

Cabinet (Resources) Panel

7 June 2016

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| Report title | STATUTORY FOOD SERVICE PLAN 2016/17 | |
| Decision designation | AMBER | |
| Cabinet member with lead responsibility | Councillor Steve Evans Cabinet Member for City Environment | |
| Key decision | Yes | |
| In forward plan | Yes | |
| Wards affected | All | |
| Accountable director | Ross Cook Service Director for City Environment | |
| Originating service | Public Protection | |
| Accountable employee(s) | Andy Jervis | Head of Public Protection |
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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 2016/17 Statutory Food Service Plan attached as summarised in Appendix A
2. Authorise the Service Director for City Environment, in consultation with the Cabinet Member for City Environment, to approve the final version of the Statutory Food Service Plan for 2016/17

Recommendation(s) for noting:

1. Note the requirement to prepare a Food Service Plan

2. Note the impact on the ability to deliver the statutory requirements of the plan of the resource reductions arising from the restructure of the service in 2014 and the measures in place to mitigate the impact of further vacancies.
3. Note the positive impact on food safety standards of the development of the food hygiene service following a systems thinking intervention, as set out in section 4.

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 reduced resources following the restructure 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 2016 - 2017.
- 1.4 To obtain authority for the Service Director for City Environment, in consultation with the Cabinet Member for City Environment, to approve the final version of the plan

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. This is the sixteenth City of Wolverhampton Council Statutory Food Service Plan.
- 2.3 The Statutory Food Service Plan provides a framework upon which a scrutinising body, such as the Food Standards Agency (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 2016/17 can be found in Appendix B. A copy will be placed on the intranet when final approval is confirmed.
- 2.5 The plan describes how the service is discharged and details the numbers, types and priority ratings of the City's food 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 Restructure of Regulatory Services

- 3.1 In 2014 a significant restructure of Regulatory Services was undertaken. The restructure resulted in the Service losing one third of its staffing resource. In addition, as part of this process a significant number of experienced staff left the authority resulting in further vacancies that have now been filled.
- 3.2 As a consequence of the resource reductions following the restructure and subsequent vacancies, the inspection and intervention regime prescribed by the Food Standards Agency has not been 100% delivered. In an attempt to mitigate the implications of this, resources have been focussed upon the higher risk premises detailed in the programme.
- 3.3 To further address the inability to deliver all priority work within Public Protection (Commercial) vacant portions of posts have been combined to make one Senior Officer and a vacant District Officer post has been transferred across from Public Protection (Residential). The recruitment process for these posts will begin soon. In addition, we have on going Service Director Approval for the payment of overtime to existing staff to help address the backlogs which have built up.
- 3.4 This year the Service aims to undertake; 100% of all food hygiene inspections of high/medium risk premises (A's, B's and C's) within the city at a frequency which is in accordance with the inspection rating system set out within the Statutory Code of Practice made under the Food Safety Act 1990 and Food Safety and Hygiene (England) Regulations 2013.
- 3.5 The lower risk businesses may not all be visited at the required frequency and many will only be visited in response to a complaint or request for advice and / or support. In these cases, the nature of the complaint or enquiry as well as the type of food handled will be taken into account in prioritising the visit. Where low risk premises are not subject to a visit the Service will endeavour to engage them through an 'Alternative Enforcement Program'.

4.0 Development of the Food hygiene Service.

- 4.1 All food safety interventions are based on the approach developed through the Systems Thinking intervention, of 2011/12. This approach enables officers to work closely with businesses via tailored interactions to assist businesses to provide safe food to their customers. Further details of the development of the food hygiene service can be found in the Cabinet report of the 5 December 2012.
- 4.2 To date, the benefits of this new approach have been:
 - Increased understanding of food safety issues amongst food handlers and food business operators to assist them in providing safe food;

- Increased willingness and confidence in food businesses to request advice and help to comply with appropriate legislation from visiting officers;
- Increased time spent with businesses on site, by officers, advising on good practice and its implementation thus assisting in compliance with legislation;
- Providing assistance to businesses to the point where the officer is satisfied that the business has been helped to provide safe food and any risk associated with the business is suitably managed

4.3 The outcomes of the new approach are positive and illustrate the approach is effective in terms of improving food safety standards at the City's food establishments. The key outcomes are:-

- The number of 4 and 5 star rated food businesses has increased from around 25 in 2011 to 1300.
- The number of high risk food businesses in the city has fallen from 40 to 15
- The number of "Broadly Compliant" food businesses has increased from 85% to 90%
- The number of prosecutions initiated against non-compliant businesses has fallen from around 25 per annum to zero for the last year.

5.0 Financial implications

5.1 The overall resource provision required to deliver the requirements of the plan fall within the City Environment portfolio. For this reason the Cabinet Member for City Environment is a signatory of the approved plan.

5.2 The approved budget for Public Protection, which includes the provision of the Food Safety Service, for 2016/17 is £2.3 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, environmental protection, trading standards, licensing regulation, street scene and highways 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 £300,000.

[Finance Code TK/07062016]

6.0 Legal implications

6.1 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.

[Legal Code RB/07062016/C:]

7.0 Equalities implications

7.1 Implementation of the Statutory Food Service Plan will have no adverse equality implications as the same levels of advice and support are provided to all food business proprietors from all sections of the community.

7.2 Certain sectors of the food trade are predominantly owned by one or other ethnic groups. In order to ensure a consistent and proportionate approach, all decisions are based solely on considerations of risk, public safety, evidence and public interest. All enforcement policies reflect this approach.

8.0 Environmental implications

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

9.0 Human resources implications

9.1 There are no direct human resource implications arising from this report.

10.0 Corporate landlord implications

10.1 A number of food businesses operate from Council assets / properties. In some of these cases the Council will have duty holder responsibilities in ensuring the structure and facilities provided are compliant with food safety legislation. In these cases, the service concerned is advised of its responsibilities by the visiting officer.

11.0 Schedule of background papers

11.1 Cabinet Report: December 2012: Development of the Food Hygiene Service

Appendix A

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 Food 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 Councillors 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 Commercial section of Regulatory Services. (See structure chart within the statutory plan). The overall budgetary provision for the Commercial part of the service is anticipated to be in the region of £1,100,000 for 2016/17. 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
- Trading Standards

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 management and review. This is managed through service plans, corporate strategies and financial planning arrangements etc.

Performance against performance indicators are subject to monthly reviews reported to the Service Director for City Environment. 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 is detailed in the plan and involves the Head of Service, Service Leads and employee groups. In addition, there is external review of performance through the statutory return to the Food Standards Agency.