

<b>MEETING</b>	<b>REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>25 JUNE 2013</b>
<b>TITLE OF REPORT:</b>	<b>HEREFORDSHIRE COUNCIL'S PROPOSED FOOD HYGIENE INSPECTION PROGRAMME FOR 2013/14.</b>
<b>REPORT BY:</b>	<b>HEAD OF CONSUMER &amp; BUSINESS PROTECTION</b>

## 1. Classification

Open

## 2. Key Decision

This is not a key decision.

## 3. Wards Affected

County-wide

## 4. Purpose

To inform committee of the proposed 2013/14 Food Hygiene Inspection Programme to be undertaken by Environmental Health & Trading Standards in respect of its obligations under the Food Law Code of Practice (England)(April 2012) and to seek approval for the implementation of a revised programme that is not fully compliant with the code.

## 5. Recommendation(s)

**THAT:**

- (a) **Subject to any comments the Regulatory Committee wish to make, the Committee approves the implementation of the proposed revised Food Hygiene Inspection programme as detailed at points 10.4 – 10.6 below.**

## 6. Key Points Summary

- The report highlights the non-compliance of the Council's proposed Food Hygiene Inspection programme with regard to the Food Standards Agency Food Law Code of Practice (England)(April2012).
- In accordance with the recommendations of an Internal Audit report concerning food hygiene enforcement by the council, the appropriate body (Regulatory Committee) are appropriately informed and their approval sought for the implementation of a revised inspection programme having due regard to the limited resources that are available to the service (EH&TS).
- Approval by Regulatory Committee will be a key consideration in removing the

Further information on the subject of this report is available from Mike Pigrem Head of Consumer & Business Protection on Tel: (01432) 261658

'Limited Assurance' rating that was issued to the Council by Internal Audit.

- In not fully complying with the Code, there is a risk that the Council may be unaware of premises that are not meeting their requirements in terms of food hygiene. A further risk in not complying with the Code is that the Council may be subject to more monitoring by the Food Standards Agency (FSA) or in extremis, direct intervention by the FSA. Such action could result in a potential reputational issue for the Council.
- There is the potential for an adverse impact upon the health & wellbeing of the population through deterioration in food hygiene standards and a consequential increase in risk of food borne infectious disease, together with, a potential detrimental effect to the economic prosperity of the local community.
- Having due regard to the resources available, it is proposed that the consequences and risks of non –compliance are minimised to an acceptable level by the implementation of a revised inspection programme together with, improved management controls and robust performance reporting utilizing the corporate P+ system.
- Any long term marked deterioration in food hygiene practices, hygiene standards or, an increase in food borne infectious disease notifications, will be reported at the appropriate level.

## **7. Alternative Options**

- 7.1 Implement an inspection programme that is fully compliant with the code to ensure that the council's statutory duties in relation to food hygiene enforcement are met in full. This will reduce the risk of not identifying those premises who are non-compliant with food hygiene requirements as well as, reducing the risk of infectious disease occurring such as E-coli, Salmonella and Campylobacter etc.,
- 7.2 Additional resource would need to be corporately provided in order to implement an inspection programme that fully complies with the requirements of the Code. If resource were to be diverted from within EH & TS, then it is likely that legal consequences for the authority in not meeting statutory minimum requirements elsewhere within the service area would arise.

## **8. Reasons for Recommendations**

- 8.1 To comply with the Internal Audit report recommendations and thereby remove the 'Limited Assurance' rating.

## **9. Introduction and Background**

- 9.1 Following a programmed audit of Herefordshire Council's Food Law enforcement specifically in relation to Food Hygiene, Internal Audit reported that the Council was not fully compliant with the requisite statutory Codes of Practice in relation to food safety and food hygiene when carrying out its food law enforcement role, As a consequence, a 'Limited Assurance' rating was issued.

- 9.2 The main reason for this 'Limited Assurance' rating being issued, was because a revised Food Hygiene Inspection programme had being implemented by management which had not previously been reported to regulatory committee for information and approval. This revised programme was based on undertaking a limited number of programmed inspections to align with the staffing resources and budget allocated. It set out to achieve 100% of high risk categories classed as 'A' & 'B' and 'C1' and a lesser percentage for those premises risked as 'C2' & 'D', with no proactive inspections for those premises low risked as 'E'.
- 9.3 The differentiation of 'C' rated premises between 'C1' or 'C2', was based on internally agreed criteria relating to one of the key elements when assessing the risk of a business namely its 'Confidence in Management' score . The higher the score the higher the risk and those premises recording a score of 10 or more within this category were classified as being of higher risk.
- 9.4 A revised food hygiene inspection programme that has not fully accorded with the FSA's Code of Practice has been in place for several years.

## **10. Key Considerations**

- 10.1 The Council's annual programme of planned food hygiene inspections does not fully accord with the requirements of the Food Law Code of Practice (England) (April 2012). The Code prescribes the food hygiene intervention ratings (premise risk) and minimum intervention frequencies to be applied by Food Authorities following an assessment of specific criteria at the time of carrying out an intervention.
- 10.2 In not fully complying with the Code, there is a risk that the Council may be unaware of premises that are not meeting their requirements in terms of food hygiene. A further risk in not complying with the Code is that the Council may be subject to more monitoring by the Food Standards Agency (FSA) or in extremis, direct intervention by the FSA. There may also be reputational issues that arise for the Council.
- 10.3 Limited resources, reductions in staff and a proportionally high number of inspectable premises within Herefordshire, has culminated over the years into a backlog of inspections which has prompted management to take decisions which are contrary to the Code. These decisions are specifically in terms of food hygiene intervention ratings 'C', 'D' and 'E' and the percentage of interventions that the service will aim to complete within the prescribed timescales.
- 10.4 In order to best meet its statutory duty whilst having regard to its allocated resource, it is proposed that for the year 2013-14 the following inspection programme as outlined at paras 10.5 and 10.6 and food sampling at 10.7 below is implemented.
- 10.5 Given current resources and inspection techniques we will aim to achieve circa 500 inspections and will use a local definition to identify higher risk category 'C1' food inspections as any 'C' rated premises with a score element of 10 or higher in any of the three key areas of;
- Hygiene & Safety;
  - Structure; and
  - Confidence in Management.

10.6 We will aim to inspect all food premises rated 'A', 'B' & 'C1' (276 inspections) see table 1(a) below:

**Table 1(a)** Planned Interventions 'A', 'B' & 'C1' – Food Hygiene Inspection Programme

Risk rating	Total No Of premises	No of inspections due in year	Target %
A	6	12	100
B	64	64	100
C1	349	200	100

We will aim to inspect 51% of food premises rated 'C2'. Interventions at premises risked lower than 'C' to be carried out as resources permit. See table 1(b) below. 'C2' and 'D' premises selected based on risk to consumers i.e.

- Customers predominantly elderly or other at risk groups,
- local produce "Made in Herefordshire",
- food businesses supplying food from Herefordshire nationally or internationally.
- Butchers
- Time elapsed since last inspection

**Table 1(b)** Planned Interventions for 'C2', 'D', 'E' & Unrated Premises – Food Hygiene Inspection programme

Risk rating	Total No Of premises	No of inspections due in current year	No Inspections planned	Target %age
C2	316	215	109	51
D	338	232	52	22
E	1464	954	0	0
Unrated on 1/4/13	57	57	57	100
*Note All C's	665	415	309	75

## 10.7 Other Interventions - Food Sampling

A minimum of 100 food samples to be taken.

- Take part in 2 national food sampling initiatives.
- Sample food produced in Herefordshire during inspections of food factories or at other interventions.
- Sample food following complaints about hygiene standards in premises or food items.
- Officers to use discretion to sample food to guide and assist small local businesses setting up.
- Sampling as part of a planned project, e.g. rice sampling as part of the project to improve standards in Asian food businesses.

## 11. Community Impact

- 11.1 Potential adverse impact upon the health & wellbeing of the population through a deterioration in food hygiene standards and consequential increased risk of food borne infectious disease, as well as, a detrimental effect to the economic prosperity of the local community.

## 12. Equality and Human Rights

- 12.1 None identified.

## 13. Financial Implications

- 13.1 None identified

## 14. Legal Implications

- 14.1 Possible intervention by the Food Standards Agency

## 15. Risk Management

- 15.1 In view of the Limited Assurance grading that has been issued in that the Council's annual programme of planned food hygiene inspections does not fully accord with the requirements of the Food Law Code of Practice (England) (April 2012), the risk of failing to fulfil relevant legislative requirements is to be noted in the Places & Communities Risk Register with reference RSK.EEC.35(EHTS).
- 15.2 A revised inspection programme is proposed in order to balance the requirements of the 'Code' with the resources that are available, whilst also mitigating the risk to an acceptable corporate level. On going management control and performance reporting through the corporate P+ system will be in place to ensure that any adverse trends or major deterioration in food hygiene standards and practices are identified, raised and discussed at the appropriate level within the authority.

## **16. Consultees**

16.1 None.

## **17. Appendices**

17.1 None.

## **18. Background Papers**

18.1 (a) Internal Audit 2012-13 Food Hygiene ( Ref 104/2012-13) Final report.

(b) Report to Audit & Governance Committee dated 13<sup>th</sup> May Internal Audit 2012-13 Formal Written Response - Food Hygiene Inspection Programme.

End.