

Licensing and Regulatory Committee



Forest Heath
District Council

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| Title of Report: | West Suffolk Food Safety Service Plan 2018-2019 |
| Report No: | LIC/FH/18/004 |
| Report to and date/s: | Licensing and Regulatory Committee - 2 July 2018 |
| Portfolio holder: | Councillor Lance Stanbury Portfolio Holder for Planning and Growth Tel: 07970 947704 Email: lance.stanbury@forest-heath.gov.uk |
| Lead officer: | Richard Smith Team Leader (Commercial Environmental Health) Tel: 01284 757626 Email: richard.smith@westsuffolk.gov.uk |
| Purpose of report: | To consider and support the delivery of a West Suffolk Food Safety Service Plan for West Suffolk, required under the Food Law Code of Practice 2017. |
| Recommendation: | The Committee is requested to note the contents of the report and support the delivery of the Food Safety Service Plan. |
| Key Decision: | <i>Is this a Key Decision and, if so, under which definition?</i> No, it is not a Key Decision - <input checked="" type="checkbox"/> |

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| Consultation: | | <ul style="list-style-type: none"> The Food Law Code of Practice does not require regulatory authorities to consult on plans required under the Code of Practice. Open-ended dialogue with stakeholders is being undertaken as part of service delivery with a focus on the Food Safety Service Plan. Informal consultations have been undertaken with stakeholders and other regulatory authorities throughout the last 12 months regarding the proposed implementation of charging for FHRS re-rating, to ensure consistency of approach. | |
| Alternative option(s): | | <ul style="list-style-type: none"> Modify the form of the Plan – This would leave the West Suffolk councils open to regulatory challenge by the Food Standards Agency since the format is based on their guidance. | |
| Implications: | | | |
| Are there any financial implications? <i>If yes, please give details</i> | | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> <ul style="list-style-type: none"> Minor financial benefit to West Suffolk Councils Minor financial cost to businesses for FHRS re-rating | |
| Are there any staffing implications? <i>If yes, please give details</i> | | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | |
| Are there any ICT implications? <i>If yes, please give details</i> | | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | |
| Are there any legal and/or policy implications? <i>If yes, please give details</i> | | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> <ul style="list-style-type: none"> It is a requirement of the 2017 Food Law Code of Practice that regulatory authorities prepare, adopt and review a Food Safety Service Plan for their area. The intention to offer of fast-tracked Food Hygiene Rating Scheme re-rating inspections on a charged basis in line with other local authorities. | |
| Are there any equality implications? <i>If yes, please give details</i> | | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | |
| Risk/opportunity assessment: | | <i>(potential hazards or opportunities affecting corporate, service or project objectives)</i> | |
| Risk area | Inherent level of risk (before controls) | Controls | Residual risk (after controls) |
| Statutory Responsibilities | Medium | Delivering the statutory responsibilities will help reduce the inherent level of risk of challenge by stakeholders | Low |

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| Reputational | Medium | The Council's work will help achieve a creditable pathway to protecting human health and improving food hygiene standards. | Low |
| Financial | Low | The service is delivered within the 2018/19 council budget provision. Some minor additional income generation through FHRs re-rating. | Low |
| Community | High | Delivering a food hygiene service in accordance with the Food Safety Service Plan will help protect public health. | Low |
| Ward(s) affected: | | All Wards | |
| Background papers: <i>(all background papers are to be published on the website and a link included)</i> | | <p>Link to 2017 Food Law Code of Practice (England) available at: https://www.food.gov.uk/other/food-and-feed-codes-of-practice</p> <p>Link to FSA Framework Agreement on Local Authority Food Law Enforcement available at: https://www.food.gov.uk/about-us/local-authorities</p> | |
| Documents attached: | | Appendix A – Food Safety Service Plan 2018-2019 | |

1. Key issues and reasons for recommendation(s)

1.1 The Food Law Code of Practice (England) 2017

1.1.1 Through its Food Law Code of Practice, the Food Standards Agency requires each regulatory authority to prepare, adopt and regularly review a Food Safety Service Plan (**Appendix A**). This report presents a West Suffolk Food Safety Service Plan that covers both the regulatory and support work undertaken by the Environmental Health Service to protect public health in West Suffolk in respect of the food chain, whether working in food business or are a food consumer.

1.1.2 The Code of Practice does not prescribe a format for the plan; however, local authorities have adopted a standard template on which this plan is based. The plan includes elements of review of the year just ended as well as setting out the work for the coming year. The Code also states that, although not a requirement, endorsement of the plan by elected members is considered good practice.

1.2 Stakeholder consultation

1.2.1 The Code does not require local authorities, nor have officers identified it as common practice in other local authority areas, to consult with stakeholders on their plan prior to adoption by the respective Council. Officers feel it important, however, that the Council continues to build on its ongoing dialogue with both local food businesses and their customers to ensure that we meet their needs, improve the understanding of the various roles of stakeholders in food safety and also to help improve our services. To do this, officers have put in place a food safety communications plan.

1.2.2 Given the Food Safety Service Plan is an operational document, it will undergo regular review and change in future years. Officers, therefore, will continue to maintain and enhance dialogue with stakeholders which will help inform any revision to the plan as well as helping to improve the services that the council delivers.

1.3 The Introduction of fast-tracked Food Hygiene Rating Scheme (FHRS) re-rating on a chargeable basis

1.3.1 The Service Plan sets out the introduction of a fast-track re-rating inspection under the Food Hygiene Rating Scheme. Currently, following a food inspector down-rating a business because of poor performance during a programmed inspection a standstill period of 90 days applies during which time the business is supported by your officers to make improvements. The inspector has not been allowed by FSA rules to re-rate until that standstill period has expired. This creates reputational worries for the business who in turn may apply unreasonable demands on the service leading to at times pressure on long-standing working relationships. Annually, of the 750 programmed inspections we undertake around 20-30, or 4%, result in down-rating.

- 1.3.2 As with other local authorities across England, under FSA changes we can now provide a fast track re-rating service which is discretionary and above and beyond our statutory inspection services. Given that the Food Hygiene Rating Scheme as a whole falls within the general power of the Localism Act 2011 FSA guidance advocates a charge being applied to access this service.
- 1.3.3 The proposed charge will only apply to re-rating inspections and not when we conduct an official control revisit to check on essential work / improvements or programmed inspections required to comply with the law.
- 1.3.4 The introduction of charging for FHRS re-rating visits can significantly benefit businesses by removing the 3-month standstill period following an inspection if the issues identified relate to procedural or management matters. The introduction of the charges would enable businesses to apply for re-rating at any time following a routine inspection although inspectors set the date for the inspection based on promptness and practicality.
- 1.3.5 This could enable businesses to avoid any negative publicity that may arise from a poor rating being given, which could impact business profitability. Officers have spoken to many of the local businesses that we regulate as part of day-to-day work and there appears to be general support for a charged service in particular from smaller business where the reputational impact is higher given the impact of disruption on trade. It is anticipated that there will be an added benefit to consumers within West Suffolk, in that businesses should seek to rectify contraventions and issues quickly to secure a better rating, improving the safety and quality of food to their consumers.
- 1.3.6 Some businesses may perceive that the charge entitles them to 'buy more stars' within the rating system. This is not the case. Clear information will be available and provided to businesses to explain that the charge is for a full inspection and re-rating of their food business, which will be scored against the same criteria, following the same guidance, as the initial inspection. Businesses will be advised that their FHRS rating could drop if improvements have not been made or additional contraventions are identified.
- 1.3.7 At this time, no announcement has been made about when mandatory display of FHRS ratings will be introduced; however this could significantly increase the number of businesses who may opt for a fast-tracked visit. Should the FSA decide to introduce mandatory display of scores, the service will review and adapt accordingly.

2. Additional supporting information (if required)

- 2.1 The work of the Commercial Environmental Health Team, as the designated Food Safety service, contributes to the following corporate priorities:

Priority 1: Growth in West Suffolk's economy for the benefit of all our residents and UK plc. The plan ensures that the council's regulatory approach is fair and transparent with regard to regulated businesses in West Suffolk. Further, it actively encourages and supports good businesses to grow by regulating in a proportionate manner and rewarding good practice through such initiatives as Eat Out Eat Well.

Priority 2: Resilient families and communities that are healthy and active

The work of the Service as set out in the plan is undertaken to protect the health of the public by ensuring effective regulation of the food chain to the benefit of consumers.

- 2.2 The proposed plans are in line with the 2018-2019 budget identified for this Council function.
- 2.3 The service plan has been drafted in accordance with the Food Standards Agency framework agreement and the Regulator's Code¹ and fulfils local authority obligations under guidance issued by the FSA.

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/300126/14-705-regulators-code.pdf