



Cabinet Meeting

23 April 2014

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| Report title | Statutory Food Service Plan 2014-15 | |
| Decision designation | AMBER | |
| Cabinet member with lead responsibility | Councillor John Reynolds City Services | |
| Key decision | Yes | |
| In forward plan | Yes | |
| Wards affected | All | |
| Accountable director | Tim Johnson, Education and Enterprise | |
| Originating service | Regulatory Services | |
| Accountable employee(s) | Loraine Edwards | Section Leader Environmental Health (Commercial) |
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| Report to be/has been considered by | None | |

Recommendation(s) for action or decision:

The Cabinet is recommended to:

1. Approve the draft 2014/15 Statutory Food Service Plan as summarised in Appendix A.
2. Authorise the Cabinet Member for City Services, in consultation with the Assistant Director for Regeneration, to approve the final version of the Statutory Food Service Plan for 2014/15.
3. Agree to receive a further report if the outcome of the current restructure of the Environmental Health (Commercial) service is such that it adversely impacts upon the ability to deliver the statutory requirements of the plan.

Recommendations for noting

The Cabinet is asked to note:

1. The requirement to prepare a Food Service Plan.
2. The potential impact of the resource reductions arising from the ongoing restructuring of the service.

1.0 Purpose

- 1.1 To inform Cabinet of the legal requirement to produce a Statutory Food Service Plan.
- 1.2 To inform Cabinet of the implications of the proposed resource reduction associated with the ongoing restructuring of the service and the consequent ability of the service to deliver statutory requirements required by the Food Standards Agency on behalf of central government.
- 1.3 To present, for Cabinet's consideration and approval, the draft Statutory Food Service Plan for 2014 - 2015.
- 1.4 To obtain authority for the Cabinet Member for City Services, in consultation with the Assistant Director for Regeneration, to approve the final version of the plan taking into account any comments or observations from Councillors and any other issues arising from the finalisation of the budget and associated employee resources provided to deliver the service.

2.0 Background

- 2.1 Service delivery plans are recognised by central government as important expressions of a local authority's commitment to the development of their various services. They serve as a quality framework against which a service may be audited and provide a focus on resourcing and delivering aims and objectives. They also establish mechanisms for managing performance.
- 2.2 In January 2001 the Food Standards Agency produced the Framework Agreement on Local Authority Food Law Enforcement. It included the requirement to prepare a Statutory Food Service Plan and prescribed in detail which areas of the service should be covered by the plan. It provides the basis on which the provision of the statutorily required inspection of food businesses can be managed and delivered.
- 2.3 The Statutory Food Service Plan describes how the Council's Food Safety Service meets the requirements imposed by the Food Standards Agency (FSA). It provides a framework upon which a scrutinising body, such as the FSA can conduct an official audit. It also sets out, within an overall commitment to quality and continual improvement, the general aims and objectives of the service, the scope and levels of the service and the means by which it is delivered. To this end, it also contains a breakdown of the financial and staffing resources available to deliver the service.
- 2.4 The main elements of the plan are summarised in appendix A. A full copy of the draft Statutory Food Service Plan 2014/15 is available from the Assistant Director, Regeneration. Copies will also be placed in the Members' rooms for reference. A copy will be placed on the intranet when final approval is obtained.
- 2.5 The plan describes how the service is discharged and details the numbers, types and priority ratings of premises, the frequencies of planned interventions, sampling

programmes, health promotion activities, reactive work, including responding to food complaints, food hazard warnings and investigating cases of infectious disease.

3.0 Financial implications

- 3.1 The overall resource provision required to deliver the requirements of the plan fall within the City Services portfolio. For this reason the Cabinet Member for City Services is a signatory of the approved plan.
- 3.2 The approved budget for the Environmental Health (Commercial) Service, which includes the provision of the Food Safety Service, for 2014/2015, has still to be finalised but is likely to be in the region of £1.2 million. It should be recognised a wide range of other non-food related services are delivered within this budgetary provision (for example, health and safety, investigation and control of infectious disease, licensing regulation, street scene enforcement etc.). The level of resource available for the provision of food safety and food standards activities covered by the Statutory Plan is currently in the region of £600,000 (though as previously stated this is subject to ongoing review)
- 3.3 Cabinet should also note as a consequence of the resource reductions proposed for the service in the ongoing restructure the inspection and intervention regime prescribed by the Food Standards Agency may not be deliverable. In an attempt to mitigate the implications of this the remaining resource will need to be focussed upon the higher risk premises detailed in the programme.
[ES/08042014/D]

4.0 Legal implications

- 4.1 Powers to enable the Food Standards Agency to monitor and audit local authorities' enforcement action are contained in the Food Standards Act 1999. This was the statutory basis for the development of the Framework Agreement that was initially established in 2001 and which has been subsequently amended. The requirement for local authorities to develop and maintain annual Statutory Food Service Plans is considered to be an important part of the process to ensure national priorities and standards are addressed and delivered locally.
- 4.2 The plan establishes the work programme for the food service which details those food businesses to be subject to inspection during the year and the individual timeframes during which these inspections should be completed. Having regard to the extent of the proposed resource reduction associated with the ongoing restructure of the service Cabinet should be aware the statutory programme of food hygiene and food standards inspections may not be completed. This may give rise to intervention by the Food Standards Agency.
- 4.3 Additionally, the authority's ability to respond to emerging food safety threats will also reduce; although in the event of such an urgent matter, resources would inevitably be redirected from other areas of the service so as to avoid legal and reputational damage to the authority as well as seeking to mitigate risks to public safety and well-being. .
[KR/04042014/Y]

5.0 Equalities implications

- 5.1 Implementation of the Statutory Food Service Plan has direct equality implications as it sets out how a range of statutory enforcement duties are to be delivered across the City affecting both individuals and all sections of the community.
- 5.2 Certain sectors of the food trade are predominantly owned by particular ethnic groups. In order to ensure a consistent and proportionate approach, all decisions are based solely on consideration of risk, public safety, evidence and public interest. All enforcement policies reflect this approach.

6.0 Environmental implications

- 6.1 The report may have some indirect environmental implications in so far as it affects the working and commercial environment in Wolverhampton.

7. Human resources implications

- 7.1 None.

8. Corporate landlord implications

- 8.1 None

9. Schedule of background papers

- 9.1 None

Summary – Statutory Food Service Plan

The Service aims and objectives

Through the effective and efficient use of the resources allocated, to ensure, so far as is reasonably practicable, the safety and quality of food prepared and sold in Wolverhampton are of the highest standard.

In achieving the Aims we will:

- Register, approve and licence, as appropriate, relevant food premises;
- Maintain appropriate food premises intervention regimes which comply with all requirements set out in legislation, statutory codes of practice and other official guidance;
- Respond to and investigate food safety and standards complaints, requests for information made by both business persons and private individuals and complaints of a public health nature, relating to food premises;
- Make appropriate responses to national food alerts identified by the FSA
- Support the Local Government Regulation (LGR) Primary and Home Authority Principle;
- Support the workings of the West Midlands Food Liaison Group, and the Central England Trading Standards Authorities Group - Quality Standards Sub-Group;
- Complement and enhance the inspection, control and enforcement regime with a range of other services designed to promote food related health issues.
- Maintain appropriate food sampling regimes which comply with relevant statutory provisions, codes of practice and official guidance;
- Investigate reported cases and outbreaks of infectious disease and support the work of the HPA in this respect.
- Pursue an approach to enforcement which is helpful, consistent and proportionate and not likely to impose unnecessary burdens on the business owner.
- Ensure all actions and decisions taken by officers and Members are undertaken in an open and transparent fashion with due regard to the Council's policies on equality.
- Ensure that all investigations leading to legal proceedings are completed in accordance with the principles of natural justice and fairness.
- Ensure appropriate monitoring, reporting and response to the actual implementation and delivery of the agreed Service Plan.
- Update of the Outbreak Plan when deemed necessary.

The above is undertaken by appropriately qualified and experienced officers within the Environmental Health (Commercial) section of Education and Enterprise. (See structure chart within the statutory plan). The overall budgetary provision for the service is anticipated to be in the region of £1.226 M for 2014/15. The services resourced through this budgetary provision include:-

- Food hygiene
- Food standards
- Infectious disease investigation and control
- Compositional and microbiological sampling
- Health and safety including accident investigations, stadia certification, etc.
- Public health (relating to commercial businesses, i.e. nuisance, noise, drainage, etc.)
- Licensing enforcement (vehicles and premises)
- Street scene regulation

Staff undertaking food safety work will implement the general principles contained in the BIS / BRDO 'Better Business for All' initiative, including :-

- Identify themselves by name and title, showing proof of ID.
- Be helpful and courteous.
- Provide a contact point and telephone number for future reference.
- Carry out their duties in a fair, equitable and consistent manner in accordance with the Council's Enforcement and Equal Opportunities Policies.
- Provide information and advice in plain language relating to food legislation which they enforce; should an officer identify a language/communication problem, they will bring it to the attention of their line manager for advice.
- Discuss specific compliance failures or problems with any proprietor experiencing difficulties.
- Minimise the cost of compliance by ensuring any action required is proportionate to the risk.
- Encourage businesses to seek advice/information.
- Provide information about the Council's complaints procedures and any official appeals procedures as appropriate.
- Issue a report where contraventions of food legislation are identified.
- Advise on future changes in relevant legislation and requirement/obligations on food business.

The mechanism of review and performance monitoring

All areas of Council Service are subject to service planning and performance measurement and review. This is managed through work programmes, service plans, corporate strategies and financial planning etc.

Performance against performance indicators are subject to monthly reviews reported to the Assistant Director for Regeneration. Similarly there is on-going monitoring of the deployment of financial resources against budgetary provision, again reviewed on a monthly basis.

The monitoring of performance against Service Plans and Work Programmes is detailed in the plan and involves Directors, Assistant Directors, Service Managers and employee groups. In addition, there is external review of performance through the statutory return to the Food Standards Agency.