



**Regulatory Committee**

**Thursday 9<sup>th</sup> December  
2021**

**Subject: Food, Health and Safety Work Plan - Mid Year Update**

Report by:	Assistant Director – Change Management & Regulatory Services
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Purpose / Summary:	To provide Regulatory Committee with a mid-year update on food hygiene inspections and progress against the Food Standards Agency Recovery Plan.

**RECOMMENDATION(S):**

Committee are asked to:

- a) Receive the update report, as requested by Members at their meeting on 10 June 2021, in regards to the Food Standards Agency Recovery Plan and the action plan, that is being developed, to address the issues.
- b) Agree that a further update on the resources and inspection position is provided to the Chair and Vice Chair at the end of January 2022.

## IMPLICATIONS

### **Legal:**

The Council is required to complete a Food, Health and Safety Work Plan annually and it is completed in line with the Food Standards Agency Framework Agreement.

The Council has a statutory obligation to ensure that it meets the requirements of the framework agreement and any other such plans produced by the Food Standards Agency such as the current recovery plan.

### **Financial :FIN/138/22/SSc**

This report highlights the challenges facing the Council to complete the Food, Health and Safety Work Plan. There is a need for further resources. This issue is being addressed by the Management team and will be detailed in a further report.

### **Staffing :**

There are no staffing implications within this report. The report does refer to the lack of staffing resources and a plan is in place to attempt to address this.

### **Equality and Diversity including Human Rights :**

None noted

### **Data Protection Implications :**

None noted

### **Climate Related Risks and Opportunities :**

None noted

### **Section 17 Crime and Disorder Considerations :**

There are no direct implications within this report. In line with the Council's Corporate Enforcement Policy this work area seeks to ensure that other agencies are engaged where necessary to address specific concerns.

### **Health Implications:**

The delivery of an effective Food and Health and Safety service has a clear and direct impact on the health of the Districts residents. The plan seeks to ensure that Food Hygiene Standards are maintained in line with legislation and that Health and Safety incidents are investigated accordingly.

### **Title and Location of any Background Papers used in the preparation of this report:**

**Risk Assessment :**

See section 5 of report.

**Call in and Urgency:**

**Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?**

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

**Yes**

**No**

**Key Decision:**

A matter which affects two or more wards, or has significant financial implications

**Yes**

**No**

## 1. Introduction

1.1. At its meeting on Thursday 10<sup>th</sup> June 2021, Regulatory Committee approved that an update on performance against the Food Standards Agency (FSA) Recovery Plan be submitted to the Committee by January 2022 in order that the Committee has assurance on what progress in being made, given the current circumstances raised through the initial report.

1.2. The original report can be found here [Agenda for Regulatory Committee on Thursday, 10th June, 2021, 6.45 pm | West Lindsey District Council \(west-lindsey.gov.uk\)](https://www.west-lindsey.gov.uk/agenda-for-regulatory-committee-on-thursday-10th-june-2021-6.45-pm)

## 2. Background

2.1. The June 2021 report highlighted that the main challenges the Council were facing were as follows:

- The FSA Recovery Plan inspection numbers were estimated to total 74 required by March 22.
- The FSA also believed (now evidence locally) that there has been a significant increase in the number of food businesses with unknown risks due to lack of inspection along with a general trend of reducing standards since the onset of the pandemic.
- The volume of premises requiring some form of inspection overall stood at 554 from 22/23. This is significantly higher than in previous years.
- There is a resource challenge to meet the enhanced level of inspections that will be required to take place from 22/23.

2.2. The FSA recovery plan is still in the form of the approach set out below and there is a general concern that the programme is placing an additional burden on Environmental Health as evidenced by the following Chartered Institute of Environmental Health (CIEH) article [‘Significant decline’ in food hygiene standards increases EH burden \(cieh.org\)](https://www.cieh.org/significant-decline-in-food-hygiene-standards-increases-eh-burden)



2.3. Whilst the recovery plan is aimed at ensuring that the Council can return to a planned programme, the volume of unrated premises inspected within year one are likely to increase the overall figures. A worked example from an actual premise and the impact it has on the number of inspections is shown below:

Worked Example for new unrated premises:

	Inspection 1	Inspection 2	Inspection 3	Inspection 4
	1/7/21	11/2/22	11/2/23	11/2/24
Category	Unrated	A	B	B
Category	Unrated	A	C	n/a

2.4. The premises above, shows as one inspection within the schedule for the recovery plan, however following on from the initial inspection may then require inspecting multiple times again during the recovery plan period. This has placed an additional inspecting burden on the work area.

### 3. Current Position

3.1. Within the work plan and associated report from June 2021 it was estimated that there were around 140 unrated premises, of which the 74 high risk would need inspection. The table below shows the current position.

<b>Recovery Plan Inspection Progress Report</b>			
	TOTAL 1/04/2021	Updated at 30/09/2021	October 31 <sup>st</sup> 2021
Manufacturers	15	15	15
Cat A	3	4	4
Cat B	22	22	21
Unrated	156 (HR – 76) (LR – 80)	158 (HR – 86) (LR – 72)	154 (HR – 83) (LR – 71)
<b>Total</b>	<b>196</b>	<b>199</b>	<b>194</b>
<b>+20% (complaints)</b>	<b>236</b>	<b>239</b>	<b>234</b>
Completed inspections		40	14
Total completed inspections		40	54

3.2. The key points to note are as follows:

- The number of premises requiring inspection has increased since June 21. This is due to unrated premises being rated and then requiring further inspection alongside new premise registrations.
- The overall number of inspections required has remained static, despite the number of inspections completed (for the reasons stated above)
- A large proportion of the inspections relate to reactive work based on complaints from the public, from which an inspection will occur.

- A number of inspections have been completed in line with the recovery plan requirements.
- No sampling programme has been reintroduced as yet.
- The likelihood of meeting the overall target within this FSA Recovery Plan is now reduced.
- The number of staff available to complete the required inspections has reduced within the period due to vacancies and one officer not becoming fully competent until the end of September 2021.

3.3. The updated position from 1/4/22 onwards is as follows: **The figure in bold is the revised figure.**

Time Period	Details	Added into Programme	Volume	Change since July 21
Up to March 2022	Unrated		196 (up to March 22 total – 20%)	n/a
1/04/2022 to 31/03/2023	Cat C	+ 149 <b>152</b>	(198 + 149) = <b>347</b> <b>(201 + 152) = 353</b>	<b>+6</b>
	+ 20% Inspections falling outside recovery plan)	(347 + 20%) <b>(353 + 20%)</b>	416 <b>424</b>	<b>+8</b>
1/04/2023 onwards	Cat D	+ 248 <b>249</b>	(248 + 347) = 595 <b>(353 + 249) = 602</b>	<b>+7</b>
	+ 20% Inspections falling outside recovery plan)	(595 + 20%) <b>(602 + 20%)</b>	714 <b>723</b>	<b>+9</b>

3.4. There continues to be a significant resource challenge to not only meet the required number of inspections beyond March 2022, but also up to March 2022 based on the current actual figures shown in the table within section 3.1.

3.5. Alongside the +20% additional inspections, there is also a further estimated +20% of compounded work that impacts upon the ability to complete inspections. This is in the form of the external health and safety function, which is currently not resourced, alongside functions such as sampling, business advice and any proactive work.

#### 4. Resources

4.1. The resources available to complete inspections has been impacted between June and October 2021 due to the vacancies that are within the broader environmental health work area. The qualified officer from the broader work area has not been able to complete any food inspections during the period due to the need to meet the Council's other statutory obligations.

4.2. One officer is now deemed to be fully competent therefore there are circa 2.2 FTEs available for food hygiene inspections. In order to meet

the requirements within the recovery plan and beyond a minimum of 3 FTEs is required. The estimates below set out the resource challenge against the target of 723 (not including the compounded 20% activity)

a) 660 = Projection of estimated food hygiene inspections undertaken between 1/10/2021 and 31/03/2024 at current resource level.

b) 900 = Projection of estimated food hygiene inspections undertaken between 1/10/2021 and 31/03/2024 at 3 FTE resource level

4.3. Steps are being taken via Management Team to address the resource challenge to ensure that the targets can be met. The options will consider short and long term resource available. A set of actions is also being developed to ensure that assurance can be sought from the FSA in relation to the measures the Council are taking to address the issue.

4.4. The vacancies within the broader work area relate to the ability to recruit qualified environmental health staff and a process is in place to resolve this with recruitment currently being undertaken.

## 5. Risks

5.1. The main risks associated with the current position are as follows:

*Ability to complete required FSA inspections:* not completing the required number of inspections will result in the Council coming under scrutiny from the FSA and will require an action plan to be put in place to ensure the required inspections levels can be met. Alongside this there are public health risks in not ensuring that a sufficient number of premises are inspected.

*Ability to complete additional obligations:* these obligations have been referred to as the compounded obligations and contain matters such as Health and Safety. The Health and Safety Executive may also require the Council to take steps to address the inability to complete any proactive health and safety investigations.

*Ability to recruit required staff:* both permanent and temporary options are being considered in regards to qualified staff and the current recruitment process (if successful) may impact upon the required inspection levels. This will depend on the type of staff recruited, their experience and qualifications

## 6. Summary

6.1. The report highlights that there is still a significant challenge for the Council in order to meet the requirements of the FSA Recovery Plan and beyond this the overall requirements in relation to food hygiene inspections.

6.2. It should be noted that steps are being taken to address this challenge and further work will be undertaken via Management Team in this regard.