

## Cabinet (Resources) Panel

19 June 2018

<b>Report title</b>	Food Service Plan	
<b>Decision designation</b>	AMBER	
<b>Cabinet member with lead responsibility</b>	Councillor Steve Evans City Environment	
<b>Corporate Plan priority</b>	Place - Stronger Economy	
<b>Key decision</b>	Yes	
<b>In forward plan</b>	Yes	
<b>Wards affected</b>	All	
<b>Accountable Director</b>	Ross Cook, Service Director for City Environment	
<b>Originating service</b>	Business Services	
<b>Accountable employee</b>	Emma Caddick	Service Lead
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<b>Report to be/has been considered by</b>	Place Directorate Leadership Team	9 May 2018
	Strategic Executive Board	22 May 2018

### Recommendations for decision:

The Cabinet (Resources) Panel is recommended to:

1. Approve the draft 2018 Food Service Plan as summarised in Appendix 1.
2. Delegate authority to the Cabinet Member for City Environment in consultation with the Head of Business Services to approve the final version of the Food Service Plan.
3. Approve the introduction of a charge for both Food Hygiene Rating Revisits and Food Hygiene Consultancy Work, at an hourly rate of £70 for a Senior Environmental Health Officer, to take effect from 1 July 2018 (or as soon as possible thereafter).

### Recommendations for noting:

The Cabinet (Resources) Panel is asked to note:

1. The requirement to prepare a Food Service Plan.
2. The requirements set out in the action plan following the audit by the Food Standards Agency in September 2017.

## **1.0 Purpose**

- 1.1 To inform Cabinet (Resources) Panel of the legal requirement to produce a Food Service Plan.
- 1.2 To present, for consideration and approval, the draft Food Service Plan for 2018.
- 1.3 To obtain authority for the Cabinet Member for City Environment in consultation with the Head of Business Services, to approve the final version of the plan.
- 1.4 To present, for approval, the introduction of a charge for both Food Hygiene Rating Revisits and Food Hygiene Consultancy Work, at an hourly rate of £70 for a Senior Environmental Health Officer, to take effect from 1 July 2018 (or as soon as possible thereafter).

## **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 Food Service Plan and prescribed in detail which areas of the service should be covered by the plan. This is the eighteenth City of Wolverhampton Council Food Service Plan.
- 2.3 The 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 1. A full copy of the draft Food Service Plan 2018 can be found in Appendix 2. 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 Audit of Food Hygiene Service Delivery**

- 3.1 On 21 September 2017 an audit of food hygiene service delivery took place. The audit focused on service organisation, management and internal monitoring arrangements. A copy of the full audit report can be viewed in the members room.

3.2 The audit was a positive experience and identified that the authority was found to be meeting many requirements set by the Food Standards Agency. The auditors recognised that the Service was provided by highly trained and competent officers, who utilised a range of enforcement activities to bring about business compliance. They appreciated that we had focused our resources on high risk businesses and that we had completed 100% of the required interventions with these businesses.

3.3 There were however some areas which required action following the audit and will be addresses in the 2018 service plan; in summary:

- All food businesses should be risk rated following the initial visit.
- Interventions should be carried out at all food hygiene establishments at a frequency, which is set out in the food law code of practice.
- Service plans should include a backlog of overdue interventions. Any variance shall be addressed by the authority in the subsequent service plan.
- The authority should have sufficient numbers of authorised officers to carry out all food hygiene law activities required by the framework agreement and code of practice.
- A procedure should be developed to ensure that food premises database is accurate, up to date and reliable.

#### **4.0 Charging for Food Hygiene Rating Revisits and Food Hygiene Consultancy Work**

4.1 In 2012 the Council adopted the Food Hygiene Rating Scheme. The scheme is a national scheme and its aim is to encourage businesses to improve hygiene standards and assist consumers in making informed choices about where to eat.

4.2 Businesses are rated between 0 (urgent improvement necessary) and 5 (very good). Those with a food hygiene rating of 4 or below can request a re-rating inspection. There is currently no charge for this visit but there are costs, in terms of officers and administration time, which are currently absorbed by the Service.

4.3 The Food Standard Agency has revised its guidance allowing local authorities to charge for revisits to reassess food businesses under the Food Hygiene Rating Scheme, at the request of the business and where there is no statutory requirement to provide a re-inspection. It is for each local authority to decide to use these powers and set the charge in line with their costs.

4.4 The Council currently do not charge for revisits or for business support or advice. This approach is not sustainable and in order to provide tailored business support and meet the requirements me by the Food Standards Agency it will be necessary to recover costs associated with both revisits and consultancy work.

## **5.0 Progress, options, discussion, etc.**

- 5.1 The Food Service Plan is a Statutory Document and is required to be produced annually.
- 5.2 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 the signatory of the approved plan.
- 5.3 The 2017 Food Service Plan highlighted that with current resources Food Hygiene interventions would only be carried out at high risk food premises (Category A-C). All lower risk businesses would only be visited in response to a complaint and may not receive an intervention at all.
- 5.4 100% of category A-C rated premises were inspected in 2017 however a large proportion of the lower risk businesses did not receive an intervention. This was largely due to a number of officers being involved with a serious health and safety investigation and 2 officers being on maternity leave.
- 5.5 In order to meet the recommendations highlighted by the Food Standards Agency the Service has had no option but to change its approach and is now risk rating businesses following the first visit and will be introducing a charge for re-rating businesses.
- 5.6 It is proposed that a charge for both Food Hygiene Rating Revisits and Food Hygiene Consultancy Work, at an hourly rate of £70 for a Senior Environmental Health Officer, to take effect from 1 July 2018 (or as soon as possible thereafter), is introduced and for which approval is sought from this report.
- 5.7 Cabinet on the 29 November 2017 approved the use of £320,000 from the Budget Contingency Reserve of which £123,000 was to fund the back fill of three Senior Environmental Health Officer posts, who were involved in a significant Health and Safety Investigation. This is enabling the service to utilise a contractor to remove the backlog of food hygiene inspections. To ensure that the Service completes 100% of due interventions in 2018.

## **6.0 Evaluation of alternative options**

- 6.1 Option 1, no change to existing policy of risk rating a business until the end of the Food Hygiene Intervention. This would have jeopardised the authority's participation in the National Food Hygiene Rating Scheme and potentially contributed to the back log of inspections.
- 6.2 Option 2, change our approach: risk rating on the first visit, charging for revisits, advice and guidance. This would allow continued participation in the National Food Hygiene Rating scheme and more interventions to be undertaken at lower risk premises.
- 6.3 Option 3, continue to only undertake interventions at higher risk food business. This would mean a substantial number of business would be operating without the authority having any knowledge as to whether the food produced by those premises has been

handled and produced hygienically and is safe to eat. This could result in people becoming seriously ill and in some cases dying.

- 6.4 Option 4, utilise contractors and funding to enable interventions to be undertaken and to ensure that businesses are producing food hygienically and is safe.

## **7.0 Reasons for decisions**

- 7.1 Our approach to risk rating will change in order to ensure the continued participation in the National Food Hygiene Scheme, which aims to increase the standards of food businesses Nationally.
- 7.2 The use of additional resources in 2018 will enable the authority to inspect all premises which are due an intervention and therefore reduce the likelihood of businesses producing food unhygienically and members of the public living of visiting the City becoming ill.

## **8.0 Financial implications**

- 8.1 The Medium Term Financial Strategy assumes a 2018 revenue budget of £1.9 million for Consumer Services, which includes the Food Safety Service of £400,000.
- 8.2 It should be recognised that a wide range of other non- food related services are delivered within this budgetary provision which include health and safety, investigation and control of infectious disease, environmental protection, trading standards, licensing regulation, street scene and highways enforcement.
- 8.3 Cabinet on the 29 November 2017 approved the use of £320,000 from the Budget Contingency Reserve of which £123,000 was to fund the back fill of three Senior Environmental Health Officer posts, who were involved in a significant Health and Safety Investigation. This will enable the authority to inspect all premises which are due an intervention and therefore reduce the likelihood of businesses producing food unhygienically.
- 8.4 It is anticipated that income from the introduction of a charge for both Food Hygiene Rating Revisits and Food Hygiene Consultancy Work, at an hourly rate of £70 for a Senior Environmental Health Officer, will cover the estimated cost of providing the service.  
[TT/17052018/N]

## **9.0 Legal implications**

- 9.1 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 Food Service Plans is an important part of the process to ensure national priorities and standards are addressed and delivered locally.

- 9.2 Legal advice received by the Food Standards Agency indicates that powers are available to local authorities in England under section 1 of the Localism Act 2011 allowing recovery of costs for food hygiene rating scheme re-inspections requested by Food Business Operators  
[RB/16052018/S]

## **10.0 Equalities implications**

- 10.1 Implementation of the 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.
- 10.2 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.
- 10.3 The more comprehensive food service outlined in option 2 will ensure that all consumers within Wolverhampton will have equal access to safe and nutritious food.

## **11.0 Environmental implications**

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

## **12.0 Human resources implications**

- 12.1 There are no direct human resources implications arising from this report.

## **13.0 Corporate landlord implications**

- 13.1 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 is advised of its responsibilities by the visiting officer.

## **14.0 Schedule of background papers**

- 14.1 Food Service Plan 2017
- 14.2 Audit of Food Hygiene Service Delivery Focusing on Service Organisation and Internal Monitoring Arrangements: City of Wolverhampton City Council.
- 14.3 Revenue Budget Monitoring Quarter Two 2017-2018 report to Cabinet on 29 November 2017

## **15.0 Appendices**

- 15.1 Appendix 1 – Summary: Food Service Plan
- 15.2 Appendix 2 – Food Service Plan