

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

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 Standards Enforcement 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 Food Standards Enforcement 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 Standards Enforcement programme with regard to the Food Standards Agency Food Law Code of Practice (England) (April2012).
- Following the recommendations of an Audit by the Food Standards Agency (FSA) concerning food standards enforcement by Herefordshire 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).

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

- 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 standards. 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 standards and a consequential increase in health related diseases such as obesity and heart failure, 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 risk based inspection and enforcement programme that is intelligence led together with, improved management controls and robust performance reporting utilizing the corporate P+ system.

7. Alternative Options

- 7.1 Implement an enforcement programme that is fully compliant with the code to ensure that the council's statutory duties in relation to food standards enforcement are met in full. This will reduce the risk of not identifying those premises that are non-compliant with food standards requirements as well as, contributing to improving the healthy life styles of the people of Herefordshire.
- 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 FSA advice and recommendations.

9. Introduction and Background

- 9.1 Following a recent audit of Herefordshire Council's Food enforcement return (LAEMS) by the FSA, it was noted that the Council was not fully compliant with the requisite statutory Codes of Practice in relation to food hygiene and food standards when carrying out its food law enforcement role. Implementation of the code was by means of a revised programme based on undertaking a limited number of programmed inspections to align with staffing resources and budget allocated. As a consequence, it was recommended that committee were notified by means of an appropriate report.

10. Key Considerations

- 10.1 The Council's annual programme of planned food standards inspections does not fully accord with the requirements of the Food Law Code of Practice (England) (April 2012). The Code prescribes that food standards intervention are to be carried out on a risk based

approach which sets the minimum intervention frequencies to be applied by Food Authorities following an assessment of specific criteria originally set by LACORS. Note a new national risk assessment scheme is due to be implemented in the near future.

- 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 standards. 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 resource and reductions in staff within EHTS, has prompted management to take decisions which are contrary to the Code. These decisions are specifically in terms of food standards premises rated Medium or Low risk, where visits were made only in response to a complaint or following a request for advice by the trader.
- 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 paragraphs 10.5 and 10.6 and food sampling at 10.7 below is implemented.
- 10.5 Given resources currently available 0.8 FTE (taking into account maternity leave and an officer on career break) we will aim to achieve the following namely:-

Circa 75% of High Risk premises

- 50% will be to small local businesses where no formal 3rd party quality audits take place.
- 25% will be to large businesses that have formal 3rd party quality audits. These will then be visited on a 2 year basis.

Circa 5% of Medium Risk premises

- This will be through means of a 'dip sample' to check for emerging issues and trends

Circa 5% of Low Risk premises

- This will be through means of a 'dip sample' to check for emerging issues and consideration will be given to using alternative inspection such as a pro-forma letter.

Other Activity - Unrated Premises and Risk Rating

Although these premises will be a registered food business, they normally do not have any food standards applicable to the business (E.g. child minders). A review of premises to be carried out to ensure that premises are correctly risk rated.

Table 1(a) Planned Inspections – High Medium Low Food Standards Inspections

Risk rating	Total No Of premises	No of inspections due in year and required by the FSA code of practice	Target % (Number)
High	93	93	75% (70)
Medium	508	254	5%(13)
Low	289	58	5%(3)
Unrated	Potential 1600	0	0

10.7 Food Sampling - circa 60 food samples to be taken in line with the following criteria:-

- Take part in an FSA grant funded food sampling initiative in partnership with Worcestershire Scientific Services and Worcestershire Regulatory Services subject to grant funding acceptance
- Sample food produced in Herefordshire during inspections of food producers for Protected Geographical Indications.
- Sample food following complaints concerning food composition and description.
- Officer discretion to sample food in order to assist small local businesses when first setting up.
- Sampling as part of a food incident either locally or nationally initiated (e.g. horsemeat substitution).

11. Community Impact

11.1 Potential adverse impact upon the health & wellbeing of the population through a deterioration in food standards in regard to composition and descriptions thus having a consequential increased risk of Health issues such as obesity and heart 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 standard 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 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 None

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End.