

Decision Maker: PUBLIC PROTECTION AND ENFORCEMENT PORTFOLIO HOLDER

For pre-decision scrutiny by the Public Protection and Enforcement PDS Committee on:

Date: Tuesday 4 December 2018

Decision Type: Non-Urgent Non-Executive Key

Title: FOOD SAFETY SERVICE PLAN 2018 -- 2019

Contact Officer: Joanne Stowell, Assistant Director: Public Protection
Tel: 020 8313 4332 E-mail: Joanne.Stowell@bromley.gov.uk

Chief Officer: Executive Director of Environment & Community Services

Ward: (All Wards);

1. Reason for report

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. The Food Standards Agency (FSA) requires the Council to publish an annual Food Safety Service Plan and that such plans have senior management or member approval.

This report sets out the Council's annual plan for effective enforcement of food safety legislation. The objective of the plan is to satisfy the FSA that the intended enforcement and inspection regime, ensures that food, in the Borough, is produced and sold under hygienic conditions, is without risk to health and is of the quality expected by consumers.

The plan has been developed to reflect progress made against the Action Plan submitted to the FSA September 2017 and to show the total resource available to the Council to deliver the service demands and review the outcomes of the service in the previous year.

2. **RECOMMENDATION(S)**

The Portfolio Holder is asked to:

2.1 Approve the Service Plan for the Food Safety Team.

- 2.2 Note the progress made against the resubmitted Action Plan - September 2017, agreed with the Food Standards Agency.
- 2.3 Note that the targets to reduce the backlog of inspections remain 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.
-

Corporate Policy

1. Policy Status: Existing Policy:
 2. BBB Priority: Children and Young People Excellent Council Quality Environment Safe Bromley Vibrant, Thriving Town Centres Healthy Bromley Regeneration:
-

Financial

1. Cost of proposal: N/A
 2. Ongoing costs: N/A
 3. Budget head/performance centre: Food Safety
 4. Total current budget for this head: £390k plus £52k that will be carried forward to 21019/20
 5. Source of funding: Existing revenue budget 2018/19
-

Personnel

1. Number of staff (current and additional): 7.3FTE permanent and 3FTE Temporary
 2. If from existing staff resources, number of staff hours:
-

Legal

1. Legal Requirement: Statutory Requirement: Legal Requirement: Statutory Requirement:
 2. Call-in: Applicable:
-

Procurement

1. Summary of Procurement Implications: The additional temporary food safety officers ordinarily need to be recruited through the Council's preferred employment agency, however, if they cannot provide the appropriately qualified officers, approval to use additional agencies has been agreed.
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): 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.
-

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 Following the outcome of the Food Standards Agency (FSA) Audit of the Food Safety Service in April 2017, an action plan was agreed by the Portfolio Holder (29 June 17 Report ES 17041). Following this, the Executive (9 August 2017) agreed to the additional resources sought as part of that report, and funding was given for 2 extra full time permanent and three full time temporary food safety officers for up to 18 months, to implement the action plan and clear the backlog of inspections.
- 3.2 An updated action plan was submitted to the FSA and the Food Safety Service annual service plan was updated to reflect this (Report 27 September 2017 ES17071).
- 3.3 Despite the additional funding, recruitment issues still remained. Initially the recruitment of agency staff was restricted to Adecco; however, they were unable to provide the necessary qualified officers. In response, permission to approach alternative recruitment agencies to provide the necessary qualified officers was sought (and granted). Despite widening the available recruitment pool, the national shortage of qualified food safety Officers, together with recruited temporary officers leaving the team and an officer taking extended maternity leave has impacted on the ability to fill the vacant posts. As such, the food team only has 1.6 FTE of the 3 temporary food safety officers required in post, and in addition a permanent post will become vacant by the end of November 18.
- 3.4 On the 19 July 18 the FSA requested an update on progress made against the action plan, and their initial response was that they felt that the Authority was still carrying a significant food safety risk due to lack of progress made on the inspection of unrated premises, and overdue inspections for Category C and D premises. As a result of this, a further meeting was scheduled with the FSA for 11 September 18, and the finalisation of the Food Safety Plan for 2018 -19 was delayed pending the outcome of that visit.
- 3.5 Following the meeting on 11 September 18, the FSA noted the efforts that had been made and acknowledged the impact that the recruitment issues had on the progress to date. They further advised the Team to focus on completing the A -D inspections that were due and the overdue C-D inspections; in agreeing this strategy, they accepted that the focus would be shifted away from inspecting unrated premises.
- 3.6 As a result of the refocus in September 18, and by employing a pay per inspection regime, significant progress has been made against the action plan, and the FSA in their follow up meeting of 26th October 18 confirmed that current performance projections indicate that they expect that the audit will be signed off in 6 months.
- 3.7 The 2018-19 Food Safety Plan has been updated to demonstrate the progress made against the Action Plan, and reflects the refocus from rating the unrated premises, to that of completing the due A -D inspections and overdue C-D inspections.
- 3.8 A copy of the annual service plan is attached for Members comments; section 8 shows Progress against the KPI's in the FSA Action Plan since April 2018, section 9 shows the Key Performance Areas for 2018-19, and Appendix B provides a performance review for 2017-18.

4. IMPACT ON VULNERABLE ADULTS AND CHILDREN

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

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 In 2018/19 the Council has a dedicated budget of £390k to run the food safety service. This includes a sum of £6.3k set aside for food sampling and analysis. There are also additional resources of £150k for three temporary staff appointed to clear the backlog of food inspections. This excludes any budget that needs to be carried forward to 2019/20.
- 6.2 The overall cost of the food service for 2017/18 was £296k, of which £23k was for additional temporary staff.

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 and retain the additional posts.

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 resilient service. Once compliant, the FSA have made it clear they will continue to monitor our performance via a balance score card approach and will intervene if our performance deteriorates.
- 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 fails 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.

9. PROCUREMENT IMPLICATIONS

- 9.1 The additional temporary food safety officers ordinarily need to be recruited through the Councils preferred employment agency, however, if they cannot provide the appropriately qualified officers, approval to use additional agencies has been agreed.

Non-Applicable Sections:	
Background Documents: (Access via Contact Officer)	Reports to: ES16008 20 January 2016, PP&S PDS ref ES 17041 29 June 2017 and PP&S PDS ref ES 17071 27 September 17

