

Decision Report

ISLE OF WIGHT COUNCIL

DECISION UNDER DELEGATED POWERS

DECISION CANNOT BE TAKEN BEFORE 3 JULY 2024

Title **FOOD HYGIENE AND STANDARDS INTERVENTION PROGRAMME
2024/25**

Report of **CABINET MEMBER FOR REGULATORY SERVICES, COMMUNITY
PROTECTION and ICT**

Executive Summary

1. This report seeks to report on last year's proactive food premises inspection programme and, in addition, seeks approval for the Council's Food Hygiene and Standards Intervention Programme 2024/25.
2. The Council is required to produce a Food Service Plan under the Framework Agreement on Official Feed and Food Controls by Local Authorities. This sets out what the Food Standards Agency (FSA) formally require from Local Authorities regarding their planning and delivery of official controls, based on the statutory Food Law Code of Practice (FLCoP). Local Authorities are required to consider and approve the Plan to ensure local transparency and accountability.
3. The Food Service Plan ensures that national priorities are delivered locally and linked to corporate and financial planning. It also provides a means of managing performance and providing relevant information to stakeholders.
4. This report contains the elements within the Food Service Plan related to the delivery of proactive food inspection responsibilities. The proposed plan is based on managing risk.
5. The Food Service Plan has been subject to internal audit, a recommendation of which is that the Food Service Plan is approved by service management and the portfolio holder on an annual basis.
6. This is of particular importance as we are now outside of the Covid Recovery Plans and milestones in assisting the backlog of work, and the expectation is that Local Authorities will return to delivering plans in line with the FLCoP.

Recommendation

7. Option 1: That the Cabinet Member for Regulatory Services, Community Protection, and ICT approve the Food Service Plan as attached at Appendix 1.

Background

8. Local Authorities are responsible for delivering activities such as inspections, audits and surveillance and sampling (known as Official Controls) in most food establishments. These controls relate to food hygiene (microbiological quality and contamination of food by micro-organisms or foreign matter) and food standards (composition, chemical contamination, adulteration and labelling of food).
9. The Isle of Wight as a holiday destination has a high proportion of hospitality businesses and also has a growing sector of innovative and diverse businesses requiring support and regulation. This also results in a relatively high turnover of food businesses which require inspection and advice to meet the required standards.
10. The Council has discussed with the FSA its approach to inspection of food establishments on the Island, and the FSA is also aware of current issues facing Local Authorities in terms of recruitment and retention of qualified staff. The FSA accepts a level of pragmatic risk-based response, as well as an expectation that we will continue to make progress to comply with the FLCoP.
11. As of the 1 April 2024 there were 1,891 food premises registered with the Council, the majority of which are catering or retail establishments. The minimum frequency of intervention is determined by the FLCoP and is dependent on the risk category score that is calculated by a combination of potential hazard based of the business and compliance at the last intervention.
12. Food Hygiene

Risk Category	Minimum Intervention Frequency
A	at least every six months
B	at least every 12 months
C	at least every 18 months
D	at least every 24 months
E	Alternative Enforcement Strategies/interventions every three years.

13. Food Standards

Risk Category	Minimum Intervention Frequency
A	at least every 12 months
B	at least every 24 months
C	Alternative Enforcement Strategies/interventions every three years.

14. The Food Service Plan states the Council will only routinely inspect premises that are due an inspection for food standards if there is a visit due at the premises for food hygiene.
15. Unrated premises: where the new establishment is believed to be undertaking high-risk food activities, the Competent Authority should undertake an initial inspection within 28 days of commencement of operations. Where the establishment is believed to be low risk from the available information, consideration can be given to postponing the initial inspection in circumstances where conducting it would delay planned interventions to premises involved in, or believed to be involved in, high-risk activities.
16. The Food Service Plan is risk based but has been planned to balance the targeted interventions with the capacity and resources within the team and since 88% completion in 2015/16 service year the overall achievement has not been greater than 68%.
17. The number of premises that have been overdue a food hygiene inspection over time:

Risk	01/04/19	01/04/20	25/02/21	11/04/22	08/02/23	08/11/23	01/04/24
A	1	0	2	1	1	1	1
B	3	9	67	14	4	19	0
C	14	170	288	175	97	69	38
D	205	268	418	406	223	185	92
E	182	364	427	593	464	366	267
Unrated	184	230	354	669	329	248	225
Total	589	1041	1556	1858	1118	888	623

18. The total number of full-time equivalents (FTE) to complete the full interventions as expected by the FLCoP is 5.75 FTE for Food Hygiene and 2.3 FTE for Food Standards.
19. On 1 April 2024, the Council has the FTE staff available as set out in the table below for the intervention programme. There is a recognised national shortage and reduction in qualified officers.

Food Hygiene	Authorised Officers	Regulatory Support	Trainee Officers
Allocated	4	1	2
Occupied	3.75	1	2
Food Standards	Authorised Officers	Regulatory Support	
Allocated	0.3	0.15	
Occupied	0.3	0.15	

20. This plan prioritises a focus on highest risk premises; taking into account risk rating, date since last inspected and those that score 0/1/2 in the National Food Hygiene Rating Scheme.
21. The Council will continue to participate in the National Food Hygiene Rating Scheme and will accept requests for re-inspection, which will mean an earlier re-rating, at a cost to the business.
22. In addition, the Council will continue to ensure reactive enforcement in cases of non-compliance in accordance with the FLCoP and Enforcement Policy. It will ensure a reactive management of food incidents and hazards and investigating food complaints, in addition to having an active sampling plan.
23. The allocation of resources and delivery of the plan will be based on the most effective methods possible while meeting with the expectations of the FLCoP and ensuring that businesses are supported and to ensure that at the conclusion of any intervention that the business is fully aware of any corrective action necessary, timescale for action and any recommendations of good practice that the officer considers appropriate.
24. Monitoring is undertaken at a national (National Statutory Returns to the FSA) and local (service) level on a quarterly basis.
25. Food Hygiene Inspection programme 2024/25:

Risk Rating	Total no	Number Due or Overdue Intervention	Number and type of planned intervention		Total Interventions	Target %
			Inspect/Audit	Surveillance		
A	4	4	4	-	4	100%
B	67	67	67	-	67	100%
C	266	175	175	-	175	100%
D	672	329	248	-	248	75%
E	657	330	33	100	133	40%
Unrated	225	225	202	-	200	90%
New Estimate	200*	200	120	-	120	60%
Total		1330	849	100	949	71%

- Estimated number of new registrations to be received in 2024/25

26. E rated premises are those that retail handling of foods other than high-risk, and other ambient shelf stable products and/or have less than 20 customers a day and have a history of good compliance. We will be targeting a large percentage of these using the flexibility in the code using the Regulatory Support Officer role.

Corporate Priorities and Strategic Context

Responding to climate change and enhancing the biosphere

27. There is limited direct impact to climate change, and this report does not provide anything additional to the current situation.

28. In the delivering of the food Service Plan and to ensure the team are working as effectively as possible, the need for officer travel is considered and limited by the methods in the allocation of work.
29. In addition, the review of the process and the implementation of different ways of working and the use of technology has limited the use of paper forms and the need to follow up with written correspondence.

Economic Recovery and Reducing Poverty

30. *FSA's Mission food you can trust – is an outcome we want for everyone, wherever in the UK they live and whatever their personal circumstances. This will only happen if everyone is able to access the food they need and to make informed choices about the food they eat.*
31. This plan goes towards the role of ensuring food is safe and food is what it says it is. The economic landscape has changed significantly due to the impacts of the pandemic, and it has never been more important to ensure our local businesses are supported.
32. The plan is risk-based and proportionate in its approach focusing on food and businesses that pose the greatest risk, whilst ensuring that the burden on business is no more than it needs to be.

Impact on Young People and Future Generations

33. The decisions the Council makes now not only affect current residents, but may have long term impacts, both positive and negative, on young people and future generations. These impacts may not immediately be apparent or may not emerge for several years or decades. Impacts will be interrelated across the various domains of young people's lives from housing, employment or training, health, and the environment.

Corporate Aims

34. The priorities as presented in the Corporate Plan 2021-2025 and the Food Service Plan supports the corporate plan by working to achieve increased levels of food safety and hygiene in premises; high rated food businesses in the national food hygiene rating scheme (resulting in increased consumer confidence in local businesses); and the control of foodborne diseases.
35. The Food Service Plan ensures regulatory compliance through support, intervention, and enforcement, which in turn enables the successfulness of our business sector as well as economic growth.
36. As a part of the ongoing business of the Council, the Food Service plan sets out the delivery of statutory regulatory functions to keep the Island businesses, residents, and visitors safe from harm.
37. A key principle of the plan and its delivery is to prioritise the highest risk areas including the backlog of regulatory work following the Covid pandemic. This plan seeks to work toward this with the resources and funding available.

Consultation and Engagement

38. There is no requirement to consult on the plan, however the plan has been shared with the FSA.

Financial/Budget Implications

39. A decision was taken in September 2021 to release £326k from the corporate contingency budget for additional resources to tackle the backlog/high risk areas of work in Regulatory Services caused by the Covid pandemic. A proportion of this has been spent on the Food Service Delivery.
40. This funding has allowed retention/recruitment of current FTE and the use of an authorised contractor, in addition to increasing capacity with officer overtime and using Regulatory Support staff to increase inspection time and efficiency of authorised officers.
41. There remains £112k of this funding and this has been approved to be carried over to 2024/25 year to continue to assist the Food Service Delivery plan.

Legal Implications

42. The FLCoP provides statutory guidance to which Local Authorities must have regard when engaged in the enforcement of food law. Local Authorities must follow and implement the relevant provisions of the code unless there are exceptional reasons not to.
43. It is a statutory requirement to produce a Food Service Plan, and this allows for the efficient planning of resource to deliver official controls as required by the Food Law Code of Practice and to deliver other commitments such as sampling, internal monitoring and business advice as required by the Framework Agreement.

Equality And Diversity

44. The Council as a public body is required to meet its statutory obligations under the Equality Act 2010 to have due regard to eliminate unlawful discrimination, promote equal opportunities between people from different groups and to foster good relations between people who share a protected characteristic and people who do not share it. The protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
45. It is considered that there are unlikely to be any direct equalities and/or diversity implications arising from this proposal.

Property Implications

46. There are no property implications arising from this report.

Options

47. This plan relates to the delivery of a statutory function, so limited alternative options are available at this time.

48. Option 1: That the Cabinet Member for Regulatory Services, Community Protection, and ICT approve the Food Service Plan as attached at Appendix 1.
49. Option 2: The Cabinet Member for Regulatory Services, Community Protection and ICT does not approve the Food Service Plan contained at Appendix 1 and an seeks an alternative plan to be developed by the service.

Risk Management

50. This focus is on the risk of not delivering the plan, as if the Council is unable to deliver an intervention in food premises as they become due (in accordance with the FLCoP) then a potential public health risk such as food poisoning outbreak may occur. The risk of this occurring is reduced in having a plan that focuses on risk.
51. There could be reputational risks to the business and Council and credibility of the Food Hygiene Rating Scheme (FHRS) if a failure to demonstrate a sufficient intervention programme.
52. If the Council is unable to meet its commitments according to the Framework Agreement, and deliver them according to the Code of Practice, then it could be in breach of its statutory duty with potential FSA sanctions and damage to reputation.
53. Approval of the plan offers mitigation through adoption of a risk-based approach on the highest risk premises and activities. High risk new food establishments and for high-risk and/or non-compliant establishments.
54. This will be implemented alongside a plan which allow for:
 - the nature and frequency are prescribed un-specific legislation and official controls recommended by the FSA guidance that support trade and export.
 - Reactive work including enforcement in the case of non-compliance, managing food incidents and food hazards, and investigating and managing complaints.
 - Sampling and ongoing proactive surveillance.

Evaluation

55. Documented internal monitoring procedures are required by Regulation (EU) 2017/625 on Official controls and other official activities, the relevant FLCoP, and centrally issued guidance. The internal monitoring will include the number of business interventions completed which were due, the number of businesses which are broadly compliant, the number of unrated high risk in addition to enforcement activities.
56. The Quarterly Performance Monitoring Report published on the website will have a performance indicator to measure the number of high risk (A-D) premises inspected against these targets. In addition, it will report and provide information on the number of unrated premises and newly registered premises.
57. Statutory returns are provided to the FSA, this includes the data that they request across the full-service delivery of the food service. This is monitored and reported through the FSA.

58. The operation of the Food Hygiene Rating Scheme is monitored by the FSA against the Brand Standard. The service has robust monitoring and data procedures relating to operation of this scheme.
59. Quality assurance is provided through the service's consistency and internal monitoring procedures.

Appendices Attached

60. Appendix 1 – Food delivery sections of the full business regulation team plan 2024/25.

Background Papers

61. Food Standards Agency Framework Agreement <https://www.food.gov.uk/about-us/local-authorities>
62. Food Law Code of Practice and Guidance <https://www.food.gov.uk/about-us/food-and-feed-codes-of-practice>
63. Full-Service Audit <https://www.food.gov.uk/other/local-authority-audits-2011-2017-england>
64. Internal Audit Report – Environmental Health – Food Safety Standards as reported in the Audit and Governance Committee 31st July 2023 [Agenda for Audit and Governance Committee on Monday, 31st July, 2023, 10.00 am - Isle of Wight Council \(moderngov.co.uk\)](#)
65. <https://www.cieh.org/ehn/public-health-and-protection/2021/april/eh-workforce-survey-highlights-recruitment-difficulties/>
66. National Audit Office – Ensuring food safety and standards <https://www.nao.org.uk/reports/ensuring-food-safety-and-standards/> - Page 20, paragraph 1.6 highlighting the decline in resources for Local Authority delivery of food controls.
67. Food Standards Agency – Local Authority Capacity and Capability Report [Local Authority Capacity and Capability: Executive Summary | Food Standards Agency](#)
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