

MEETING	REGULATORY COMMITTEE
DATE:	5 JUNE 2014
TITLE OF REPORT:	HEREFORDSHIRE COUNCIL'S PROPOSED FOOD HYGIENE INSPECTION PROGRAMME FOR 2014/15.
REPORT BY:	HEAD OF ENVIRONMENTAL HEALTH & DEVELOPMENT MANAGEMENT

Classification

Open

Key Decision

This is not an executive decision.

Wards Affected

County-wide

Purpose

To inform the Committee of the performance in delivering the 2013/14 Food Hygiene Inspection Programme agreed by the Committee last year.

To agree the proposed Food Hygiene Inspection Programme to be undertaken in 2014/15 in respect of obligations under the Food Law Code of Practice (England) (April 2014).

Recommendation(s)

THAT: subject to any comments the Committee wishes to make, performance against last year's plan be noted and the implementation of a revised Food Hygiene Inspection programme be approved as detailed in Table 2 below.

Alternative Options

- 1 Implement a larger inspection programme that is fully compliant with the Food Standard Agency's Food Law Code of Practice (England) (April 2014). However, additional resource would need to be corporately provided in order to implement such an inspection programme

Reasons for Recommendations

- 2 To continue to comply with the Council's internal audit report recommendations of 2012/13, which considered food safety enforcement and the Council's statutory minimum obligations.

Key Considerations

- 3 Following a programmed audit of Herefordshire Council's Food Law enforcement, specifically in relation to Food Hygiene, the Council's Internal Audit reported in 2012/13 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.
- 4 The main reason for this 'Limited Assurance' rating being issued was because a revised Food Hygiene Inspection programme had been implemented which had not previously been reported to this Committee for information and approval. This revised programme was based on undertaking a limited number of programmed inspections to align with reduced staffing and budget allocation. 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 programmed for those premises low risked as 'E'.
- 5 The division of the 'C' rated risk category into 'C1' or 'C2', is one which Herefordshire Council had to initiate in order to manage its inspection workload better. This is based on assessing the risk in relation to its 'Confidence in Management' score. The higher the score, the higher the risk.
- 6 A 'reduced' Food Hygiene Inspection programme was agreed by Regulatory Committee on 25 June 2013. Table 1 below shows how the service performed against this in 2013/14:

Table 1: Food Hygiene Inspection programme for 2013/14

Risk Category	Programmed for the year 2013/14	Achieved for the year 2013/14
A	6	6
B	64	64
C1	200	197
TOTAL FOR HIGH RISK	270	267
C2	109	124
D	52	74
TOTAL FOR LOW RISK	161	198
Unrated	48	39

- 7 The reason why 3 high risk premises were not inspected is because the businesses had closed down at the time of programmed inspection and this was therefore unavoidable. The reason why 37 low risk premises were inspected more than required in the programme, was either in response to complaints from the public, a request by the business for an inspection visit or for efficiency reasons, i.e. if an officer was visiting another premises in a specific remote/rural geographical area.

- 8 During the period 2013/14, the average 'Food Hygiene Rating Score' of premises at satisfactory or above has remained constant at around 96%, which is significantly above the estimated west midlands average of around 90%.
- 9 It is worth mentioning that the performance of the council's Environmental Health Commercial Service was acknowledged by the 'Which Magazine' in February 2014 who classed Herefordshire Council as the best food regulator in the West Midlands and 16th best in the UK. This ranking was based on the high Food Hygiene Rating Scores achieved and the team's quick response time to inspect new businesses setting up, supporting the Council's corporate objective to support the economy and new business.
- 10 Table 2 below sets out the proposed inspection programme for 2014/15.

Table 2: Proposed Food Hygiene Inspection programme for 2014/15

HIGH RISK

Risk Rating	Total No of premises	No of inspections due in year	No of inspections planned	Target %
A	3	6	6	100
B	59	59	59	100
C	406	271	271	100
<i>Total High</i>	<i>468</i>	<i>336</i>	<i>336</i>	<i>100</i>

MEDIUM RISK

Risk Rating	Total No of premises	No of inspections due in year	No of inspections planned	Target %
D1	290	152	137	90

LOW RISK

Risk Rating	Total No of premises	No of inspections due in year	No of inspections planned	Target %
D2	351	262	N/A	N/A

- 11 Inspections are risk assessed in accordance with the following criteria:
- Hygiene & safety;
 - Structure; and
 - Confidence in management.
- 12 The Service will therefore aim to inspect all high risk food premises rated 'A', 'B' & 'C' (336 inspections) and 90% of the 152 inspections categorised D1 (medium risk). We will not routinely inspect any of the low risk 'D2' premises nor any unrated 'E' premises, although we will continue to respond to complaints and attend new businesses as they start up.
- 13 In order to manage the inspection workload better and also take into account changes in the Food Standard's Agency's Code of Practice (April 2014), the category 'C' has been reinstated and instead the category 'D' has been subdivided into 'D1' and 'D2' in order to better differentiate medium from low risk. It is also the Service's intention to tackle some of our band E premises through an 'Alternative Enforcement Strategy' (AES), which will be achieved through self-assessment questionnaires. 25 of these will be done each month. As Herefordshire currently has 1,379 'E premises', this will take approximately 4½ years to complete. This self-regulation approach is an approved method which is detailed in the Food Standard's Agency's Code of Practice and has proved reasonably successful elsewhere in the UK.
- 14 In addition to this plan, the Environmental Health Commercial Service will continue, at a statutory minimum level, to:
- Respond to complaints from the public about food premises or products;
 - Take part in any national and regional food sampling initiatives;
 - Sample food produced in Herefordshire during inspections of food factories or at other interventions; and
 - Sample food following complaints about hygiene standards in premises or food items.
 - Assist Public Health England and the Council's Director of Public Health in relation to any food or waterborne infectious disease notification and/or potential outbreak.
 - Fulfil the Council's enforcement role for health and safety at food premises within Herefordshire.
- 15 Having due regard to the resources available, it is proposed that the consequences and risks of non-compliance with the Code of Practice are minimised to an acceptable level by the implementation of this revised inspection programme, together with improved management controls and robust performance reporting. Similarly, Members should be reassured that any long term marked deterioration in food hygiene practices, hygiene standards, average food rating scores or increases in foodborne infectious disease notifications will also be reported at the appropriate level and acted upon.

Community Impact

- 16 As low risk premises remain uninspected and therefore have an unknown compliance rating, there is a potential for an adverse impact upon the health and wellbeing of the population through a deterioration in food hygiene standards and consequential increased risk of food borne infectious disease. This could also have a knock on detrimental effect to the economic prosperity of the local community.

. **Equality and Human Rights**

17 None identified.

. **Financial Implications**

18 None identified.

. **Legal Implications**

19 The overarching Food Safety Act 1990 (section 40) requires that councils should have regard be the Food Law Code of Practice (England)(April 2014) when discharging their duties. Therefore, intervention by the Food Standards Agency, by way of direction pursuant to s.40 (1A), is possible although unlikely.

Risk Management

20 In view of the 'limited assurance' grading that was issued due to the Council's annual programme not fully according with the requirements of the Food Law Code of Practice (England) (April 2014), the risk of failing to fulfil relevant legislative requirements was recorded in the corporate Risk Register with reference 'RSK.EEC.35(EHTS)' and remains there.

21 The 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. Ongoing management control and performance reporting has been put 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.

Consultees

22 None.

Appendices

23 None.

Background Papers

24 None.