

Committee: 1) Port Health & Environmental Services Committee (For Decision) 2) Health & Wellbeing Board (For Information)	Dated: 1) 24 May 2022 2) 15 July 2022
Subject: Commercial Environmental Health Service Plan 2021-2023 - Update	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 (Commercial Services)	

Summary

This report provides an update on the work of the Commercial Environmental Health Team, which is part of Port Health & Public Protection that sits within the Environment Department. The report also seeks approval for the service to continue to work towards the Commercial Environmental Health Service Plan for 2021-23, which has previously been agreed by this Committee. The service continues to respond to the needs of City businesses, residents, workers, and visitors as the recovery of the City of London continues to grow.

Recommendations

Members are asked to:-

- a) note the work done to-date; and
- b) endorse the work of the team going forward until March 2023 as set out in the revised Commercial Environmental Health Service Plan 2021-2023 and in this update report

Main Report

Background

1. In November 2021 Member approval was sought for a Service Plan that instead of being annual, would stretch to March 2023 and which set out enforcement work in key areas - Food Safety and Health & Safety – as the country emerged and began to recover from the COVID-19 pandemic

2. We acknowledged that we must continue to 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 which is achieved through our departmental Business Plan and other, 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. This change in approach started in July 2020 when we submitted to this Committee a different form of Service Plan from normal for Commercial Environmental Health covering Food Safety and Health & Safety and 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 (**Appendix A**). 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.
6. 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.

7. The City of London along with all Local Authorities are required to report on their progress towards the reset programme.

Current Position

8. Commercial Environmental Health are still prioritising their 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.
9. The planned food activities set out for the Team are in line with the activities and milestones set out in FSA Plan for the period from 1 July 2021 to 2023/24 including the expectation that we should move at a faster pace in realigning with the Code of Practice requirements where we are able.
10. In terms of the more detailed programme of other work objectives for the whole team (i.e. not just food safety) this was last outlined in detail in our 2020-21 Service Plan. We are now in Stage 3 of the process in that plan; a return to (a new) normality. We have therefore refreshed the more detailed objectives to set out what we plan to achieve in the coming year. The revised Service Plan is at Appendix B.
11. Below in **Table 1** is set out the higher risk activities we are expected to complete as a minimum as the FSA Recovery Plan progresses. This includes reactive work and the proactive inspection activity outlined in the infographic below, with further details set out in the Service Plan 2021-2023 (**Appendix B**).



Table 1- Infographic

12. These are minimum number of inspections and interventions that we must deliver. **Table 2**, below, sets out all the inspections we should complete, to meet the requirements in the FSA Recovery Plan (in red) and the Food Law

Code. The challenge is the numbers of D rated premises. These are scored 'lower' risk but in reality, a significant proportion, though compliant could also be large and/or complex. City hospitality is some of the largest around having traditionally catered for many thousands. We will therefore seek to integrate a proportion of these D rated premises into the programme throughout the whole period on a risk-basis.

Category	Still due (& overdue) to end March 2022	Due April 22-March 23	TOTAL
New (unrated)	38	Unknown	38 (minimum)
A (*due every 6 months)	0	2	2*
B (*due every 12 months)	8	32	40*
C (less than broadly compliant)	5	4	9
C (compliant)	188	71	259
D (compliant)	638	65	703
D (less than broadly compliant)	1	0	1
E	101	127	228

Table 2

13. From the start of the Reset Programme, the FSA's expectation was that all LAs should do more wherever they can and they 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". **Table 3** below summarises the interventions achieved to year end (31 March 2022) in the premises categories.

	Interventions Achieved		
	Orig	Adj	Tot
Premise Rating - A	4	0	4
Premise Rating - B	79	0	79
Premise Rating - C	185	0	185
Premise Rating - D	135	0	135
Premise Rating - E	33	0	33
Premise Rating - Unrated	165	0	165
Premise Rating - Outside	0	0	0
TOTALS	601	0	601

Table 3

14. To move at a faster pace and to help ensure larger/complex D rated establishments are brought back into the programme sooner we will complete an appropriate on-site intervention wherever this is possible. We will also

consider the use of Alternative Enforcement Strategies to gather intelligence/information on all due category D establishments – rated broadly compliant or better (FHRS 3, 4 or 5) for hygiene, and also category B for standards’

Public Health

15. 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 COVID-19 matters relating to the City.

Port Health Service

16. The Port Health Service has continued to operate throughout the various COVID-19 lockdowns and easements over the few past years. 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.
17. In addition, the Service has been preparing for border controls on EU food and feed imports, which were to be implemented from July 2022. However, on 28 April 2022, Government announced that the further import controls will now not be introduced in 2022. However, the controls that have already been introduced will remain in place. Government also goes on to state that they "will publish a Target Operating Model in the Autumn that will set out our new regime of border import controls and will target the end of 2023 as the revised introduction date for our controls regime, which will deliver on our promise to create the world's best border on our shores".
18. 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

19. 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

20. We are managing the program of higher risk interventions in City food establishments in accordance with the minimum requirements in the FSA

Recovery Plan. But there remains a significant backlog of D (and E) rated premises. The pandemic has adversely impacted many businesses, and this has potential implications for food safety; previous ratings may not be reflective of the situation now. Our intention is therefore to go beyond the minimum requirements of the Recovery Plan. FSA encourage local authorities that can, to do so. We therefore aim to complete as many additional interventions in D rated establishments as we are able.

Financial implications

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

Resource implications

22. None.

Legal implications

23. 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

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

Equalities implications

25. None.

Climate implications

26. None.

Security implications

27. None.

Proposals

28. Commercial Environmental Health will continue to undertake the work set out in their Service Plan for 2021-2023, which has been revised but still includes supporting City businesses to recover from the Coronavirus pandemic.

29. 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; and

- c) undertake interventions based on risk, taking latest Food Standards Agency guidance into account the same as Commercial Environmental Health.

Conclusions

- 30. The ongoing Commercial Environmental Health Service Plan ensures a continued risk-based and supportive approach to City businesses and to the protection of consumers and the public.
- 31. At the same time, the City Corporation will continue to meet its obligations to central Government and its agencies and 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

Appendix B – Revised 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](#)
- Port Health & Environmental Services: 23 November 2021 Agenda Item 9 [Commercial Environmental Health Service Plan 2021-2023](#)

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