Plan objective - to protect and improve the health and wellbeing of our communities, through implementation of the Food Service Plan.
25. The work plan again prioritises high priority enforcement work according to risk, which will protect the consumer but also support trade and the export of goods.
26. All due high risk or poor performing businesses will be inspected in the year; approximately 12 A and 65 B category businesses, and 24 businesses with a poor 0, 1 or 2 food hygiene rating. (see appendix 2) These are similar numbers to the previous year.
27. All due category C food businesses (122) will receive an inspection or audit, and officers will systematically work through the 288 D rated premises undertaking an appropriate intervention.
28. A total of 749 E rated food businesses are due inspection in the 2024-25 year. Whilst the priority is to inspect higher risk premises, the team will use alternative strategies to work through the large number of lower risk businesses. These alternative strategies involve a lighter touch enforcement approach which could include questionnaires or intelligence gathering visits rather than a full inspection.
29. Appendix 2 highlights the strategy being employed to effectively and flexibly deliver the food safety controls and what measures are being implemented to review and where possible, increase resources.
30. The programme will be monitored by the Service Manager on a quarterly basis and will be reported to the Strategic Director of Housing and Communities and the Portfolio Holder for the Service.

31. The Food Standard Agency also continues to monitor local authorities' delivery of food controls against expectations set out in the Code of Practice through bi-annual data returns and where required, local authority audits. The FSA will intervene where Local Authorities are not delivering official food controls in line with their statutory duties. They have written to Chief Executives and Finance Officers setting out concerns about resourcing and delivery, reminding them of the statutory role when setting budget allocations. Performance managers are allocated to underperforming local authorities, to develop an improvement plans to address the issues.

Corporate plan priorities

32. **Theme:** Empowering our residents to live healthy, connected and fulfilling lives.
33. **Corporate Plan Objective:** Protect and improve the health and wellbeing of our communities.
34. **Service Objective:** Implementation of the Food Safety Service Plan.

Consultation undertaken

35. This report has been reviewed by the Council's Executive Management Team, and the Portfolio Holder prior to drafting this report for panel.

Financial and resource implications

36. The delivery of the Food Safety Service Plan is currently met within the existing Service budget, however further work is being undertaken to address the recruitment and retention challenges faced by the Council, and which is a situation mirrored across the Country. Failure to meet the FSA's standards could result in fines levied against the Council.

Legal implications

37. The Food Standards Agency monitors local authorities' delivery of the food service and will take appropriate measures to improve those which are underperforming.

Risk Assessment

38. The Food Safety Service is delivered on a risk-based approach, with resource directed towards poorer performing businesses and those with greater food safety risks.
39. Failure to carry out our statutory duties in the food safety work programme, will result in a greater risk to public safety and reduced public confidence in food standards across the district.

Environmental / Climate and nature implications

40. There are no direct climate implications arising from the report. Where appropriate alternative enforcement techniques are used to reduce visits and therefore travel, to lower risk businesses.

Equalities implications

41. The service plan and new delivery model is designed to modernise food standards delivery, using local intelligence, and making the system fit for purpose. The aim is to make it easier for businesses to provide safe and trusted food, targeting resources at areas where there is greatest risk to protect the health of all consumers.

Crime and disorder implications

42. To effectively deliver the Food Safety Service Plan, officers may carry out enforcement of the legal provisions, to ensure that the public are not put at risk and there is compliance with the law. This will range from provision of advice, support and guidance for businesses, through to formal enforcement notices and prosecutions.

Data protection / Information governance / ICT implications

43. There are no known implications arising from the recommendations.

Conclusion

44. The report and appendices explain the strategy that the service will take in delivery of food controls to safeguard the health of residents in the New Forest. This will be achieved by targeting resources to ensure that appropriate action is taken to support and control poor performing and higher risk food businesses, whilst making full use of flexibility provided in the Food Law Code of Practice to address lower risk food businesses.

Appendices

Appendix 1 – Service Plan Priorities
Appendix 2 – Service Workplan

Background Papers:

None