

FOOD HYGIENE AND SAFETY ACTION PLAN

Head of Service/Contact:	Rod Brown, Head of Housing & Community
Urgent Decision?(yes/no)	No
If yes, reason urgent decision required:	
Annexes/Appendices (attached):	Annex 1 - Letter from the Food Standards Agency Annex 2 – Action Plan
Other available papers (not attached):	Minutes of the Environment and Safe Communities Committee 22 October 2019

Report summary

To agree an action plan to address a shortfall in food hygiene inspections carried out during the previous financial year and complete the current year's programme.

Recommendations:

- (1) The committee note the continuing service pressures**
- (2) The committee agree to adopt the action plan and delegates the monitoring of the plan to the Head of Housing and Community**

1 Implications for the Council's Key Priorities, Service Plans and Sustainable Community Strategy

- 1.1 The Council is in the process of reviewing its strategic plan and a new Four Year Plan for 2020-2024 is being developed and approved following the key themes identified in the Future 40 consultation. Two of these themes are "Safe and Well" and "Effective Council" to which this report is directly applicable.

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2 Background

- 2.1 Under legislation, local authorities are defined as “competent authorities” and are required to deliver food hygiene controls (“official controls”), within their area in accordance with the Food Law Code of Practice. These controls extend to the requirements for inspection of premises in line with a minimum inspection frequency, food sampling, handling service requests relating to food and various other specific technical requirements relating to UK and EU legislation.
- 2.2 The Council’s present arrangements are that food hygiene controls are delivered by generalist Environmental Health Officers who are also deployed in the other traditional areas of environmental health including private sector housing, public health, pollution control (including noise nuisance and air quality), and health and safety. The team is increasingly becoming involved with the Council’s priority of community safety and enforcement working with partners to address antisocial behaviour and environmental crime.
- 2.3 At its October meeting, the committee adopted the food hygiene service plans for 2019-2020. In the report, the committee will have noted the comments relating to the underachievement, in the 2018-2019 year, of food hygiene inspections and that this was due to:
 - 2.3.1 Lack of suitably qualified staff
 - 2.3.2 Poor availability of competent consultancy staff
 - 2.3.3 A higher proportion of the work volume arising from a small number of actual and pending prosecutions for food safety, health and safety and environmental crime matters.
 - 2.3.4 A high demand on the service coming from the Council’s wider community safety and enforcement agenda on subjects such as flytipping and the introduction of greater licensing responsibilities in respect of houses in multiple occupation.
- 2.4 Subsequently, a letter has been received from the Food Standards Agency (the “Central Competent Authority”), highlighting 49 “missed” inspections from the planned number of 257, reminding the Council of its role to ensure local authorities deliver the required controls, and requesting an action plan to address the shortfall so as to complete the previous and current year’s programme.
- 2.5 It is worth noting that a recent Freedom of Information request highlighted that just 11 percent of authorities managed to complete all of their due controls and in Epsom and Ewell, 12 of the missed inspections were for the low risk “category E” businesses as priority is always given to higher risk premises.

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- 2.6 Nevertheless, it is important this area of responsibility is adequately resourced as there is a public health implication as well as a reputational risk should the situation significantly deteriorate.

3 Proposals

- 3.1 The Environmental Health team delivers a wide range of statutory services and corporate priority areas and it is unlikely to be acceptable to simply cease these areas. As part of an ongoing process, consideration is being given to ways of reducing the amount of officer time spent on administrative and non statutory duties as well as maximising the opportunities for charging so as to off-set some of the costs.
- 3.2 The shortfall in inspections has already been reduced and officers are confident the action plan, if adopted, will be sufficient to deliver the 2019-2020 programme in line with the service plan.
- 3.3 It is proposed that the recommendations be adopted and the position be reviewed at the time of the 2020-2021 service plan.

4 Financial and Manpower Implications

- 4.1 The present full time equivalent for food hygiene is 1.2 FTE spread over four officers, one of whom is a manager and all of whom carry out wider professional tasks referred in section 2.2 of this report. One full time role has been vacant since April 2019 and despite three attempts, it has not been possible to find suitable candidates. As previously indicated there is an ongoing and critical shortage of suitable individuals available both for permanent staff and consultancy cover, resulting in unbudgeted costs for equivalent temporary cover.
- 4.2 Environmental Health are working with HR to explore additional marketing and recruitment opportunities to maximise the reach and success of any future campaign.
- 4.3 Should no suitable candidates be found, it will be necessary to extend the agency cover until such time as an officer can be recruited.
- 4.4 In the long term, it is proposed to upgrade an existing level 3 apprentice role within the team to a level 6 Environmental Health apprentice so as to be able to develop qualified officers in house and thereby reducing reliance on the external market. There is no immediate budgetary impact of this proposal. Any future anticipated impact would go through the usual budgetary processes.
- 4.5 **Chief Finance Officer's comments:** the action plan will be managed within existing budgeted resources. Where recruitment issues place pressure on existing budgets, finance officers will work with the service to identify other budgets within the service to meet the shortfall.

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5 Legal Implications (including implications for matters relating to equality)

5.1 Delivering an effective service in this area is a requirement of UK law.

5.2 *Monitoring Officer's comments: as above*

6 Sustainability Policy and Community Safety Implications

6.1 No negative implications arising from this report.

7 Partnerships

7.1 The Council is partnered with various agencies to assist in the delivery of this area but there are no implications for the purposes of this report.

8 Risk Assessment

8.1 With any shortfall such as this there may be the perception of public health being put at risk. Whether this is true for a relatively modest shortfall cannot be assessed but regardless there is certainly a risk of the loss of public confidence in the Council.

8.2 Continued failure to inspect premises in a timely manner may undermine the effectiveness of the public facing Food Hygiene Rating Scheme.

8.3 Ultimately there is a risk that the Council will be served with a ministerial direction but this is rare and considered unlikely at this stage.

9 Conclusion and Recommendations

9.1 Service pressures and poor availability of both permanent and temporary staff have combined to cause a shortfall in completed inspections compared with planned.

9.2 The action plan will address this shortfall arising from the previous year and complete the due inspections for this current year.

Ward(s) affected: (All Wards);