

## Report to Cabinet



Date of Meeting	24 <sup>th</sup> October 2017
Portfolio	Councillor Jacqui Beswick Cabinet Member for Health & Wellbeing
Report Author	Nicola Rogers
Public/Private Document	Public Document

### Food and Feed Service Plan 2017-18

#### Executive Summary

1. This report presents the annual review of Council's Food and Feed Service Plan. It identifies the scope and demands on the Service. It provides details of last year's performance and details the way the Service proposes to continue to meet the Food Standards Agency's mandatory guidance on inspection frequency. The report also proposes to introduce two new discretionary fees and charges in relation to two aspects of food hygiene matters.

#### Recommendation

2. Members are recommended to;
  - 2.1 endorse the Service Plan set out in Appendix 1 as the authorities Food and Feed Service Plan for 2017-18; and
  - 2.2 accept the Food Standards Agency letter dated 5 May 2017 (Appendix 2) acknowledging that the action plan has been fully implemented and thanking staff for the action taken to address the recommendations: and
  - 2.3 endorse the introduction of two new discretionary fees and charges as set out in section 5 of the report, with effect from 1 January 2018 onwards:

#### Reason for Recommendation

3. 3.1 The Food Standards Agency (FSA) was formed in 2000 in response to a number of damaging, high profile food scares. The FSA has set out in a Framework Agreement the levels of service to be provided by local authorities for Food Safety (hygiene), Food Standards (labelling and composition) and Animal Feeding stuffs. Local authorities are required to submit returns of both the qualitative and quantitative aspects of work carried out. The FSA carry out audits of local authorities as part of a "rolling programme", to check compliance with the Framework Agreement.

3.2 It is a requirement of the Framework Agreement that local Food Authorities review their performance on an annual basis. This authority has traditionally chosen to do so by submitting its Food and Feed Plan for consideration by elected members at Cabinet.

3.3 The most recent Food Law Code of Practice (FLCoP) was issued in March 2017 and informs Food Authorities on the execution and enforcement of food legislation. Food Authorities must have regard to this Code when discharging their statutory duties.

3.4 Previously the Code of Practice has acknowledged that Food Authorities would come under varying pressures and many would eventually be unable to meet their inspections programmes. The amended Code advises Authorities to discharge their duties as effectively as possible by using means appropriate to the circumstance. It states the Food Authorities should ensure that enforcement action is reasonable, proportionate, risk-based and consistent with good practice. It guides officers to take account of the full range of enforcement options. The Code acknowledges that interventions are the key to food business operators improving compliance with food legislation. It states that an Interventions Programme is central to a local regulatory and enforcement regime. The Code defines the different types of interventions, the circumstances and frequency in which they should be applied. The intervention ratings determine that more intensive regulation is directed at those businesses that present the greatest risk to public health. This is consistent with a risk based approach allowing professional judgement to apply a proportionate level of regulatory and enforcement activity to each food business.

3.5 In March 2015 the FSA conducted a formal inspection of our food safety function. The final report identified a number of areas in need of improvement which included; ensuring sufficient numbers of officers and resources to deliver the full range of enforcement activities, addressing the backlog of overdue interventions, inspections and interventions, Inspections needing to be carried out at frequencies not less than as specified in the Food Law Code of Practice; ensure all officers are appropriately qualified, authorised and trained, review the Enforcement Policy and ensure identified non-compliance is followed up by appropriate action.

3.6 An action plan was agreed with the FSA to address all the areas identified as in need of improvement. Additional recurrent and one-off public health financial resource was identified which enabled the procurement of additional staff and an external contractor to eradicate the backlog of overdue inspections.

3.7 The FSA lead auditor has made three follow up visits to review progress on the action plan. Performance information has also been supplied regularly to the FSA lead auditor. The FSA letter dated 5 May 2017 to the Chief Executive confirms that the action plan has been fully implemented, the audit is now closed and staff are thanked for the action taken to address the recommendations. (Appendix 2)

3.8 The FSA will continue to monitor performance of all local authorities but additional scrutiny will be placed on Rochdale Council to ensure that the improvements achieved over the last 2 year are sustained.

### Key Points for Consideration

4. 4.1 A copy of the Council's Food and Feed Service Plan for 2017/18 is attached to this report as Appendix 1. The plan is retrospective in the sense that it looks back on performance in 2016/17. It is current in that it sets out the targets for service delivery in 2017/18; and it is forward looking in that it considers the future inspection programme and considers issues which may impact upon the Service in future years. A summary of these issues are set out below;

#### 4.2 Review of 2016/17

4.2.1 Section 4 of the Food and Feed Service Plan in Appendix 1 confirms that increased resources into the Service has resulted in increased performance, increased activity output and increased outcomes. It can be seen that the backlog of food hygiene "due inspections" has been completely eradicated.

4.2.2 A total of 1735 food hygiene interventions were completed which included;

781 inspections

376 verification / surveillance visits

67 sampling visits

48 advisory visits

463 information gathering activities

4.2.3 A total of 1016 enforcement actions were taken which involved;

993 written warnings

8 improvement notices and

15 voluntary closures of food premises

4.2.4 The percentage of broadly compliant premises has increased in the last 12 months by 3% and currently 91% of food premises are compliant with food hygiene standards.

4.2.5 The Service received and dealt with a total of 563 complaints from members of the public;

407 complaints were regarding food purchased and

156 complaints were regarding the hygiene at food premises.

This is significant increase on the number of complaints dealt with last year (up by 64% on 2016-17 figures). The increase in Rochdale Borough is in line with a general national increase in the number of complaints received by local authorities. The FSA has acknowledge this national increase and suggests the reason is due to increased awareness amongst the public about the Food Hygiene Rating Scores for premises and also the FSA online reporting tool which makes it easy for the public to report concerns.

4.2.5 Performance in relation to food standards (labelling and composition) has increased slightly. Available resources have been targeted at premises posing higher risk, however the majority of medium and lower risk premises have inspections outstanding. The plan proposes the use of alternative enforcement strategies to reduce this number.

4.2.5 Work in relation to feed was carried out on Rochdale's behalf by suitably qualified officers from Oldham Council. A total of 24 inspections were carried out and one alternative enforcement strategy at a lower risk premises.

### 4.3 Current Year 2017/18

4.3.1 Section 2 of the Service Plan in Appendix 1 confirms that on 1 April 2017 a total of 1610 food premises and 97 feed premises were identified as in scope for enforcement purposes. Section 3 of Appendix 1 sets out the range of interventions (including inspections, proactive enforcement and business support and advice) which will be conducted in 2017/8, in accordance with the FSA Code of Practice.

4.3.2 The Service is keen to maintain the improved performance in relation to compliance with the FSA Code of Practice particularly in relation to inspection frequencies. The level of resources needed is obviously dependant on the scale of the inspections programme in future years as well as the current year. The Plan details specifically the intervention programme for the current year.

4.3.3 It is projected that the current in-house officer resource will leave a shortfall of approximately 500 food hygiene "due Inspections". The recurrent Public Health funding will allow the continued purchasing of inspections to meet this gap and this contract is currently being retendered. The purchased inspections will allow the Service to maintain compliance with the FSA Code of Practice on inspection frequency.

4.3.4 In relation to food standards; the inspection programme has been identified for the current year. The impact of shifting from the NTSB risk rating to the FSA risk rating for food standards has had a significant impact and there is now a high number of premises now deemed to be unrated / yet to be assessed. It is therefore acknowledged that the resource for the current year will not facilitate inspections at all the premises due for inspection. It is therefore intended to continue to operate on a risk based inspection programme with priority given to the higher risk premises. Alternative enforcement strategies will be carried out at the lower risk premises (C's) due for intervention this year. Inspections of the unrated / yet to be assessed premises will be undertaken on a risk based approach; highest risk first, informed by the historical NTSB risk rating. Inspections will also be carried out at premises subject to complaints.

4.3.5 In relation to Feed, funding provided via Trading Standards North West will facilitate 12 feed inspections to be carried out by Oldham Council on Rochdale's behalf.

## **Alternatives Considered**

4.4 None – the authority is obliged to produce an annual Food and Feed Service Plan.

### **Costs and Budget Summary**

5. 5.1 In addition to the core public protection budget a recurrent budget of £100,000 has been committed by Public Health to improve Food Safety in the Borough. This additional funding allows for additional officer resource within the team and the purchase of high numbers of value for money inspections. This current level of resource is adequate to maintain delivery of interventions and inspections at the required frequency by using a mixture of in-house officers and contracted inspections.

5.2 There are two new developments across the Greater Manchester region which the 10 GM authorities propose to introduce and implement to ensure consistency across the region;

5.2.1 Charges for Food Hygiene rescore revisits - These are when a food business gets a poor food hygiene rating score and they have the right to undertake improvements and then request a rescore visit. GM local authorities currently provide these rescore visits free of charge. The FSA have directed that LAs should make a recharge but this should be on a cost recovery basis only. Rochdale officers have worked with GM colleagues to identify the cost of such a rescore visit. It has been agreed across GM that a standardised fee of £165.00 be applied to businesses requesting a rescore visit.

5.2.2 Charges for bespoke advisory visits – Rochdale currently provides advice and guidance to businesses during inspection visits and these are always followed up with written advice on legislative requirement and good practice advice. There is no intention to change for this. Some businesses however make contact and request bespoke advice, usually in relation to new or expanding business situations, refurbishments, new product lines etc. It is for these circumstances that some GM authorities already charge an hourly rate for bespoke advisory visits. Again discussions across GM local authorities have resulted in a proposed standardised hourly rate of £79.00 for this type of requested bespoke advice.

5.2.3 All GM local authorities are going through their internal governance arrangements to introduce both the above charges. Rochdale will include these new fees in the discretionary fees and charges report for 2018-19. It is anticipated that these charges will yield approx. £4000 income per annum. It is proposed that the new charges be implemented from 1 January 2018.

### **Risk and Policy Implications**

6. 6.1. The work set out in the report is required to allow the authority to best comply with its statutory duties as set out in paragraph 3.1 above. Should the Council fail to provide sufficient resources to undertake and manage the work

there will be a breach of its statutory duty as food authority and will be subject to criticism and further challenge by the FSA.

6.2 It is acknowledged that a large proportion of non-compliant food businesses are run by food business operators from ethnic minority communities. To assist the challenge of improving compliance in non-compliant businesses, two team members speak minority languages as well as English. The Team also uses interpreters as required. The Team has commissioned resources and on-line training packages in minority languages.

6.3 There are no significant workforce equality issues arising from this report.

<b>Consultation</b>
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7. The Food and Feed Service Plan will be presented to the Communities, Regeneration and Environment Overview and Scrutiny Committee. Feedback from the Committee and the final report will be provided to Cabinet for approval.

<b>Background Papers</b>	<b>Place of Inspection</b>
8. Food Law Code of Practice, March 2017	Public Protection Service, Floor 3, Number 1 Riverside

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