

<b>Committee:</b> 1) Port Health & Environmental Services Committee (For Decision) 2) Health & Wellbeing Board (For Information)	<b>Dated:</b> 1) 30 May 2023 2) 29 June 2023
<b>Subject:</b> Commercial Environmental Health Service Plan 2023-2024	<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>N/A</b>
<b>Has this Funding Source been agreed with the Chamberlain's Department?</b>	<b>N/A</b>
<b>Report of:</b> Juliemma McLoughlin, Executive Director Environment	<b>1) For Decision 2) For information</b>
<b>Report authors:</b> Gavin, Stedman, Port Health & Public Protection Director  Peter Brett, Commercial Environmental Health Team Manager	

### Summary

This report seeks approval for the Commercial Environmental Health Service Plan 2023/24 and the Port Health Service Plan 2023/24. The service plans are an important part of the process to ensure that national priorities and standards are addressed and delivered locally.

National Codes of Practice allow local authorities flexibility over how to deliver their regulatory functions for food and occupational health and safety. Service plans set out how and at what level regulatory controls will be provided, in accordance with those Codes of Practice.

This year's Service Plans update Committee on the recovery planning processes laid out over the last two years. It also takes into consideration the Food Standards Agency (FSA) plans for local authorities and the updates they have provided in terms of their modernisation programme.

### **Recommendation(s)**

Members are asked to:-

- a) note the work done to-date; and
- b) approve the Commercial Environmental Health Service Plan 2023-24 at Appendix 1.
- c) approve the Port Health Service Plan 2023/24 at Appendix 2.

## **Main Report**

### **Background**

1. As an enforcement authority the City Corporation has obligations for the delivery of certain food and health and safety controls arising from existing legislation, statutory Codes of Practice and related guidance, and in the Framework agreements that set out requirements for the planning, management and delivery of the requisite local authority enforcement services.
2. To help to ensure local transparency and accountability and to show our contribution to the authority's corporate plan, both FSA and the Health and Safety Executive (HSE) advise that service plans and performance reviews should be approved at the relevant level established for the authority. Our service plans have traditionally been presented to this Committee annually.
3. Realising all the public health and COVID-19 related work that local authority officers were being asked to do, in April 2020, the FSA relinquished the requirement for local authorities to undertake a comprehensive programme of official control inspections in relation to food hygiene and simply required them to carry out certain specific interventions.
4. As a result, in July 2020 we submitted to this Committee a different form of Service Plan, which outlined certain specific priorities and a graduated timetable for return to normality post the pandemic.
5. In November 2020, Members approved a further interim Service Plan for the team taking into account all the additional duties that had been placed upon local authorities. 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 FSA's Board endorsed a Local Authority Recovery Roadmap strategy or "Recovery programme" covering the period September 2021 to March 2023. The suggested aim was to assist local authorities to tackle any backlogs in their food hygiene inspection programmes as the country began recovering from the pandemic.
7. In November 2021 Member approval was sought for a further revision to the Service Plan that would stretch to March 2023, the same period as the above recovery programme and which set out enforcement work in key areas for food safety and health & safety.
8. The planned food activities set out for the Team are in line with the activities and milestones set out in the recovery programme including the expectation that we moved at a faster pace in realigning with the Code of Practice requirements where we were able.

9. The FSA have continued to set out how they would work with local authorities to bring down the backlogs, starting with those businesses which pose the highest risk. FSA have been assessing progress against agreed milestones using “temperature check” surveys, as well as adapted end of year surveys.
10. The FSA’s Chief Executive recently wrote to local authority leaders, including our Town Clerk to extend her thanks to teams for engaging with the recovery programme, completing the monitoring surveys and verification assessments and for our ongoing vital work in striving to return to pre-pandemic levels of service.
11. The City of London along with all local authorities are required to report on their progress towards the reset programme.

## **Current Position**

### Commercial Environmental Health

12. 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.
13. We met the significant milestones in the recovery programme to bring interventions at the highest risk businesses back on track and have made significant progress towards returning to the normal inspection frequencies for lower risk businesses too.
14. The FSA have now brought the recovery programme to an end. The expectation is therefore that we will deliver a programme of interventions that aims to meet the full requirements in the existing Food Law Code.
15. In ending the recovery programme the FSA have also confirmed that they will now work with local authorities in a more bespoke way, to help ensure the return to delivery of pre-pandemic levels of service and because further changes are planned in the delivery models for both food hygiene and food standards.
16. We still have a backlog of food hygiene work in lower risk food businesses to work through, alongside a return to the normal performance expectations. There are a minimum number of inspections and interventions that we must deliver. The challenge remains 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 continue to integrate a proportion of these ‘D’ rated premises into the programme throughout the whole period.
17. In terms of the more detailed programme of other work objectives for the whole team (i.e., not just food safety) this was outlined in our last Plan. But we are also mindful of further significant changes in the delivery of food controls.

18. FSA are working through their Achieving Business Compliance (ABC) Programme to develop these further regulatory reforms; the reforms will affect both food hygiene and food standards delivery. We trust that any such reforms will help us to target available regulatory resources at the areas which pose the greatest risk.
19. This year, FSA expect to begin implementation of a more risk-based, intelligence-driven delivery model for food standards intervention work, which has been developed with, and piloted by, local authorities. FSA will also be working with local authorities to develop the new approach to the delivery of food hygiene in a similar way.
20. We have now therefore refreshed our objectives and set out what we plan to achieve in the coming year, mindful of the above pending changes. The revised Service Plan is at Appendix A. Our plans and objectives may need to be refined as further details of delivery reforms emerge.

### Port Health Service

21. The Port Health Service has focussed its attention on undertaking border controls on food and feed that have been imported from countries outside of the EU.
22. In addition, the Service has been preparing for border controls on EU food and feed imports and has responded to the Draft Border Target Operating Model (BTOM); a high-level plan that outlines the new regime for SPS checks on all food, feed and live animals entering the UK. Further details on the BTOM are provided in a separate report for this Committee.
23. Food premises interventions on river vessels and within the Ports and Airport will be done in accordance with the same requirements outlined above for Commercial Environmental Health; there are a smaller number of food businesses that need inspections in the Port Health area. Details can be found in Appendix 2.

### **Corporate & Strategic Implications**

24. 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.
25. Financial implications - None. The Service Plan will be met from within existing local risk budgets.

26. Resource implications - None.
27. Legal implications - Failure to plan and implement a programme of Official Food Controls interventions could result in sanctions by the FSA, in extremis taking over the operational control of the City Corporation's Food Authority functions.
28. Risk implications - Potential reputational risk to the City Corporation if the above happens.
29. Equalities implications – None following a test of relevance.
30. Climate implications - None.
31. Security implications - None.

### **Proposals**

32. Commercial Environmental Health will continue to undertake the work set out in their Service Plan for 2023-24.
33. The Port Health Service will continue to:
  - a) focus on imported food and feed controls at the border,
  - b) prepare for the implementation of the new border control regime for food and feed; and
  - c) undertake the work set out in their Service Plan for 2023-24.

### **Conclusions**

34. The Service Plans outline a programme of work objectives and how these will be delivered. We will continue to ensure our work is risk-based, supportive to businesses where they are, or seek to be compliant, but providing protection to workers, consumers and the public.
35. At the same time, the City Corporation will continue to meet its obligations to central Government and its agencies as outlined in the various Codes.

### **Appendices**

- Appendix 1 - Commercial Environmental Health Service Plan 2023/24
- Appendix 2 – Port Health Service Plan 2023/24

### **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](#)
- Port Health & Environmental Health Services: May 2022 [Commercial Environmental Health Service Plan 2021-2023-revised](#)

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