

Item No.	Classification: Open	Date: 13 September 2011	Decision Taker: Cabinet Member for Finance, Resources and Community Safety
Report title:		Food Safety Business Plan for 2011 – 2012	
Ward(s) or groups affected:		All	
From:		Strategic Director Environment and Leisure	

RECOMMENDATIONS

1. That the Cabinet Member approves the food safety Business plan for the year 2011– 2012, as set out in Appendix 1.
2. That the Cabinet Member notes the food safety team's performance against the Business plan for 2010 – 2011.
3. That the Cabinet Member notes the challenges facing the team in 2011 – 2012 and recruitment and training needs in 2011.

BACKGROUND INFORMATION

4. The Food Standards Agency (FSA) requires each Local Authority to produce a Food Business Plan in accordance with the guidelines set out in the Agency's Framework agreement on Local Authority Food Law Enforcement (Sept 2000); the plan must be approved by the relevant cabinet member.
5. The FSA Framework Agreement requires the Council to review its performance against the 2010 – 2011 food safety Business plan, identify areas for improvement and any variance from the previous year's, and to approve the food safety plan for the current year.
6. Every local authority food law enforcement service is, at some stage, subject to a comprehensive audit by the Food Standards Agency, which since its introduction in April 2000 has had a key role in overseeing local authority food enforcement services. The Business Plan provides the basis on which the Council's food service will be monitored and audited by the Agency. The aim of the Business Plan is to:
 - Provide information about the Food Safety Service;
 - Identify the means by which the service will be provided;
 - Identify the means by which the service will meet any relevant performance targets or performance standards;
 - Enable performance to be reviewed by examining any variances from the Business Plan and identify areas for improvement; and
 - Demonstrate a balanced enforcement approach.
7. In planning and delivering the service the Business Plan takes into account the Government's better regulation agenda. Key to this agenda are the five principles of good regulation:

- Targeting (to take a risk-based approach);
- Proportionality (such as only intervening where necessary);
- Accountability (to explain and justify service levels and decisions to the public and to stakeholders);
- Consistency (to apply regulations consistently to all parties); and
- Transparency (being open and user-friendly).

8. The Business plan is required to be produced and reviewed annually, as either a stand-alone or a broader plan clearly identifying food safety priorities and plans of intervention. The Business plan is considered as essential for effective performance management.
9. The food safety team's Business plan for 2011-12 satisfies these requirements.

KEY ISSUES FOR CONSIDERATION

10. A copy of the food safety team's Business plan for 2011-12 is provided in appendix 1 of this report.
11. The common format in which Business plans are required to be produced enables the FSA to assess and compare local authority activities.
12. The Business plan includes a detailed breakdown of premises where the council has enforcement responsibilities, the organisational arrangements established to discharge the council's statutory duties, and full information on proactive premises' inspection plans, sampling and investigations.
13. The main Business plan document at appendix 1 provides an overview to the service.
14. The Service Mission statement for the whole of Environmental Health is included within this Business plan, and the objectives are designed to reflect and contribute towards the achievement of the fairer future vision within the Council Plan, and the six key principles that underpin it.
15. The 2011-12 Business plan is arranged to provide best use of resources, and has focused on improving its performance in key statutory areas, working towards meeting statutory targets for inspecting higher risk food premises and increasing its formal enforcement activity, which remains upper quartile compared to nearest neighbour authorities.

Review against performance 2010-2011

16. A review of performance against the 2010-11 business plan is provided in section 6 of the 2011-12 business plan and Appendix 1. Overall, there is no significant variation from the 2010-11 Business plan to report.

Key achievements in 2010 – 2011

17. The performance of the food safety team is measured through a combination of internal and external indicators. As part of this, the chartered institute of public finance and accountancy (CIPFA) publishes a suite of performance indicators annually. Appendix 1 of the 2011-2012 Business plan provides the food safety team's performance for 2010-11, as per CIPFA returns, compared against past performance dating back from 2005-6.
18. The figures show that the team:
 - a) Achieved a 13% increase on the previous year's enforcement activity;
 - b) Achieved a 200% increase on the service of emergency prohibition notices;
 - c) Carried out 62% more food hygiene and standards inspections than the number targeted for 2010-2011;
 - d) Reduced the number of unrated premises by 469;
 - e) Remains in the upper quartile for performance when benchmarked against the 13 inner London boroughs.
 - f) Dealt with 6% more service requests than the previous year.

Challenges for 2011-12

19. Areas of improvement from 2010-11 and beyond are highlighted in the 2011-12 Business plan. Specifically these are:
 - To inspect 100% of the high-risks, category A and B premises;
 - 100% of the unrated premises and 100% of not broadly compliant category C premises;
 - To ensure that the staffing levels are sufficient to meet the above targets whilst recognising the financial challenges that the council currently faces;
 - To maximise officer's involvement in the delivery of hygiene inspection compared to last period through changes in service delivery;
 - To work with businesses to increase the number of premises that have documented food safety management systems in place, by utilising a range of actions and interventions to assist in compliance;
 - To initiate necessary IT support updates and development;
 - To further examine potential for data matching with internal and external partners, to ensure that the most current and relevant information on business activity is used to shape and facilitate joint working initiatives.

Policy Implications

20. The recently adopted Southwark council plan highlights its priorities and commitments for the next 12 months. It outlines the new relationship between the council and residents, built on trust, openness and transparency in all it does and absolute commitment to creating a fairer future for all.
21. The food team works to the Council's medium term objectives and supports the council plan in the following areas:
 - **Being more transparent** – by following best practice as promoted by the Better Regulation Executive and the Hampton Review of regulatory inspections and enforcement. The service will be:
 - Proportionate in activity intervening only when necessary and using remedies that are appropriate to the risk posed, and costs identified and minimised.
 - Accountable and be able to justify decisions made and be subject to public scrutiny.
 - Consistent and open and will try to keep regulations simple and user-friendly within the limitations of legislative requirements, which are often out of the control of the service.
 - Targeted, and focused upon problems and minimising side effects;
 - **Creating a fairer borough** – by ensuring that Southwark continues to be a place where people are treated fairly and have the opportunity to get involved; by providing timely hygiene advice and regulation to local businesses and contributing to a level playing field locally;
 - **Making southwark a place to be proud of-** by assisting food related businesses through support, education and enforcement to improve and comply with hygiene standards, so improving quality of life now and for future generations for the people of Southwark making the borough a better place to live, work, invest in and visit;
 - **Realising potential-** by recognising that food is a key marker of social inclusion; that addressing diet, nutrition and food safety issues can impact on reducing health inequalities and incidences of food poisoning, the reduction of which has a positive impact on the community's health. The team will continue to carry out educational and promotional activities as an integral part of their routine food safety inspections, as well as specialist activities targeting both consumers and businesses to promote food safety, better nutrition and healthy choices;
 - **Spending money as we would our own** –by continuing to employ new and modern ways of working to ensure our service is flexible, responsive, efficient and effective representing excellent value for money;
 - **Transforming public services-** by being committed to continuous improvement in service delivery, and addressing the needs of our communities by using our resources innovatively and to best effect;

Equality Impact Assessment

22. The service has completed an equality impact assessment. Recommendations have been agreed and an action plan produced. The key objectives of the action plan are to improve the service's profile, communication methods and to increase the cultural awareness of staff. The aim of these objectives is to promote the service, remove any barriers to for those trying to access the service and to encourage community engagement.

Community impact statement

23. Regulatory services are delivered to different communities within Southwark. Through the enforcement of such functions as food safety, food standards and control of infectious diseases the service is actively contributing to community cohesion through health improvements to the community.
24. There is a potential for different groups to be differentially affected by the services enforcement responsibilities in that small and medium sized enterprise (SMEs) are more likely to attract a higher risk rating than larger businesses. This is because larger businesses are more likely to employ or contract advisers to control their risks. In Southwark, there are a significant proportion of black and minority ethnic (BME) businesses that fall within the SME definition and there is a risk that they will receive closer scrutiny from the service than larger companies. Balanced against that risk is that their customers and staff are also likely to be from BME backgrounds and the service exists to protect their health, safety and economic welfare equally. We will endeavour to provide advice and education to communities and businesses, in a way that acknowledges the cultural diversity in the borough, before applying enforcement sanctions.

Resource implications

25. To deliver the proposed plan, the service will need to ensure it has the appropriate level of staff, whilst acknowledging the financial pressure on the division and council, as a whole. Related costs will be met from the existing budgets.
26. The Councils food team is the 3rd cheapest compared with the 13 inner London Boroughs.

Legal Implications

27. See para 30.

Finance Director (CD/010711)

28. This report asks the Cabinet Member for Resources and Community Safety to approve the food safety Business plan for 2011/12, note the teams performance against the 2010/11 plan and to note the challenges facing the team in 2011/12.
29. The delivery of the proposed plan requires the appointments of two additional food safety officers, with an estimated cost of £80k. As reported in paragraph 28, this can be contained within existing budgets.

Strategic Director -Communities Law & Governance (DP/300611)

30. Under the Food Standards Act 1999 the Food Standards Agency (FSA) and Local Authorities have a range of statutory powers designed to strengthen the enforcement of food standards and to ensure national objectives are delivered. The Act requires the FSA to monitor and audit Local Authorities' food enforcement responsibilities. The Framework Agreement is a joint working agreement which provides the FSA with a mechanism for implementing its powers to oversee Local Authority enforcement activity. In particular, it provides for publicly available local service plans designed to increase the transparency of Local Authority enforcement services and for enhanced monitoring and reporting data with greater focus on enforcement outcomes, designed to provide more detailed information on Local Authority per 1 April 2010.
31. The Framework Agreement requires Local Authorities to implement a service plan to address local issues and to ensure delivery on nationally agreed objectives. Local Authorities are required to implement and maintain documented internal monitoring procedures on approved forms and to keep a record of all internal monitoring for a minimum of two years.
32. The performance of Local Authorities is monitored by the FSA, which collates, monitors and reports on key data on the delivery of food law enforcement from each Local Authority on an annual basis. The data is used to produce a report on the performance of each Local Authority, which may include guidance on improving performance which the Local Authority is required to validate and agree. The FSA can require a Local Authority to publish the report and state what action it proposes in response. Performance details are published annually on the FSA website.
33. The Framework Agreement audit scheme sets out the arrangements whereby the FSA conducts a qualitative assessment of Local Authorities' enforcement activities with the aim of ensuring that they provide an effective service to protect public and animal health and maintain and improve consumer confidence. The audit scheme assesses a Local Authority's compliance with the *Feed & Food Law Enforcement Standard* (and any associated guidance and statutory codes of practice) against the full range of enforcement activity. Local Authorities are often randomly selected for audit but inclusion may be informed by those with both low and high apparent levels of performance. Audit reports are issued to Local Authorities in the expectation that they will be presented to elected members within the appropriate public forum. There are procedures for resolving complaints and disputes arising from the audit. Copies of the final audit report are placed on the FSA website.
34. *The Feed & Food Law Enforcement Standard* requires each Local Authority to set up, implement and maintain a documented procedure for the authorisation of officers based on their competence and in accordance with the relevant codes of practice and statutory guidance. Local Authorities are also required to appoint a sufficient number of authorised officers to carry out the work set out in the service delivery plan. The level of authorisation and duties of officers should be consistent with their qualifications, training, experience and the relevant code of practice.

35. It will be noted that the FSA has considerable powers to oversee Local Authority enforcement activity and to publish reports, which could be capable of having a positive or negative impact on the Council's reputation.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Title of document(s) The Framework Agreement on official Feed and Food controls by Local Authorities	Title of department / unit Address Community Safety & Enforcement , EHTS, Chaplin Centre, Thurlow St. London SE17 2DG	Name Sally Slade Phone number 020 7 525 4260
Food Law Code of Practice (England) June 2008		

APPENDICES

No.	Title
1	Food Safety Plan 2010/11

AUDIT TRAIL

Lead Officer	Gill Davies, Strategic Director of Environment and Leisure	
Report Author	Jonathon Toy, Head of Community Safety and Enforcement	
Version	Final	
Dated	13 September 2011	
Key Decision?	Yes	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director for Communities Law & Governance	Yes	No
Finance Director	Yes	Yes
Cabinet Member	Yes	Yes
Date final report sent to Constitutional Officer	13 September 2011	