
Decision Maker: PUBLIC PROTECTION AND SAFETY PORTFOLIO HOLDER

FOR PRE-DECISION BY THE PUBLIC PROTECTION AND SAFETY POLICY DEVELOPMENT AND SCRUTINY COMMITTEE

Date: Wednesday 27 September 2017

Decision Type: Non-Urgent Executive Non-Key

Title: FOOD SAFETY SERVICE PLAN 2017 TO 2018

Contact Officer: Paul Lehane, Head of Food Safety, Occupational Safety and Licensing
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Chief Officer: Executive Director of Environment & Community Services

Ward: (All Wards);

1. Reason for report

Following the audit of the Food Safety Service by the FSA in April 2017 Members are asked to consider the Food Safety Service Plan for the current year.

2. **RECOMMENDATION(S)**

The Portfolio Holder is asked to

2.1 Approve the service plan for the Food Safety team and

2.2 Note that the targets to reduce the backlog of inspections are dependent on being able to recruit to the additional food safety posts.

Impact on Vulnerable Adults and Children

1. Summary of Impact: Premises providing food for vulnerable adults and children will continue to be inspected according to the risks they present to food safety.
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Corporate Policy

1. Policy Status: Existing Policy: The Food Safety Service publishes an annual service plan
 2. BBB Priority: Children and Young People Excellent Council Quality Environment Safe Bromley Vibrant, Thriving Town Centres Healthy Bromley Regeneration:
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Financial

1. Cost of proposal: Estimated Cost: £436k in 217/18, £561k in 2018/19 & £411k for 2019/20 onwards
 2. Ongoing costs: Recurring Cost: £411k per annum
 3. Budget head/performance centre: Food Safety and Licensing Service
 4. Total current budget for this head: £436k incl £125k for additional food safety officers
 5. Source of funding: Existing Revenue Budget 2017/18
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Personnel

1. Number of staff (current and additional): Current 5.76ftes (including 0.76fte admin)
Funding has been approved for 2 fte permanent and 3fte temporary Food Safety Officers to help comply with the FSA audit requirements.
 2. If from existing staff resources, number of staff hours: Not applicable
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Legal

1. Legal Requirement: Statutory Requirement: The Council is the Food Safety Authority under the Food Safety Act 1990 and has a duty to enforce food safety, food standards and feed requirements. Our performance is monitored by the Food Standards Agency against the Food Law Code of Practice.
 2. Call-in: Applicable:
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Procurement

1. Summary of Procurement Implications: The additional food safety officers may have to be recruited though the Councils preferred employment agency, if they cannot recruited though the usual channels.
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): There are some 2600 registered food businesses in the Borough that come under the remit of the team for inspection. The protection afforded though those businesses being inspected extends to everyone who buys or eats food in the Borough.
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments: Not Applicable

3. COMMENTARY

- 3.1 Members were advised at the meeting of the Public Protection & Safety PDS on 29 June 2017 (Report ES 17041) of the outcome of the Food Standards Agency (FSA) Audit of the Food Safety Service.
- 3.2 Members recommended the Portfolio Holder agree the action plan and that she should seek additional resources for 2 full time permanent and three full time temporary food safety officers for up to 18 months, to implement the action plan.
- 3.3 The Executive agreed the additional resources on 9 August 2017 and an updated action plan was submitted to the FSA.
- 3.4 Having secured the additional resources the Food Safety Service annual service plan was updated to reflect this.
- 3.5 A copy of the annual service plan is attached for Members comments.
- 3.6 The key points to note in the plan are.
 - i. The additional resources required to maintain inspection frequencies and address the backlog and un-rated premises is set out at para 2.4b on pages 4 and 5.
 - ii. The target of 918 planned inspections is set out at 3.1j on page 9.
 - iii. The 735 overdue inspections are referred to at 3.1i on page 9, with a proposal to address this over 18 months
 - iv. The 600 low risk but unrated premises are referred to at 3.1k on page 9, again the proposal is to address this over 18 months.
- 3.7 The second part of the service plan reviews the team performance over the last year 2016/2017. Whilst recognising that the team was under resourced they achieved:
 - i. 638 hygiene inspections. This was 84% of the target of 757, but only 34% of what we should have been inspecting had we been fully resourced.
 - ii. 332 food standards inspections. This was over 100% of the target of 300 set, but only 38% of what we should have been inspecting
 - iii. These inspections resulted in 700 schedules of improvements / letters being sent to food businesses. This was 111 more than last year
 - iv. 225 follow up visits were undertaken. This is 77 more than last year
 - v. We investigated 358 complaints which was an increase of 102 over the previous year.

4. IMPACT ON VULNERABLE ADULTS AND CHILDREN

- 4.1 Premises providing food for vulnerable adults and children will continue to be inspected according to the risks they present to food safety.

5. POLICY IMPLICATIONS

- 5.1 Providing a resilient Food Safety Service in compliance with the FSA audit supports Building a Better Bromley through being an Excellent Council and maintaining minimum standards in food business helps to ensure Bromley is both safe and healthy.

6. FINANCIAL IMPLICATIONS

6.1 The 2017/18 controllable budget for the Food Safety team is £311k. On 9 August 2017 the Executive agreed additional resources to fund 5 extra food safety officers, 3 of which would be temporary posts for 18 months to help clear the backlog of inspections.

6.2 The table below summarises the funding for the Food Safety Service over the next 3 years: -

Food Safety Service Budget	2017/18	2018/19	2019/20
	£'000	£'000	£'000
Original budget	311	311	311
Additional funding for 2 fte permanent food safety officers	50	100	100
Additional funding for 3fte temporary food safety officers	75	150	0
	436	561	411
Staffing (FTEs)	8.30	10.80	7.80

7. PERSONNEL IMPLICATIONS

7.1 We can only achieve the targets set out in the service plan and meet the FSA expectations following their audit if we are able to recruit to the additional posts.

7.2 We have been seeking to appoint contract food safety officers through the Councils preferred agency since early July, but to date not a single suitable applicant has been forthcoming.

7.3 The posts will also be advertised in the usual way through the Councils website and the Chartered Institute of Environmental Health shortly.

8. LEGAL IMPLICATIONS

8.1 The Council is the Food Authority under the Food Safety Act 1990. Our performance is monitored by the FSA who have undertaken an audit and published its findings. They will continue to monitor our performance closely until we have reduced our backlog of inspections and have established a resilience service.

8.2 The powers of the FSA are derived from Section 40 Food Safety Act 1990. The Secretary of State may issue code of practice as regards the execution and enforcement of the Act and Regulations. This is the 'Food Law Code of Practice (England). Where a Food Authority fail to comply with the Code of Practice the FSA can issue a direction to them requiring them to take specified steps to comply. The recent audit by the FSA is not a formal Direction under Section 40 of the Food Safety Act 1990 but is an informal intervention designed to assist the Council comply with its duties.

8.3 The Council as the Food Authority shall have regard to the Code of Practice and shall comply with any direction given by the FSA (Food Safety Act 1990 Section 40(2).

8.4 Under Section 42 Food Safety Act 1990 the Secretary of State may order another food authority or the Food Standards Agency to discharge our duties.

Non-Applicable Sections:	PROCUREMENT IMPLICATIONS
Background Documents: (Access via Contact Officer)	Reports to PP&S PDS ref ES 17041 29 June 2017 and ES 16008 20 January 2016