



Report To: Environmental Services Portfolio Holder Meeting 12 December 2014
Lead Officer: Mike Hill Director Health & Environmental Services

Report on the Audit by the Food Standards Agency of the Local Authority Food Law Service 1-3 July 2014

Purpose

1. To inform the Portfolio Holder of the outcome of the Food Standards Agency audit and the measures that are proposed to address the issues raised.
2. This is not a key decision.

Recommendations

3. It is recommended that the Environmental Services Portfolio Holder approves the action plan at Appendix 1 to address the Food Standards Agency priorities.

Reasons for Recommendations

4. The team strive to provide the best service possible for customers and to support sustainable business compliance. Over the last three years the service has undergone a positive move towards an intelligence-led, risk-based intervention programme in line with the Corporate Enforcement & Inspection Policy and this timely audit has given the impetus to ensure a thorough review of systems results in a management framework which supports a quality, consistent, transparent and graduated approach towards enforcement.

Background

5. The Food Standards Agency (FSA) is the central competent authority in overseeing official food controls undertaken by local authorities and has been granted powers to monitor standards and audit local authorities delivery of official controls. The Council's Food Safety Service Plan sets out the interventions programme which is central to our regulatory and enforcement regime ensuring that a risk based, intelligence led approach is taken to enforcement balanced with business support and that sufficient resource is allocated to this important area of public safety.
6. The FSA undertook this audit as part of their annual programme in accordance with the Food Standards Act 1999 and the Official Feed and Food Controls (England) Regulations 2009. It identified South Cambridgeshire for audit because
 - it has not been previously audited
 - there are generally low levels of enforcement in local food premises
 - statistical returns indicated overdue high risk inspections

Considerations

7. Over the last three years the team has evolved and incorporated a number of changes which have contributed towards a backlog of programmed inspections. These include
 - restructuring into an Environmental Health & Licensing Business Team with a new head of service and broader perspective
 - turn over in key staff within the team
 - difficulties recruiting to vacant posts and also in finding suitably qualified consultants to backfill posts
 - migration from the local Scores on the Doors programme to the national Food Hygiene Rating Scheme with it's own Brand Standard and appeals procedures requiring implementation
 - new and updated legislation and codes of practice
 - a new alternative inspection strategy for low risk premises
 - a consolidated corporate enforcement policy
 - an ever changing enforcement scene with many new food businesses registering and a challenging economy forcing others to cut costs and potentially risk consumer's health

8. As previously reported to the Portfolio Holder, no major issues were identified by the audit and this supports continuing confidence of residents and Members in the continued high performance of local businesses. However, the audit did identify a number of improvements for SCDC to consider as set out in the Action Plan at Appendix 1.

Options

9. The options considered are to
 - implement the action plan in its entirety and thereby comply fully with the food law code of practice
 - prioritise the action plan so that it is implemented in stages over a longer period than suggested, this could invoke sanctions from the Food Standards Agency
 - disregarding the proposed action plan act may put South Cambridgeshire DC in contravention of statutory duties and present a risk to health to consumers. This is not recommended.

10. With respect to recruiting the food lead role the options are to
 - re-advertise the post
 - explore alternative ways of delivering this key role including potentially a shared post between authorities

Implications

11. In the writing of this report, taking into account financial, legal, staffing, risk management, equality and diversity, climate change, community safety and any other key issues, the following implications have been considered: -

Financial

12. None identified at present, it is anticipated that improvements in the quality of the service delivered should not impact adversely on the current budget.

Legal

13. The food law enforcement is a statutory function and failure to deliver it to the standards required would have adverse legal implications for the council.

Staffing

14. The Lead Food Officer post has remained vacant following an unsuccessful recruitment round. Options are currently being considered in order to identify ways in which to fulfil the requirements of this role.

Risk Management

15. The FSA will be monitoring the service's progress in implementing the agreed action plan. If they are not satisfied that sufficient progress is being made and there are concerns that the food law enforcement service is failing the FSA may deliver the service on behalf of the authority and recharge its expenses. This could cause adverse media comment and have significant financial implications to the council.

Equality and Diversity

16. Consistent and transparent enforcement activities are essential to maintain consumer safety and confidence and to supporting businesses to thrive equally.

Effect on Strategic Aims

17. Addressing the FSA's recommendations through implementation of the Action Plan at appendix 1 will contribute to achieving our strategic aims to provide first class services and an outstanding quality of life to residents. Specifically, it will help us to ensure that, through our Food Safety Plan, we deliver a proportionate approach to enforcement which supports local business success whilst protecting health and consumer confidence.

Background Papers

Framework Agreement on Local Authority Food Law Enforcement
Food Standards Agency (FSA) Food Law Code of Practice and Practice
(England) and Practice Guidance

Report on Audit of Local Authority Food Law Service Delivery and Food Business
Compliance South Cambridgeshire District Council Food Standards Agency 1-3 July 2014.

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