

**Report for: Community, People & Equalities
PDG**

Date of Meeting:	25 June 2024
Subject:	PUBLIC HEALTH FOOD SAFETY SERVICE PLAN AND SERVICE UPDATE
Cabinet Member:	David Wulff, Cabinet Member for Quality (Cost) of Living, Equalities and Public Health
Responsible Officer:	Simon Newcombe – Head of Housing and Health
Exempt:	No
Wards Affected:	All Wards
Enclosures:	Annex A - Food Safety Service Plan 2024/2025

Section 1 – Summary and Recommendation

This report intends to provide a service update for the statutory work of the Food Safety team within Public Health and Housing Options and introduce the Food Safety Service Plan for 2024/25.

Recommendation:

- 1. That the PDG note the Food Safety Service Plan and wider service update**

Section 2 – Report

1 Introduction

- 1.1** The Food Standards Agency (FSA) has the lead role as the central competent authority in overseeing official feed and food controls undertaken by local authorities. It also seeks to work in partnership with local authorities to help them to deliver these statutory functions. The FSA is therefore proactive in setting and monitoring standards, and in auditing local authorities' delivery of official controls, in order to ensure that this activity is compliant, effective and risk-based whilst also being proportionate and consistent.

- 1.2 Powers enabling the FSA to monitor and audit local authorities, and ultimately take over delivery of official controls, are contained in the Food Standards Act 1999 and in the Official Feed and Food Controls Regulations.
- 1.3 A Food Service Plan is required under the Statutory Food Law Code of Practice and Framework Agreement on Official Feed and Food controls by Local authorities.
- 1.4 The Service Plan sets out how the competent authority intends to deliver and resource official food controls and other official activities in its area, and address any variance in meeting the outcomes of the previous Service Plan.
- 1.5 The 2024-2025 Food Service Plan (attached as Annex A) outlines the strategic link to corporate and financial planning through the Service Business plan.
- 1.6 This Plan has been produced in accordance with the FSA's service planning guidance for Food Law Enforcement, the Food Law Code of Practice (England) and Practice Guidance.
- 1.7 Under this legislation and statutory guidance, such a Plan therefore sets out how the Council will meet its minimum statutory service delivery for Food Safety.

2 Current challenges and opportunities

- 2.1 Over the past few years, officer capacity and experience within the Food Safety team has prevented us from consistently meeting statutory targets and the formal requirements of the FSA. As a result we have been in proactive communication with the agency to ensure high-priority and/or back-log inspections were completed using (in-part) a competent contractor whilst a review of service structure and use of resources was carried out in order to develop a new Service Plan that will ensure we meet the statutory requirements in full going forward.
- 2.2 Without an effective, updated Plan in place we can increasingly expect to see formal intervention by the FSA and greater oversight including the potential imposition of third-party providers to ensure an acceptable service was being provided using legal powers set out above. Costs incurred would have to be met by the Council.
- 2.3 Consequently, a full service review was completed in 23/24 which identified a mini-restructure including 2 new posts, within the existing budget, that will significantly strengthen the team in terms of capacity and capability to deliver against our service requirements. This restructure was presented to Leadership Team and approved. Consequently, these posts are currently going through the job evaluation process prior to implementation.
- 2.4 A fully updated Service Plan has not been produced since 2017 where there is a requirement within the Food Law Code of Practice to publish an annual document. This requirement was relaxed during the Covid pandemic where the work of many competent environmental health professionals was reprioritised

nationally, however the FSA now expect a return to a full statutory service delivery provision. An updated Food Service Plan is therefore overdue and there is an agreement in place with the FSA for Mid Devon to have a new Plan in place for the current financial year.

- 2.5 This service review also identified that current Key Performance Indicators (KPIs) are largely historic and do not fully help the service to measure the overarching objective of the statutory Service Plan, which is to ensure food is safe for public consumption. For example, setting an arbitrary number of inspections as a target with no consideration of premises-specific risks or fluctuations in business numbers, does not measure compliance or necessarily drive forward service delivery. A focused set of updated KPIs have therefore been developed for this Service Plan as set out in section 4 below.

3 Service update

- 3.1 The primary aim of the food safety service is to ensure food safety across the district. This is delivered through interventions that aim to prevent food poisoning, food borne and water borne illness and to ensure, so far as is possible, that food and drink intended for sale for human consumption, which is produced, stored, distributed, handled or consumed within the district is without risk to the health or safety of the consumer.
- 3.2 At the time of writing, Mid Devon District Council has 905 registered food premises. Under the FSA Code of Practice all food premises are categorised with an inspection rating score that determines the frequency of interventions from 6 months to 3 years.
- 3.3 New food business registrations are steady, with 120 made in 2023/24. Approximately 2.3 a week.
- 3.4 During 2023/24, 67.6% of due interventions with established businesses were carried out.
- 3.5 717 businesses are currently in scope of the Food Hygiene Rating Scheme and are scored as follows:

Rating	5	4	3	2	1	0
Descriptor	Very good	Good	Generally satisfactory	Improvement necessary	Major improvement necessary	Urgent improvement necessary
Number *	594	72	26	4	19	2
%	82.8%	10.1%	3.6%	0.6%	2.6%	0.3%

*taken from FHRS public facing website 30/04/24

- 3.6 Of the two '0' rated premises above, one is currently not open, however we have not had confirmation or official notification that the business has formally ceased trading and we are continuing to monitor whilst the operator is still responsible for the premises, as enforcement notices were served on this business. The second has had subsequent visits made and improvements have been implemented, however they did not apply for an early revisit enabling the

score to be updated formally, however a further monitoring visit will be carried out in June 2024.

- 3.7 Last year, 233 food and environmental samples were taken by the team. 82% were satisfactory, 14% unsatisfactory (predominantly environmental) and 4% borderline.
- 3.8 During 2023/24, 72 notifications of infectious disease were received and dealt with by the service, this shows a 26% increase on last year. These included, 39 Campylobacter, 16 Salmonella, 10 Cryptosporidium, 3 Giardia, 1 Legionella, 1 Typhoid and 2 Listeria.
- 3.9 The food team have tackled a backlog of unrated premises during 2023/24 whilst the number of new premises remains high.
- 3.10 In relation to the production, handling and storage of Products of Animal Origin there are currently 17 approved establishments operating under Regulation (EC) 853/2004 in Mid Devon, summarised below:

Approved Premises Type	Number of Premises
Dairy Products	4
Meat Products	1
Meat Preparations	1
Cold Store	3
Fish Products	1
Egg products	1
Egg Packing Centres	6
Total	17

- 3.11 At the time of writing this report, the team are dealing with approval enquiries from 3 establishments, these are specialist areas of work and require significant time, competency and resource to deliver.

4 Key Performance Indicators (KPIs)

- 4.1 Proposed internal service management KPIs for 2024/2025:
 - % of interventions due at each risk category carried out (should be 100% at each risk category)
 - Improvement in Food Hygiene Rating Scheme score (FHRS) for premises rated 0, 1 or 2, at subsequent food hygiene interventions
 - % of new businesses assessed within 28 days of registration (this should be 100%)

5 Actions

- 5.1 The service review and action plan have been agreed with both the FSA and Leadership Team in principle so the service is now implementing the new structure to enable delivery. The FSA will no doubt look closely at our next

annual statutory return (due after 31 March 2025) and will expect to see further progress during 2024/25 towards achieving the required intervention programme across all risk categories.

- 5.2 Whilst working towards the full structure and compliance with the Food Law Code of Practice, the focus will remain on the higher risk premises and processes as well as new registrations, meaning there will be insufficient capacity in the short-term to complete all interventions with existing, lower risk D and E rated premises.
- 5.3 A vacancy approval has been secured to retain a consultant (contractor) Food Safety Officer in the short-term to help us bridge this gap and continue to deliver progress including minimising any further backlog of interventions/inspections.
- 5.4 The new KPIs will be introduced. It is noted that work will need to be completed by the service System Administrator to produce the correct reporting facilities to achieve this. These will then be reported on internally as part of the service performance review and updated through the annual Service Plan.

Financial Implications: Failure to deliver against the service plan has the potential for financial implications, as the FSA have authority to deliver official controls where a Local Authority fails in its obligations, this is done on a cost recovery basis.

The proposed changes that have been approved and described in this report have no financial implications as they are within existing budget and no additional budget is being sought.

Legal Implications: The Authority have a statutory obligation to deliver food safety official controls in accordance with The Official Feed and Food Controls (England) Regulations 2009.

Risk Assessment: Failure to deliver official controls in accordance with the Food Law code of Practice, as laid out in the service plan, presents a risk to members of the public, due to drop in food hygiene standards within food establishments. Failure to deliver official controls in accordance with the Food Law code of Practice leaves the Authority at risk of reputational damage and financial cost due to potential FSA intervention.

Impact on Climate Change: There is no direct impact on climate change as a result of this report.

Equalities Impact Assessment: An equality impact assessment is not required in respect of this update report.

Relationship to Corporate Plan: This report links directly to the primary aim of protecting public safety and ensuring the well-being of our community. It therefore directly contributes to the priority of Community, People and Equality within the Corporate Plan.

A new Corporate Plan for 2024 – 2028 is currently under development. A draft priority within this plan is ‘Community, People and Equalities’ with a specific objective to “support the health, wellbeing, and safety of our residents”. This includes keeping the public safe through rigorous public health inspections.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer:

Agreed by or on behalf of the Section 151

Date:

Statutory Officer:

Agreed on behalf of the Monitoring Officer

Date:

Chief Officer: Simon Newcombe

Agreed by or on behalf of the Chief Executive/Corporate Director

Date: 28 May 2024

Performance and risk: Steve Carr

Agreed on behalf of the Corporate Performance & Improvement Manager

Date: 31 May 2024

Cabinet member notified: Yes

Section 4 - Contact Details and Background Papers

Harriet Said, Team Leader (Commercial), Public Health or Simon Newcombe, Head of Housing and Health

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Background papers:

Food Standards Agency, Food Law Code of Practice [Food law code of practice \(England\)](#)

Framework Agreement on official Feed and Food control by Local Authorities [THE FRAMEWORK AGREEMENT ON LOCAL AUTHORITY FOOD LAW REGULATION](#)

Food Standards Agency Food Law Practice guidance (England) [FSA Communications \(food.gov.uk\)](#)

The Official Feed and Food Controls (England) Regulations 2009 [The Official Feed and Food Controls \(England\) Regulations 2009 \(legislation.gov.uk\)](#)

Food Hygiene Rating Scheme [Search for ratings | Food Hygiene Ratings](#)