

<b>Committee:</b> Port Health & Environmental Services Committee ( <i>For Decision</i> ) Health & Wellbeing Board ( <i>For Information</i> )	<b>Dated:</b> 7 <sup>th</sup> May 2024  5 <sup>th</sup> July 2024
<b>Subject:</b> Commercial Environmental Health Service Plan 2024-25	<b>Public</b>
<b>Corporate Plan:</b>	<ul style="list-style-type: none"> <li>• Providing Excellent Services</li> <li>• Vibrant Thriving Destination-</li> <li>• Dynamic Economic Growth</li> <li>Diverse Engaged Communities</li> </ul>
<b>Does this proposal require extra revenue and/or capital spending?</b>	<b>No</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> Bob Roberts Interim Executive Director Environment	<b>For Decision</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 2024-25 (Appendix 1) and the Port Health Service Plan 2024-25 (Appendix 2).

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 years' Service Plans update this Committee on the Food Standards Agency's (FSA) plans for local authorities and the updates they have provided in terms of their achieving business compliance (ABC) (regulatory modernisation) programme.

### **Recommendation(s)**

Members are asked to:-

- a) Approve
  - i. The Commercial Environmental Health Service Plan 2024-25 (Appendix 1).
  - ii. The Port Health Service Plan 2024-25 (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. 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.
4. At the time the planned food activities set out for the Commercial Environmental Health Team were in line with the activities and milestones set out in the FSA recovery programme including the expectation that we moved at a faster pace in realigning with the Code of Practice requirements where we were able.
5. The FSA have continued to set out how they would work with local authorities to bring down inspection backlogs, starting with those businesses which pose the highest risk. The FSA had been assessing local authority performance against agreed milestones using data from quarterly "temperature checks". They now ask for data in regular (six monthly) surveys, these surveys replace the original annual Local Authority Enforcement Management (LAEMS) return. We also provide regular (weekly) updates on food hygiene ratings for food premises.
6. A paper on local authority (LA) performance was presented to the Food Standards Agency (FSA) Board at their meeting in December 2023. As a result, in February 2024 the FSA's Chief Executive, wrote to local authority leaders, to set out the Board's concerns about LA resources, and to remind them of the statutory nature of official food controls as they consider and set budgets.
7. The FSA's expectation is that we will deliver a programme of interventions that now aims to meet the full requirements in the current (but revised) Food Law Code.

## **Current Position**

### Commercial Environmental Health

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.
9. The team met the milestones in the recovery programmes to bring interventions at the highest risk businesses back on track. Although progress has been made to return to the normal inspection frequencies for lower risk businesses there remains a backlog of inspections to complete which will be prioritised.
10. In ending the recovery programmes 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.
11. In that regard, the FSA are still working through their Achieving Business Compliance (ABC) Programme to develop 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.
12. A new food standards delivery model has been published in the revised Code and we will work towards implementing this, this year. Delivery of the new model becomes a requirement in 2025-26.
13. Plans for a corresponding new food hygiene delivery model have been postponed but the FSA are still working on several programmes to reform food hygiene delivery.
14. The backlog of food hygiene work in lower risk food businesses categorised as 'D' remains a challenge; City hospitality is some of the largest around with some establishments catering for many hundreds or even for many thousands. We need to continue to integrate an extra portion of these 'D' rated premises into the programme.
15. Objectives have been refreshed and set out what we plan to achieve in the coming year, mindful of the above pending changes outlined in paragraphs 12 & 13 above. In terms of the more detailed programme of other work objectives for the whole team (i.e., not just food safety) these are outlined in our Plan in Appendix 1.

### Port Health Service

16. 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.
17. The Service has been preparing for border controls on EU food and feed imports and 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. In addition to the existing controls that came into force on 31<sup>st</sup> January 2024; introduction of health certification on imports from the EU, the Service is preparing for the next phase of controls which come into effect from 30<sup>th</sup> April 2024; identification, physical checks and sampling.
18. Food premises interventions on river vessels and within the London Port Health Authority area 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**

19. Strategic Implications - The Service Plans link to a number of the objectives in the City Corporation's revised Corporate Plan 2024-29:
  - Providing Excellent Services
  - Vibrant Thriving Destination-
  - Dynamic Economic Growth
  - Diverse Engaged Communities
20. Financial implications - None. The Service Plans will be met from within existing local risk budgets.
21. Resource implications - None.
22. Legal implications - Failure to plan and implement a programme of official food controls and health and safety interventions could result in sanctions by the FSA or HSE, in extremis taking over the operational control of the City Corporation's Food Authority and health and safety enforcing authority functions.
23. Risk implications - Potential reputational risk to the City Corporation if the above happens.
24. Equalities implications – None following a test of relevance.
25. Climate implications - None.
26. Security implications - None.

## Proposals

27. Commercial Environmental Health will continue to undertake the work set out in their Service Plan for 2024-25.
28. 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 2024-25.

## Conclusions

29. 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 of businesses where they are, or seek to be compliant, but providing protection to workers, consumers and the public.
30. 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 2024/25
- Appendix 2 – Port Health Service Plan 2024/25

## Background Papers

None

### **Gavin, Stedman, Port Health & Public Protection Director**

T: 020 7332 3438

E: [gavin.stedman@cityoflondon.gov.uk](mailto:gavin.stedman@cityoflondon.gov.uk)

### **Jo Purkiss, Assistant Director (Regulation and Compliance)**

T: 020 7332 3377

E: [joanne.purkiss@cityoflondon.gov.uk](mailto:joanne.purkiss@cityoflondon.gov.uk)

### **Peter Brett, Commercial Environmental Health Team Manager**

T. 020 7332 3473

E: [peter.brett@cityoflondon.gov.uk](mailto:peter.brett@cityoflondon.gov.uk)