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| Committee: 1) Port Health & Environmental Services Committee (For Decision) 2) Health & Wellbeing Board (For Information) | Dated: 1) 23 November 2021 2) 26 November 2021 |
| Subject: Commercial Environmental Health Service Plan 2021-2023 | Public |
| Which outcomes in the City Corporation's Corporate Plan does this proposal aim to impact directly? | 1, 6 |
| Does this proposal require extra revenue and/or capital spending? | N |
| If so, how much? | N/A |
| What is the source of Funding? | Existing local risk budgets |
| Has this Funding Source been agreed with the Chamberlain's Department? | N/A |
| Report of: Juliemma McLoughlin, Executive Director Environment | 1) For Decision 2) For information |
| Report authors: Gavin, Stedman, Port Health & Public Protection Director Tony Macklin, Assistant Director (Public Protection) | |

Summary

This report seeks approval for the Port Health Service Plans and a longer-term Commercial Environmental Health Service Plan for 2021-23 due to changes in requirements of central Government but at the same time being flexible enough to respond to the needs of the recovery of the City of London.

These plans are normally submitted annually and require approval by your Committee.

Recommendations

Members are asked to approve the Commercial Environmental Health Service Plan 2021-2023 (Appendix A).

Main Report

Background

1. In order to be transparent and accountable, local authorities are required to gain Member approval for plans annually setting out their enforcement work in key areas, and Food Safety and Health & Safety are two such areas for which this is required.
2. We must also however, continue to also meet the local needs of City businesses, residents, workers and visitors and the City Corporation's vision and aims as set out in the Corporate Plan 2018-2023 and this is achieved through our

departmental Business Plan and individual teams' Service Plans which detail the work that will be done and by which we are judged overall by our Key Performance Indicators.

3. Realising all the public health work and COVID-19 related work that local authority officers were being asked to do, in April 2020, the Food Standards Agency relinquished the requirement for local authorities to undertake a comprehensive programme of official controls inspections with relation to food hygiene and simply required them to carry out interventions with:-
 - 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.
4. Due to this change in approach, in July 2020 we submitted to this Committee a different form of Service Plan for Commercial Environmental Health covering Food Safety and Health & Safety which outlined priorities and set out a graduated return to normal once the COVID-19 lockdown was lifted and the City began to return to normality.
5. Consequently, in November 2020, Members approved an interim Service Plan for the team taking into account all the additional duties that have been placed upon local authorities since the start of the Coronavirus pandemic. Unfortunately, re-occurring lockdowns caused the team to review this already revamped Service Plan and it was re-presented in a shorter report to this Committee in May 2021.

Current Position

Commercial Environmental Health

6. We are still prioritising our work to ensure that City businesses in a variety of sectors operate and remain safe for their customers. This has meant that officers have been present in the City throughout the various lockdowns and easings to support businesses, ensure compliance and promote confidence.
7. To this end, the work below outlines our current overall priorities.

- Ensuring COVID-19 Compliance in all open business premises with a public interface either pro-actively or by reacting intelligence / complaints.
 - Undertaking food hygiene inspections / interventions in food businesses as prescribed by the current Food Standards Agency’s current guidance (see below), based on risk, complaints, and emerging issues.
 - Undertaking inspection audits of all cooling tower sites which are deemed to be either high risk or for which we have received intelligence / complaints to indicate that the risks are not being managed correctly.
 - Continuing with the Health & Safety Investigation into significant incidents.
8. In May 2021, the Food Standards Agency’s Board endorsed a [Local Authority Recovery Roadmap strategy](#) or “Reset” programme covering the period September 2021–March 2023 which would enable local authorities to tackle any backlogs in their food hygiene inspection programmes as the country began recovering from the pandemic.
9. Below in **Table 1** is set out the minimum number of inspections we currently have to complete each quarter until March 2023 as set out in the Service Plan 2021-2023 (**Appendix A**).



Minimum no. of City Food Hygiene Inspections due:-

| | | | | | |
|-----------|----------|-----------|-----------|----------|------------|
| 93 | 3 | 57 | 26 | 1 | 342 |
|-----------|----------|-----------|-----------|----------|------------|

Table 1

10. These are minimum number of inspections that we must deliver and below in **Table 2** are set all the other, lower risk, D & E premises. The challenge is the numbers of D rated premises as in many cases their complexity, having traditionally catered for many thousands and as such are some of the largest

food premises around. We will therefore seek to integrate these D rated premises into the programme throughout the whole period on a risk-basis.

| Category | Due (& overdue) to end March 2022 | Due April 22-March 23 | TOTALS |
|--|--|------------------------------|---------------------|
| New (unrated) | 93 | Unknown | 93 (minimum) |
| A (*due every 6 months) | 3 | 0 (at present) | 3* |
| B (*due every 12 months) | 43 | 14 | 57* |
| C (less than broadly-compliant) | 22 | 4 | 26 |
| C | 271 | 71 | 342 |
| D | 727 | 59 | 786 |
| D (less than broadly-compliant) | 1 | 0 | 1 |
| E | 104 | 127 | 231 |

Table 2

- The FSA's expectation is that all LAs will do more wherever they can and have stated that "every LA should move at a faster pace to align with the Food Law Code of Practice" and "where resources are available, local authorities should also undertake interventions for other, lower risk establishments in accordance with the code".

Public Health

- The Commercial Environmental Health Team will continue to work in collaboration with Public Health colleagues in the LB of Hackney with whom we share a joint Public Health Team on the tracking and tracing of COVID-19 cases and possible outbreaks in the City.

Port Health Service

- The Port Health Service has continued to operate throughout the various COVID-19 lockdowns and easements over the past year. However, the Service has focussed its attention on undertaking border controls on food and feed that have been imported from countries outside of the EU. The Service has seen imports of food and feed increase by over 25% when compared to the previous year.
- In addition, the Service has been preparing for border controls on EU food and feed imports, which will be implemented from July 2022.
- Food premises interventions will be done in accordance with the same "Reset Programme requirements placed upon Commercial Environmental Health above until March 2023 but with a much smaller number of food businesses.

Corporate & Strategic Implications

- The Service Plan continues to support two of the main aims of the City Corporation's Corporate Plan 2018 to 2023:

Contribute to a flourishing society

1. 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.

Local Implications

17. The backlog of food safety inspections for 2021-2022 due to the UK transitioning through various lockdowns and easings can now be dealt with in a phased manner but Commercial Environmental Health will continue to engage with City businesses with respect to both Food Safety and Health & Safety as well as ensuring continued compliance with all applicable Coronavirus legislation that remains.

Financial implications

18. None. The Service Plan will be met from within existing local risk budgets.

Resource implications

19. None.

Legal implications

20. Failure to produce and complete a Member-approved Service Plan including a programme of Official Food Controls interventions could result in the Food Standards Agency taking over the operational control of the City's Food Authority functions.

Risk implications

21. Potential reputational risk to the City Corporation if the above happens.

Equalities implications

22. None.

Climate implications

23. None.

Security implications

24. None.

Proposals

25. Commercial Environmental Health will to undertake the work set out in their Service Plan for 2021-2023 but also continuing to focus on supporting business to recover from the Coronavirus pandemic.
26. The Port Health Service will continue to:
 - a) focus on imported food and feed controls at the border,
 - b) prepare for the implementation of EU border controls later this financial year; and
 - c) undertake interventions based on risk, taking latest Food Standards Agency guidance into account the same as Commercial Environmental Health.

Conclusions

27. The proposed Commercial Environmental Health Service Plan ensures a risk-based and supportive approach to City businesses and to the protection of consumers and the public ensuring compliance with all applicable Coronavirus legislation that remains in place.
28. At the same time as meeting the City Corporation's obligations to central Government and its agencies, both Commercial Environmental Health and the Port Health Service will continue to support businesses to recover from the Coronavirus pandemic.

Appendices

Appendix A - Commercial Environmental Health Service Plan 2021-2023

Background Papers

- Port Health & Environmental Services: July 2020 Agenda Item 14 - [Commercial Environmental Health Team Service Plan 2020-2021](#)
- Port Health & Environmental Services: November 2020 Agenda Item 7 - [Amendments to the Commercial Environmental Health Team Service Plan 2020-2021 with respect to Food Safety](#)
- Port Health & Environmental Services: May 2021 Agenda Item 10 - [Commercial Environmental Health and Port Health Service Plans 2021-2022](#)

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