



**Regulatory Committee**

**Thursday 7<sup>th</sup> December  
2023**

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

Report by:

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Purpose / Summary:

To provide Regulatory Committee with a mid-year update on food hygiene inspections.

**RECOMMENDATION(S):**

Committee are asked to:

- a) Receive the update report, as requested by Committee at their meeting on 15<sup>th</sup> June 2023 to update on current progress against the food, health and safety work plan 2023/24.
- b) Agree that further updates are provided to the Chair and Vice Chair of Committee at Chairs Brief for the remainder of 23/24.

## 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/99/24/SL**

There are no financial implications arising from this report.

### **Staffing :**

The report refers to the current staffing situation within the service in terms of its ability to meet the statutory requirements. There are no staffing implications within the report.

### **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:**

Food Health and Safety Work Plan 2023/2024

<https://democracy.west-lindsey.gov.uk/ieListDocuments.aspx?CIId=262&MIId=3438&Ver=4>

**Risk Assessment :**

See section 4 of the 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

X

**Key Decision:**

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

Yes

X

No

## **1. Introduction**

- 1.1. At its meeting on Thursday 15<sup>th</sup> June 2023, Regulatory Committee approved that an update on performance against the Food Standards Agency inspection regime be submitted to the Committee in December 2023 in order that the Committee has assurance on what progress has been made. The original committee paper can be found in the background papers section of this report.
- 1.2. This report seeks to provide that update and give reassurance to committee in regard to the Councils current position.

## **2. Background**

- 2.1. The 2023/24 food, health and safety work plan identified that 228 food premises would require a physical inspection within that year. The plan also outlined that the Food Standards Agency (FSA) had stated that there had been a significant increase in the number of food businesses where the risks associated with them remain largely unknown as initial inspections have not been undertaken. This situation arose as a result of the amended inspection regime during the Covid -19 pandemic. Alongside this the FSA have suggested that there is anecdotal evidence that hygiene standards in food premises have generally reduced since the onset of the Covid-19 pandemic and the response to re-opening premises.
- 2.2. It was noted that these two points may impact on delivery against the work plan in the short and medium term and that further resources may be required to deal with this.
- 2.3. Alongside the usual inspections, there is also an anticipated 20% to 30% increase on planned inspection numbers. This is due to inspections undertaken that are not part of the routine programme (i.e., reinspection's) or because of complaints from the public or where an additional paid for visit is requested. Therefore, it is estimated that the true total food inspection programme figure, comprising of routine planned and unplanned inspections is more likely to be in the region of 274 and 296 inspections.
- 2.4. The work plan also identified that with the existing resources in place (including the current fixed term resource, which ceased in June 2023), that with the reduced staffing capacity there may be a challenge in meeting the level of inspections required and requested in 23/24 .

## **3. Current Position**

- 3.1. As of the end of September 2023, 111 planned inspections have been undertaken, totalling 49% of the overall 228. In addition to this, a further 27 unplanned inspections have been undertaken, resulting in a total of 138 inspections overall.

- 3.2. In June 2023, the work area undertook proactive food hygiene enforcement checks at the Lincolnshire Showground on the days prior to and during the Lincolnshire Show. These were undertaken to ensure that the major catering establishments were compliant with food law and good practice. Approximately 71 spot checks were undertaken where food hygiene and health and safety issues were considered. Officers were also visible throughout the period of the show and provided advice and guidance to businesses as required. It is estimated that there are around 150 food businesses on site during the show.
- 3.3. One officer that was contracted on a fixed term basis left the authority at the end of their contract in June 2023 when the funding was no longer available. A second officer on a minimal hour's casual contract, will remain with the Council until the end of January and is focussing on inspecting premises that are open at weekends or evenings. These resources delivered 50% of the inspections undertaken in quarter 1 of 23/24.
- 3.4. Alongside this, one of the existing Environmental Health Officers is due to leave the Council at the end of December 2023. Recruitment is currently being undertaken for their role, however this will mean that there may be an interim reduction in resources available for food controls, until such time as they are appointed. There is also no guarantee that recruitment will be successful and if it is not, there may be a need to bring in an agency or fixed term staff member for a short period of time.

#### **4. Service Risks**

- 4.1. In the report presented to Regulatory Committee on the 15<sup>th</sup> of June 2023, the following service risks were identified.
- 4.1.1. Increased likelihood that the inspection target of 90% may not be maintained consistently over 23/24.
  - 4.1.2. Fluctuating inspection numbers which could result in increasing volumes for 24/25
  - 4.1.3. Additional demand on Senior Environmental Health Officers reducing availability to complete inspections.
- 4.2. In 23/24, the target of 90% should be broadly achievable, given that nearly 50% of inspections had been completed by the end of September 2023. This is caveated by the current recruitment situation, which may impact upon this overall figure.

To mitigate the risk cited in 4.1.1.

- The measure is recorded within progress and delivery and monitored by officers monthly.
- Depending on recruitment, a temporary resource may be required to ensure that the service stays on target to achieve the required number of inspections. This will be dealt with in line with the existing officer delegations and recruited to accordingly if needed.

- The Council will need to balance the resources it puts into its health and safety obligations versus its food hygiene inspections, dependant on risk.

4.3. In 24/25 it is estimated that between 418 and 437 (90% totals 376 to 393) inspections will be due. These figures are based on the routine planned inspections, 25 to 30% of additional unplanned inspections and the estimated shortfall from 23/24. This is an increase from 23/24 and will present a significant challenge in terms of the council's ability to achieve it, within the current staffing resources. Over 400 inspections were achieved in 22/23, however there was an additional 1 FTE in place via an agency for the duration of this period, which was funded via the Covid Outbreak Prevention Grant.

4.4. Failure to achieve the required level of inspections could result in intervention from the FSA who would initially ask for a plan of action in relation to how any backlog would be overcome, and inspection numbers increased.

To mitigate the risk cited in 4.1.2.

- A further estimated number of inspections will be undertaken as of the 1<sup>st</sup> of January 2024 to determine the up-to-date position. This will ensure that any shortfall from 23/24 is up to date and accurate.
- Should the initial recruitment process not be successful or be delayed due to notice periods, approval will be sought for a temporary resource within the service.
- Further work within the service, in light of the Together 24 (T24) service review, will be undertaken to look at whether there is scope to increase the number of FTEs in order to ensure that the statutory targets can be met. (The T24 work undertaken is a corporate programme of business improvement work taking place across the Council).
- The service will consider reducing the amount of the non-statutory inspecting work to ensure that the statutory requirements can be met.
- The T24 service review also recommended that new ways of working be explored for the support officer function, which include opportunities to divert tasks and support succession planning.
- The timescales for implementing any T24 improvements will be considered in line with the resources available and any support required from the Change Support Team understood as part of this process, including the provision for the backfill of any capacity lost.
- The existing role of the team's support officer will be reviewed to look at whether any capacity can be released to support the number of inspections required as well as supporting their EH training.
- The service will continue to provide the FSA with its "temperature check" on a twice-yearly basis, within which any resource risks which may impact on the Council's ability to achieve the required inspection numbers are detailed.

4.5. The additional demands on Senior Environmental Health Officers remain and the inspection numbers being achieved by these are limited due to this. This situation may improve, depending on the outcome of any recruitment process. For example, if an experienced EHO is employed, they will require less support than a graduate looking to become qualified.

4.6. It is clear from the inspection figures and along with audit and review work undertaken previously that the service needs a minimum of 3 FTE inspecting officers to meet the statutory requirements. Currently, given the risk cited above, the Council do not have this capacity.

To mitigate the risk cited in 4.1.3.

- The recruitment process may ensure that an experienced EHO is employed on a permanent basis, which may mitigate this risk.
- The T24 review also recommended that new ways of working be explored for the support officer function, which include opportunities to divert tasks and support succession planning.
- Further work is also required on succession planning as highlighted within the T24 service review.

## **5. Summary and Next Steps**

5.1. It is clear that there will be a significant challenge for the service to meet the estimated number of inspections required in 24/25 within the existing resources that are available. The current recruitment process will further determine the Council's ability to do this and an outcome on this should be understood by the middle of November 2023.

5.2. A range of mitigating actions have been identified to assist with the risks that are present within the service, and these will be explored and delivered by officers accordingly.

5.3. It is suggested a further update is provided to Management Team and Committee as part of the development of the 24/25 food, health and safety work plan.

5.4. Alongside this, should any staffing resources be required, these will be requested via the usual approval channels following on from the recruitment process that is underway.

**END**