

Decision Maker: PUBLIC PROTECTION & ENFORCEMENT PORTFOLIO HOLDER

Date: For Pre-Decision Scrutiny by the Public Protection and Enforcement PDS Committee on Tuesday, 12 September 2023

Decision Type: Non-Urgent Non-Executive Non-Key

Title: FOOD SAFETY PLAN 2023-24

Contact Officer: Nigel Riley – Food Safety Team Manager
E-mail: nigel.riley@bromley.gov.uk and
Louise Watkinson – Assistant Director of Public Protection
E-mail: louise.watkinson@bromley.gov.uk

Chief Officer: Colin Brand – Director of Environment & Public Protection
Email: colin.brand@bromley.gov.uk

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 food 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.

- 1.1 This report sets out the Council's annual plan for 2023/24, for the 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.

2. **RECOMMENDATION(S)**

The Portfolio Holder is asked to approve the Food Safety Service Plan 2023/24.

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.
-

Transformation Policy

1. Policy Status: Existing Policy
 2. Making Bromley Even Better Priorities
 - (1) For children and young people to grow up, thrive and have the best life chances in families who flourish and are happy to call Bromley home.
 - (3) For people to make their homes in Bromley and for business, enterprise and the third sector to prosper.
 - (4) For residents to live responsibly and prosper in a safe, clean and green environment great for today and a sustainable future.
 - (5) To manage our resources well, providing value for money, and efficient and effective services for Bromley's residents.
-

Financial

1. Cost of proposal: Not applicable
 2. Ongoing costs: Not Applicable
 3. Budget head/performance centre: Food Safety Team
 4. Total current budget for this head: £162k
 5. Source of funding: existing service revenue budget 2023/24
-

Personnel

1. Number of staff (current and additional): 8 FTE permanent posts. The current staffing level is 5.97 FTE officers including the team manager, 0.46 FTE allowed for BR6 administrative support and 1.57 FTE vacant posts.
 2. If from existing staff resources, number of staff hours: 8.46 x 36 hours per week x 48 weeks per year
-

Legal

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

Procurement

1. Summary of Procurement Implications: Not applicable
-

Property

1. Summary of Property Implications: NA
-

Carbon Reduction and Social Value

1. Summary of Carbon Reduction/Sustainability Implications: Food businesses can minimise their impact on the planet by addressing issues like their carbon footprint, shortening their supply chain, reducing food wastage, packaging and energy consumption and recycling.

Impact on the Local Economy

1. Summary of Local Economy Implications: Much of the revenue that local stores and restaurants capture remain in the community. Food businesses help build community identity and create job opportunities for local people who are likely to spend their income locally.
-

Impact on Health and Wellbeing

1. Summary of Health and Wellbeing Implications: A prosperous, flourishing society depends on having a healthy population. All businesses depend on healthy people including employees, customers and suppliers for their long-term success. Good quality food businesses help consumers make better decisions with regard to their eating habits.
-

Customer Impact

1. Estimated number of users or customers: Estimated number of users/beneficiaries (current and projected): There are 2,711 registered food businesses in the Borough that come under the remit of the team for inspection. The protection afforded through 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 The Council is required to produce and approve an annual work plan (Food Safety Plan) that is in line with the Food Standards Agency Framework Agreement and the Statement of Commitment agreed nationally between Local Authority Representatives and the Health and Safety Executive. The plan covers all work undertaken within the Environment and Public Protection work area relating to Food and Health and Safety.
- 3.2 This Food Safety Service Plan 2023-2024 (Appendix 1) covers the key areas of Food Safety and the relevant management arrangements and objectives against which the Council will monitor service delivery and has been compiled in accordance the Food Standards Agency's (FSA) 'Framework Agreement on Official Feed and Food Controls by Local Authorities' [Local authorities | Food Standards Agency](#)
- 3.3 The FSA audits Local Authority food and feed enforcement activities and publishes reports of their findings. Local Authorities are audited against the Feed and Food Law Standard in the Framework Agreement, which is a document that sets out the minimum standards of performance required from Local Authorities, across the full range of their feed and food law enforcement activities.
- 3.4 The work of the Food Safety Team is of vital importance ensuring residents and visitors have access to safe and wholesome food from businesses in the borough. Our journey out of the pandemic is an ongoing process. We have previously targeted our resource at products and premises of the highest risk categories, supporting new businesses to ensure a high level of compliance at the outset, and taking action against those premises who persistently fail to maintain satisfactory levels of food hygiene.
- 3.5 The FSA Recovery Plan (established following the pandemic) ended on the 31st of March 2023 (details of this plan can be found in PPE PDS report ES2026.) The expectation of the FSA is that local authorities carry out all inspections in accordance with the Food Law Code of Practice (FLCoP) from the 1st of April 2023. Local authorities are now expected to work to realign services with the FLCoP and to catch up on any backlog of non-compliant high-risk and lower risk food businesses created by the pandemic. The FSA has indicated that it will work with local authority food safety teams to ensure a return to the delivery of pre-pandemic levels of service, indicating they will take a risk-based and pragmatic approach to performance management as local authorities work to realign with the FLCoP.
- 3.6 The requirements of the FSA remain despite the acknowledged national shortage of environmental health and trading standards professionals which has resulted in a crisis in recruitment and retention across the UK and impacted particularly in London and the Southeast.
- 3.7 The FSA continues to monitor the council's progress through regular bi-monthly meetings with the Food Safety Team Manager, who also temperature checks LB Bromley's performance statistics quarterly, and provides year-end data returns. Feedback from the FSA has been positive to date, in December 2022 they agreed that we were doing excellent work to prioritise the interventions due, based on risk.
- 3.8 In the last business year (2022/23) the Food Safety team completed excellent desk-based work to triage a large cohort of childminders, identifying those which were high or low risk and permitting a reduction in the number of on-site inspections required. The team also made use of grant funding, from the FSA, to undertake data cleansing, which again reduced the number of outstanding inspections due in this business year (2023/24). The team are also preparing an Alternative Enforcement Strategy. This will involve a group of low-risk businesses being offered

the chance to complete a self-assessment questionnaire, which will then be evaluated negating the need for a physical on-site inspection, other than for those needed for quality checks.

- 3.9 The team is currently holding 1.57 FTE in vacancies, due to the issues associated with the national shortage of qualified officers. To address this a pilot contract, to complete 638 inspections, is currently being explored. Also, a further 200 inspections will be completed by an agency officer who has worked for the authority previously. In both cases, strict parameters are set out to ensure that if inspectors identify a non-compliant business with poor hygiene standards, they will notify the Food Safety Manager. The inspection of any non-compliant businesses will be passed to in-house officers to progress. This referral will allow the contractors to work unimpeded toward the borough's inspection targets.

DELIVERY AGAINST THE 2022/23 FOOD PLAN

- 3.10 Detailed below is the summary of progress made against the 2022/2023 plan:

- The food service met the milestones associated with the FSA Recovery Plan.
- 1,139 inspections were completed, representing 81% of the annual target of 1,400.
- 377 complaints were received, and 94% of these were actioned within the service target of 5 working days.
- During 2022-23 the team carried out 6 voluntary closures of food businesses where hygiene conditions were found to be poor, including food premises with infestations of pests. These actions are heavy on staff time which impacts the rate of delivery of food hygiene inspections.
- Following a breach of the regulations that govern Approved Businesses (that handle Products of Animal Origin), the Approval to operate a local fish processing and packing business was withdrawn in March 2023. Thus, prohibiting the business from trading until hygiene conditions were improved. Approved food businesses do not have a retail element, they supply other businesses in the food industry, so the regulations covering Approved businesses require very strict hygiene controls to be in place. As a result of this action a large quantity of food was tested, condemned, and destroyed. The business is still under investigation as allegations that the business is still trading are being investigated.
- 13 Hygiene Improvement Notices were served on businesses where conditions were found to be sub-standard, where there was a lack of water or appropriate cleansing facilities, documented food safety systems were not in place etc.
- 1151 written warnings were served on businesses following inspection, requiring food hygiene standards, cleaning, structural defects, and documentation to be improved.
- Although we saw a return to a pre-pandemic inspection programme, the backlog of programmed food hygiene interventions remains significant, and includes newly registered food businesses from that period. These remain at a high level due to increased business churn and this has continued to negatively impact on the meeting of service targets.

SERVICE DEMAND (section 8 of the Plan)

- 3.11 Last year 3,029 food businesses were registered with LB Bromley, as of 1st April 2023 2,711 business are currently registered. This reduction is, in part, due to the triage exercise of the childminders and other new businesses awaiting an inspection, to determine if they were still

trading. The number childminders reduced from 433 to 334 and the number of new businesses requiring an initial inspection also reduced from 820 to 529.

OUTSTANDING INSPECTIONS THIS YEAR (Section 10 of the Plan)

- 3.12 As of 1st April 2023, 1,897 businesses were due a food safety inspection. This compares to 2,450 the previous year.
- 3.13 Although the FSA has brought the Recovery Plan to an end, they continue to work with us as we work towards the delivery of pre-pandemic levels of service. We shall continue to take a risk-based approach to service delivery whilst also inspecting the overdue low risk premises.
- 3.14 Section 11 of the Plan outlines how we will use our staff and other resources to that end this 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 risk they present to food safety.

5. TRANSFORMATION/POLICY IMPLICATIONS

- 5.1 Providing a resilient Food Safety Service, in compliance with the FSA audit supports Making Bromley Even Better through the following priorities a) Healthy and safe lives: b) A home for business: c) A safe & protected community: As maintaining minimum standards in food business helps to ensure Bromley residents remain safe and healthy and our businesses operate in a fair and equal trading environment.

6. FINANCIAL IMPLICATIONS

- 6.1 The total controllable revenue budget available to deliver the Food Safety Plan in 2022-2023 is £132k. The budget is in the Food Safety and Food Standards Cost Centre, R58080.

7. PERSONNEL IMPLICATIONS

NONE

8. LEGAL IMPLICATIONS

- 8.1 The FSA has the function of developing policies relating to matters connected with food safety (Section 6(1)(a) Food Standards Act 1999)). The Council as the Food Authority (Section 5 Food Safety Act 1990) shall comply with any direction given by the FSA (Section 40(2) Food Safety Act 1990).
- 8.2 The Food Law Code of Practice (England) (the Code) is issued under Section 40(1) of The Food Safety Act 1990. 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.
- 8.3 The Food Standards Agency Framework Agreement on Local Authority Food Law Enforcement requires the production and publication of a service plan to ensure the highest achievable levels of food control are maintained throughout the Borough. Every local authority is required to

develop an annual food enforcement service plan, which is the basis on which the local authorities are monitored and audited by the FSA.

8.4 The Portfolio Holder for Public Protection and Enforcement may approve the Food Safety Service Plan 2023/24 as the role of Policy Development and Scrutiny relating to public protection and enforcement includes receiving reports, making recommendations and performance monitoring of services relating to environmental health and trading standards.

9. PROCUREMENT IMPLICATIONS

9.1 Not applicable

Non-Applicable Headings:	7 PERSONNEL IMPLICATIONS; 9 PROCUREMENT 10 PROPERTY IMPLICATIONS; 15 WARD COUNCILLORS
Background Documents: (Access via Contact Officer)	PDS report ES 2026 15th November 2022