

<b>Committee:</b> Port Health & Environmental Services Committee	<b>Dated:</b> 24 November 2020
<b>Subject:</b> Amendments to the Commercial Environmental Health Service Plan 2020-2021 with respect to Food Safety work	<b>Public</b>
<b>Which outcomes in the City Corporation's Corporate Plan does this proposal aim to impact directly?</b>	<b>1, 6</b>
<b>Does this proposal require extra revenue and/or capital spending?</b>	<b>N</b>
<b>If so, how much?</b>	<b>N/A</b>
<b>What is the source of Funding?</b>	<b>Existing local risk budgets</b>
<b>Has this Funding Source been agreed with the Chamberlain's Department?</b>	<b>N/A</b>
<b>Report of:</b> Jon Averbs, Director of Markets & Consumer Protection	<b>For Decision</b>
<b>Report author:</b> Tony Macklin, Assistant Director (Public Protection)	

### **Summary**

This report seeks to clarify the situation regarding the Food Hygiene Inspection aspects of the Commercial Environmental Health Team's Service Plan for 2020-2021 and the need to undertake high risk non-food work as a priority.

### **Recommendations**

Members are asked to:

1. Note the contents of this report.
2. Endorse the risk-based approach being advocated to:-
  - a) continue ensuring:
    - COVID guidance and legislation is being followed to make City businesses COVID-Secure;
    - cooling towers' water systems are continuing to be managed to prevent the spread of *Legionella sp* bacteria;
    - matters of evident concern arising out of the above are dealt with; and
    - we are able to assist the City & Hackney Public Health Team with the "track & trace" follow-up of City-related COVID cases

and

  - b) to deal with the highest risk City food businesses.
3. Communicate this decision to the Food Standards Agency.

## Main Report

### Background

1. On 21 March of this year, the UK including the City of London, effectively locked down with only a handful of food businesses offering take-away food, continuing to operate with the remainder of food businesses not re-opening until after 4 July.
2. During this period the Food Standards Agency (FSA) expectation was that local authorities would only be checking:
  - food businesses with a Food Hygiene Ratings of 0, 1 or 2 (the so called '*less than broadly compliant*') to:
    - *verify if they were trading; and*
    - *if they have started to operate delivery services and/or*
    - *had introduced new processes to enable them to diversify their menus.*
  - food businesses where an intervention was now due which included
    - *food hygiene interventions due in Category A and B food businesses (prescribed frequency of 6 and 12 months respectively)*
  - established businesses changing what they do, such as pubs providing takeaway food;
  - community groups who were preparing meals to frontline services and vulnerable groups;
  - new businesses where registration information provided raised concerns about a potential public health problem; and
  - following up on food or feed incidents notified to us.
3. In addition to the above, since the initial lockdown in March, the Service has had other non-Food high risk work to be undertake that includes:
  - a) ensuring various COVID guidance and legislation was being followed to make City businesses COVID-Secure;
  - b) cooling towers' water systems were continuing to be managed to prevent the spread of *Legionella sp* bacteria;
  - c) dealing with matters of evident concern arising out of the above;
  - d) assisting the City & Hackney Public Health Team with the "track & trace" follow-up of City COVID cases; and generally
  - e) supporting City businesses recover from the first lockdown

### Current Position

4. Currently, the latest expectation from the FSA is that local authorities will now expand their Food Hygiene Inspection programmes in accordance with the following risk categories.

### **High Priority**

5. Visits to food businesses where:
- a) the local authority has identified potential public health / consumer protection concerns through proactive surveillance – e.g. where such concerns are identified in relation to:-
    - *new businesses setting up; and/or*
    - *businesses that have reopened after prolonged closure; and/or*
    - *businesses changing what they do, such as pubs providing takeaway food*
  - b) food businesses subject to ongoing formal enforcement action
  - c) food businesses overdue/due an enforcement revisit - unless the local authority is content from prior remote interaction with the business that that non-compliances have been rectified

### **Medium Priority**

6. Visits to:
- a) all category A food businesses;
  - b) all category B food businesses;
  - c) all non-broadly compliant category C food businesses that are overdue / due an intervention;
  - d) food businesses that are awaiting a requested re-inspection under FHRS; and
  - e) food business where applying COVID-19 requirements - e.g. social distancing - might impact on food safety or the ability of the local authority to conduct a physical inspection

### **Low priority**

7. Visits to:-
- a) broadly compliant category C food businesses;
  - b) all category D food businesses; and
  - c) all category E food businesses where a visit is overdue /due
8. **Table 1** overleaf highlights the level of intervention required if the high, medium and low categories are applied to the profile of the City's Food Businesses.

<b>Food Law CoP Category</b>	<b>Overdue</b>	<b>Due (by 31<sup>st</sup> Jan 2021)</b>	<b>Total</b>	<b>40% FB open</b>	<b>50% FBs open</b>	<b>60% FBs open</b>	<b>70% FBs open</b>
<b>Unrated</b>	77	20	97	39	49	58	68
<b>A</b>	7	0	7	3	4	5	5
<b>B</b>	32	40	72	29	36	43	50
<b>C (non-compliant / FHRS 0-2)</b>	17	7	24	10	12	14	17
			<b>Sub-Total</b>	<b>80</b>	<b>101</b>	<b>119</b>	<b>140</b>
<b>C (broadly compliant / FHRS &gt;3)</b>	162	50	212	85	106	127	148
<b>D</b>	193	112	305	122	152	183	214
<b>E</b>	34	12	46	18	23	28	32
			<b>Total =</b>	<b>225</b>	<b>382</b>	<b>458</b>	<b>534</b>

*Table 1 (data Table 1 (data correct as of 3<sup>rd</sup> November 2020)*

9. However, the second lockdown has effectively closed all but take-away food businesses in the City and whilst in theory the priorities above still apply, there are now far less premises to inspect in each category.
10. The FSA are conscious that all local authorities will have wider strategies for controlling the pandemic and that there are ongoing changes to the food sector as a result of COVID-19. This potentially increases the risks to food safety and public health protection and where resources are being redeployed to support contact tracing and other COVID-19 activities, they expect local authorities to risk-assess their approach in order to follow the guidance and advice.
11. The FSA are yet to issue further guidance covering the new, second lockdown period but as it is planned to last for only four weeks, they may well not. However, any extension to the lockdown will mean the same amount of inspections are required but in less time.

## **Proposal**

12. It is proposed that we remain flexible given the changing times and the unknown number of food businesses which may choose to close now, albeit only temporarily as the country is in a second lockdown, and we therefore recommend:-
  - a) Continuing to focus upon:
    - ensuring various COVID guidance and legislation are being followed to make City businesses COVID-Secure

- cooling towers' water systems are being managed to prevent the spread of *Legionella sp* bacteria;
- dealing with matters of evident concern arising out of the above (High Priority); and
- assisting the City & Hackney Public Health Team with the "track & trace" follow-up of City COVID cases.

and

- b) Only inspect all unregistered, overdue and known non-compliant food businesses that remain open and trading by 31 January (Medium Priority); and
  - c) Communicate this decision to the Food Standards Agency.
13. Should time and resources be available and food businesses remain open, we will seek inspect as many businesses as possible in the Medium and Low priorities. Nevertheless, the City Corporation's strategic priority remains that the City returns to trading normally as soon as is safely possible, and so our work with all City businesses on COVID Secure advice and enforcement has to focus upon this.

### **Corporate & Strategic Implications**

14. This proposal will support two of the main aims of the City Corporation's Corporate Plan 2018 to 2023:

#### ***Contribute to a flourishing society***

- a) People are safe and feel safe.

#### ***Support a thriving economy***

- 6. We have the world's best legal and regulatory framework and access to global markets.

15. There is a potential reputational risk if the City Corporation is named and shamed by the FSA and sanctions are applied. However, the proposals are risk-based and support City businesses during this unique and everchanging time.

### **Local Implications**

16. We could be storing up an excessive backlog for 2021-2022 dependent upon how long the UK remains in lockdown and how City food businesses react to it. Medium risk food businesses will still need to be picked up in the future which could also create an unbalanced inspection regime - e.g. lots to do one year and then few in the next.

## Conclusion

17. As the City Corporation's strategic priority remains that the City returns to trading normally as soon as is safely possible, so our work with all City businesses on COVID Secure advice and enforcement has to take priority and therefore we must adopt a risk-based approach continue to focus upon:
- a) ensuring various COVID guidance and legislation are being followed to make City businesses COVID-Secure
  - b) cooling towers' water systems are being managed to prevent the spread of *Legionella sp* bacteria;
  - c) dealing with matters of evident concern arising out of the above; and
  - d) assisting the City & Hackney Public Health Team with the "track & trace" follow-up of City COVID cases.
- and
- e) only inspect all our unregistered, overdue and known non-compliant food businesses that remain open and trading by 31 January.
18. Finally, the number of food businesses which remain open during the initial four weeks of the second lock will determine the numbers we can realistically inspect and any extension to the lockdown will mean the same amount of inspections are required but in less time going into 2021-2022.

## Appendices

None

## Background Papers:

[Commercial Environmental Health Team Service Plan 2020-2021](#)

**Tony Macklin, Assistant Director (Public Protection)**

T: 020 7332 3377

E: [tony.macklin@cityoflondon.gov.uk](mailto:tony.macklin@cityoflondon.gov.uk)