

Neighbourhood Services & Enforcement Committee



21 March 2024

Title	Food and Health and Safety Service Plans for 2024/26
Purpose of the report	To make a decision
Report Author	Fidelma Bahoshy, Principal Environmental Health Officer (Commercial) & Tracey Willmott-French, Senior Environmental Health Manager
Ward(s) Affected	All Wards
Exempt	No
Exemption Reason	n/a
Corporate Priority	Community Environment Service delivery
Recommendations	Committee is asked to adopt the proposed service plans for 2024/2026
Reason for Recommendation	Local Authorities are required to produce and adopt service plans for their food safety and health and safety enforcement services.

1. Summary of the report

What is the situation	Why we want to do something
<ul style="list-style-type: none"> Spelthorne has a regulatory responsibility for both food safety and health and safety at work. We draw up Service Plans for each area which must include the aims and objectives for the years ahead and evaluate the achievements of the past. 	<ul style="list-style-type: none"> We have statutory obligations to have both of these service plans in place and require that these plans be approved by Elected Members.
This is what we want to do about it	These are the next steps
<ul style="list-style-type: none"> The Service Plans outlines our objectives for the next two years for each area and reflects upon the 	<ul style="list-style-type: none"> Adopt the service plans

work completed and any significant variations to the planned works.	
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- 1.1 This report seeks to outline the services plans for the food safety and health and safety at work enforcement team for 2024/2026 and proposes that the plans be adopted.
- 1.2 The Service Plans sets out the priority work for the Environmental Health’s Commercial Team and whilst the plans mention two additional workstreams, namely animal licensing and the registration and regulation of special treatments, they do not provide details of the work undertaken in these areas. The plans are reliant upon our current resourcing levels staying as is.

2. Key issues

- 2.1 Local Authorities are required by the Food Standards Agency (FSA) and the Health and Safety Executive (HSE) to produce service plans for their food safety and health and safety services. Each service plan must outline the aims and objectives for the two years ahead and evaluate the achievements of the past two years. The service plans are produced every two years.
- 2.2 This report briefly outlines the main achievements of Environmental Health’s Commercial Team who is responsible for enacting the plans and the objectives. The report also outlines the main objectives for this coming year.

Achievements

- 2.3 Food Safety Service Plan - in 2022/24 the team continued to focus their resources on the highest risk food businesses and work through the backlog. The following table summarised some of the work undertaken:

	2021-2022	2022-2023	2023-2024*
Food Inspections	336	299	330
Complaints Investigated	92	72	77
Queries from businesses	82	117	91
Infectious Disease cases	109	137	129

*full year data not yet available, accurate as of 22 January 2024

- 2.4 The team has continued to participate in the national Food Hygiene Rating Scheme (FHRS); 97% of eligible businesses have ratings of three or above, well in excess of our target of 92%. Those businesses who are below this standard will continue to be targeted for improvement with revisits and where appropriate taking further legal action against them; 0.8% of businesses have a rating of 0 or 1 (represents 5 food businesses).
- 2.5 Health and Safety Service Plan - in 2022/24, reactive work was prioritised and actioned as required but there was very limited available resource to undertake proactive inspections or projects. The team focused our resources on three projects out of the four projects as outlined in the Service Plan for 2022 -2024 (electrical safety, inflatable amusement devices, and gas safety in commercial catering settings). The following table summarised some of the work undertaken:

	2021-2022	2022-2023	2023-2024*
Health & Safety Inspections	37	24	43
Complaints & service requests	20	39	40
Notifiable Accidents	34	26	22

*full year data not yet available, accurate as of 22 January 2024

- 2.6 In addition to this work, the team was involved in one enforced closure of a food business for mice, one voluntary closure of a food warehouse for rats, two exhumations, two simple cautions and we served enforcement notices under both food safety and health and safety legislation. We also worked in liaison with partner organisations with regards the illegal harvesting of shellfish, illegal imports via Heathrow, invasive mosquito controls and insect preparations.
- 2.7 The team is meeting both of its two corporate Key Performance Indicators and these are, firstly the percentage of our businesses with a food hygiene rating of 3-5 (target of 92% or higher, current figure is 97%) and 0-1 (target of 4% or lower, current figure is 0.8%), and secondly customer satisfaction rates which is currently on target at 98%.

Objectives

- 2.6 The main objectives for the Food Safety Service Plan 2024/2026 are outlined on page 4 of the plan and include a target of inspecting at least 95% of higher risk food businesses, the promotion of the FHSR with 92% of all food businesses achieving a food hygiene ratio of 3 or above, and to respond to a minimum of 95% of service requests within six days. The Food Safety Service Plan 2024/2026 is provided in **Appendix 1**.
- 2.7 The main objectives for the Health and Safety Service Plan 2024/2026 are outlined on page 3 of the plan and include targets to respond to at least 95% of service requests and accidents within six days and to participate in selected national/regional projects. The Health and Safety Service Plan 2024/2026 is provided in **Appendix 2**.
- 2.8 The team will continue with an existing project to increase efficiencies and improve service delivery through the use of technology namely the utilisation of Surface Pro tablets during site visits.
- 2.9 **Review**
- 2.10 The team has continued to provide a professional and quality service. A detailed review including identification of any variation is included on page 18 of the Food Service Plan and on page 15 of the Health and Safety Service Plan.
- 2.11 Overall, the higher priority objectives of both services were met. However, by virtue of the variation outlined in pages 15 and 18 of the service plans, and in consideration of the new duties associated with special treatments we need to carry out a review to determine whether the Commercial team are sufficiently resourced to provide the statutory duties required by the food safety legislation and the health and safety legislation.
- 2.12 Further to the above, the FSA has recently written to the chief executives of all local authorities outlining their concerns that local authorities are not

adequately resourcing their food safety services. By August 2024, the Senior Environmental Health Manager and the PEHO (Commercial) will carry out a review of the staff resources required to ensure the ongoing effective delivery of Spelthorne's food safety service (section 4, page 15 of the food safety service plan refers).

3. Options analysis and proposal

- 3.1 The preferred option is to adopt the proposed service plans for 2024/26, and for them to come into effect within 7 days of approval.
- 3.2 There is also an option for Members to amend the proposed service plans, for example Members may wish to comment on the projects identified within the Health and Safety Service or recommend additional resourcing.
- 3.3 There is an option for Members not to adopt the proposed service plans. This would mean the Council would not be following either the Food Standards Agency's "Framework Agreement on Local Authority Food Law Enforcement", or the Health and Safety Executive's Guidance, as this requires local authorities to have food and health and safety service plans and recommends that the plans relate specifically to food and health and safety enforcement. If these service plans are not adopted, the likelihood of the FSA or HSE auditing us would increase.

4. Financial management comments

- 4.1 The proposed service plans will be delivered within the proposed budget for 2024/26. The financial implications have been discussed with the relevant finance staff.

5. Risk management comments

- 5.1 Under the Food Standards Act 1999 and the Health and Safety at Work etc. Act 1974, the Food Standards Agency and Health and Safety Executive have powers to audit respectively any local authority's food and health and safety enforcement services. In exceptional cases, the FSA and the HSE have the powers to take over the duties of persistently under-performing councils.

6. Procurement Comments

- 6.1 There are no procurement issues associated with this report.

7. Legal comments

- 7.1 It is anticipated that the team will receive new regulatory powers with the introduction of a new licensing system for non-surgical cosmetic treatments during the period of these service plans. We are awaiting further details on this following a period of consultation in late 2023. The current regulatory framework includes a registration system for certain procedures such as tattooing and cosmetic piercing and falls within the remit of the Commercial Team; it places few restrictions on who can perform non-surgical cosmetic procedures. Under the proposed new scheme, which will be operated by local authorities in England, practitioners will need to be licensed to perform specific non-surgical cosmetic procedures and the premises from which they operate will also need to be licensed.
- 7.2 As regards the health and safety service plans, local authorities are responsible for the enforcement of the Health and Safety at Work Act 1974, (HSW) to the extent as prescribed in the Health and Safety (enforcing

authority) Regulations 1998. By virtue of section 18(4) of the HSW we have a duty to perform our duties in accordance with guidance from the Health and Safety Executive. The requirement includes having a service plan detailing the local authorities priorities and its aims and objectives for the enforcement of health and safety.

8. Equality and Diversity

8.1 Adoption of the proposed service plans provides a level ground for compliant businesses.

9. Sustainability/Climate Change Implications

9.1 The proposed service plans have no impact on sustainability or climate change issues.

10. Timetable for implementation

11. If the service plans are approved, they shall come into effect after seven days.

12. Contact

12.1 Fidelma Bahoshy – f.bahoshy@spelthorne.gov.uk or Tracey Willmott-French – t.willmott-french@spelthorne.gov.uk.

Background papers: There are none.

Appendices:

Appendix 1 - Food Service Plan 2024/2026

Appendix 2 - Health and Safety Service Plan 2024/2026