

Wiltshire Council

Health Select Committee

11 September 2018

Subject: Food Standards Agency scrutiny of Wiltshire Council

Purpose of Report

1. The Food Standards Agency (FSA) is the national lead agency for food issues and monitors local authority performance in relation to food safety and food standards work. This report seeks to inform the committee of the FSA's scrutiny of Wiltshire Council and highlights the associated risks.

Background

2. The Food Standards Agency is a non-ministerial government department responsible for protecting public health and consumers in relation to food in England, Wales and Northern Ireland.
3. The work of inspecting and rating food premises in Wiltshire is carried out by authorised officers in the Food and Safety team in the Public Health and Public Protection Service. The team is responsible for a range of duties including carrying out inspections under the national Food Hygiene Rating Scheme which generate the "scores on the doors" stickers commonly seen in food shops and restaurants. There are 5,500 food businesses in Wiltshire, with a further 60 or so new food business registrations received each month. A range of other tasks are also carried out by the team which are listed in Appendix 1 to this report.
4. As part of its duties under the Food Standards Act 1999 and Regulation (EC) No. 882/2004 on official controls, the FSA is responsible for monitoring and reporting the performance of enforcement authorities in enforcing relevant legislation on both animal feed and food safety. The FSA collects key data on how each local authority is delivering feed and food law enforcement, on an annual basis. This is achieved through the Local Authority Enforcement Monitoring System (LAEMS) which was introduced in April 2008. Local authority performance reports are submitted annually, and the latest for the council covering 2017/18 is included in Appendix 2.
5. The Framework Agreement on Official Feed and Food Controls by Local Authorities provides the FSA with a mechanism for implementing its powers under the Food Standards Act to influence and oversee local authority enforcement activity. The Framework Agreement applies to local enforcement of all feed and food laws, and incorporates guidance and standards. It was last updated in 2010.
6. The Food and Safety team delivers a wide range of responsibilities including communicable disease control and health and safety at work legislation. It has an establishment of 10 professional officers delivering food safety work, which is

a reduction from the 23 officers in the team in 2009/10 when the unitary council was created. Food premises are risk rated in to 5 categories ranging from A as highest risk to E as lowest. The ratings are variable and may change depending on the nature of the food prepared and quality of the food business management. A rated premises will typically be a high throughput food outlet supplying ready to eat food, e.g. restaurants, takeaways, food distributors, where poor standards of hygiene management and poor condition of the premises have been found during an inspection. D and E rated premises are much lower risk. This rating is secured by a combination of good hygiene management and good structural standards. E rated premises are generally very low risk and include home bakers, bed and breakfast businesses, low risk food distributors, wet sales pubs and similar. Each risk category has a prescribed inspection frequency.

Main Considerations

7. The Framework Agreement provides a prescriptive structure for assessing the performance of enforcement authorities which unfortunately is outdated and does not reflect the current state of local government finance and resources. The author considers that the FSA, being remote from the local authority setting, does not fully appreciate the broad range of other functions and services delivered by the council and seeks to impose a higher priority for food work than is reasonably deliverable in the context of a unitary authority.
8. A full FSA audit inspection of the Public Protection Food and Safety team took place in 2013. Since that time a plan has been in place to address outstanding low risk inspections. The annual LAEMS returns since that time shows that the team have managed to complete all A to C rated inspections due each year, and has significantly reduced the numbers of D rated inspections from 739 due or overdue in 2017/18 to 104 outstanding by the end of March 2018. This backlog reflects inspections due in the last quarter of that year. These are continuing to receive priority attention, with the backlog in this category from last year now reduced to 35. The number of outstanding E rated inspections at the end of March 2018 was 1,007. This has also been reduced but it is this area of work where resourcing inspections is particularly challenging. Despite that the ongoing work plan for 2018/19 is intended to further reduce the number of outstanding inspections.
9. Some further time efficiencies in relation to inspections are achievable but these rely on remote working technology which is currently being investigated as part of a service wide ICT re-procurement project.
10. The FSA is due to carry out a further visit to the council in September. It is likely that they will highlight the inspection figures for E rated food premises, and ask for a plan to be prepared to address this.

Next Steps

11. The team has been unable to carry out all the inspections required by the FSA particularly in respect to E rated premises. In order to address this backlog, the service will be employing a contract environmental health officer to expressly look at these premises. This post will be funded from the Public Health Grant.

12. There can be no doubt that the resources at the disposal of the Public Protection team have been greatly reduced over the last few years, as a consequence of the Local Authority having to meet its financial obligations. It is clear that this needs careful consideration for the future and this is being actively considered.
13. In addition, dialogue will be taking place with the FSA to examine the ongoing relevance of their Framework Agreement which is outdated stemming back to 2010 and to see what their intentions are in bringing this up to date to reflect the position which local authorities find themselves in.
14. The committee is asked to note this report and support the approach outlined to address the concerns raised by the FSA. In addition, the Cabinet Member for Adult Social Care, Public Health and Public Protection, gives an undertaking that a progress report will be made available to the committee in 6 months time.

Author: John Carter
Title: Head of Public Protection


Appendix 1

Duties of the food and safety team

- Food hygiene inspection, enforcement and support to business
- Food Hygiene Rating Scheme including re-rating applications/appeals /right to reply
- Food Premises and Food item complaint Investigations
- Food Standards Inspections, enforcement and support to business
- Feed Hygiene - management of inspections
- Management of national and local food and feed sampling programmes with follow up enforcement
- Communicable Disease Investigation including outbreaks
- Health and safety inspection, accident investigation, enforcement and support to business – including skin piercing and emerging new non- licensable beauty treatments (e.g. semi-permanent make up, non-invasive body sculpting, body scarification, etc.)
- Petroleum and Explosives/Fireworks licensing and inspection
- Safety at Sports Grounds
- Event Safety and Hygiene at large and small events - e.g. WOMAD, Chalke Valley History Festival.

Appendix 2

LAEMS Food safety report for 2017/18



Current status: **Sign-off** Authority: **Wiltshire Unitary** Responsibility: **Food Hygiene** Financial Year: **2017**

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[Home](#) ▶ [Data Summary - FTE \(Full Time Equivalency\) Posts](#)

Data Summary - FTE (Full Time Equivalency) Posts

	Details					
	FTE Posts - Allocated			FTE Posts - Occupied		
	Orig	Adj	Tot	Orig	Adj	Tot
Professional	8.50	1.5	10.00	8.50	1.5	10.00
Administration	3.00	-1.5	1.50	3.00	-1.5	1.50

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Home ▶ Data Summary - Interventions carried out

Data Summary - Interventions carried out

Below are the details the FSA holds on interventions carried out by your authority during the selected financial year.

	Details										TOTALS		
	Tot	Distributors/Transporters			Retailers			Restaurants and Caterers			Totals		
		Orig	Adj	Tot	Orig	Adj	Tot	Orig	Adj	Tot	Orig	Adj	Tot
Total Premises at 31 Mar 2018	1	149	-1	148	849	-4	845	4209	-36	4173	5434	-41	5393
Inspections and audits	0	19	0	19	198	8	206	1403	38	1441	1695	48	1743
Verification and surveillance	0	2	0	2	45	-1	44	297	17	314	361	13	374
Sampling visits	0	0	0	0	11	0	11	9	0	9	40	0	40
Advice and education	0	0	0	0	1	2	3	8	53	61	10	56	66
Information/intelligence gathering	0	8	0	8	47	0	47	631	235	866	692	237	929
Total premises subject to official control	0	15	12	27	173	63	236	1251	984	2235	1505	1071	2576

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[Home](#) ▶ [Data Summary - Interventions by Risk Rating and Due Interventions](#)

Data Summary - Interventions by Risk Rating and Due Interventions

Below are the details the FSA holds on due interventions outstanding for your authority during the selected financial year.

	Details					
	Interventions Achieved			Due Interventions Outstanding		
	Orig	Adj	Tot	Orig	Adj	Tot
Premise Rating - A	46	15	61	0	0	0
Premise Rating - B	319	28	347	0	0	0
Premise Rating - C	676	40	716	0	0	0
Premise Rating - D	643	27	670	80	24	104
Premise Rating - E	593	251	844	986	21	1007
Premise Rating - Unrated	470	28	498	0	145	145
Premise Rating - Outside	51	-35	16	0	0	0
TOTALS	2798	354	3152	1066	190	1256

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[Home](#) ► [Data Summary - Outcomes - CoP:Confidence in Management](#)

Data Summary - Outcomes - CoP:Confidence in Management

Below are the details the FSA holds on the number of premises with the specified scores for "Confidence in Management" (as defined by the Code of Practice) at the end of the selected financial year.

	Details														
	A			B			C			D			E		
	Orig	Adj	Tot	Orig	Adj	Tot	Orig	Adj	Tot	Orig	Adj	Tot	Orig	Adj	Tot
30	0	0	0	1	0	1	0	0	0	0	0	0	0	0	0
20	2	0	2	47	1	48	15	2	17	6	0	6	2	1	3
10	4	0	4	74	-1	73	332	-8	324	87	-3	84	118	2	120
5	2	0	2	61	-1	60	336	-4	332	781	4	785	1721	-12	1709
0	0	0	0	3	0	3	147	-3	144	364	3	367	348	0	348

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[Home](#) ▶ [Data Summary - Outcomes - CoP:Level of Compliance \(Hygiene\)](#)

Data Summary - Outcomes - CoP:Level of Compliance (Hygiene)

Below are the details the FSA holds on the number of premises with the specified scores for "Level of Compliance (Hygiene)" (as defined by the Code of Practice) at the end of the selected financial year.

	Details														
	A			B			C			D			E		
	Orig	Adj	Tot	Orig	Adj	Tot	Orig	Adj	Tot	Orig	Adj	Tot	Orig	Adj	Tot
25	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
20	1	0	1	1	0	1	0	0	0	0	0	0	0	0	0
15	1	0	1	36	-2	34	17	1	18	1	0	1	0	0	0
10	4	0	4	50	2	52	213	-3	210	36	-1	35	28	0	28
5	2	0	2	81	-1	80	400	-13	387	834	8	842	1696	-7	1689
0	0	0	0	18	0	18	200	2	202	367	-3	364	465	-2	463

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Home ▶ Data Summary - Outcomes - CoP:Level of Compliance (Structure)

Data Summary - Outcomes - CoP:Level of Compliance (Structure)

Below are the details the FSA holds on the number of premises with the specified scores for "Level of Compliance (Structure)" (as defined by the Code of Practice) at the end of the selected financial year.

Details															
	A			B			C			D			E		
	Orig	Adj	Tot	Orig	Adj	Tot	Orig	Adj	Tot	Orig	Adj	Tot	Orig	Adj	Tot
25	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
20	1	0	1	6	0	6	2	0	2	0	0	0	0	0	0
15	2	0	2	33	-1	32	37	2	39	8	0	8	1	0	1
10	5	0	5	61	0	61	327	-9	318	68	-1	67	64	0	64
5	0	0	0	78	0	78	326	-7	319	903	1	904	1707	-7	1700
0	0	0	0	8	0	8	138	1	139	259	4	263	417	-2	415

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[Home](#) ▶ [Data Summary - Premises in broad compliance](#)

Data Summary - Premises in broad compliance

Below are the details the FSA holds on the profile of premises of your authority that are in broad compliance at the end of the selected financial year.

	Details		
	Broadly compliant		
	Orig	Adj	Tot
Premise Rating - A	4	0	4
Premise Rating - B	116	-1	115
Premise Rating - C	766	-14	752
Premise Rating - D	1223	4	1227
Premise Rating - E	2186	-10	2176
TOTALS	4295	-21	4274

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Data Summary - Complaint Investigations

Below are the details the FSA holds on the number of complaints investigated by your authority during the selected financial year.

	Details		
	Complaint Investigation		
	Orig	Adj	Tot
Food	66	21	87
Hygiene of premises	615	99	714

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