

Committee: **Executive Committee**

Date of meeting: **11<sup>th</sup> March 2020**

Report Subject: **Food Hygiene Rating Scheme Focussed Audit**

Portfolio Holder: **Cllr Garth Collier- Deputy Leader / Executive Member Environment**

Report Submitted by: **Dave Thompson – Service Manager Public Protection**

Reporting Pathway (Dates to be Entered)								
Directorate Management Team	Corporate Leadership Team	Portfolio Holder / Chair	Audit Committee	Democratic Services Committee	Scrutiny Committee	Executive Committee	Council	Other (please state)
21/01/20	28/01/20	26.02.20			27/02/19	11.03.20		

## 1. Purpose of the Report

- 1.1 The purpose of this report is to provide an update to Members on the findings of the focussed audit of the implementation and operation of the statutory Food Hygiene Rating Scheme (“the Scheme”) within Blaenau Gwent carried out by the Food Standards Agency (FSA).

## 2. Scope and Background

- 2.1 The FSA is the lead agency responsible for the oversight of food safety (including food hygiene) within Wales and across the rest of the UK. The FSA mainly have responsibility for the direct regulation of meat cutting plants with the majority of other food businesses falling to Local Authorities in terms of regulatory responsibility. The FSA and Local Authorities work closely together. Audits and reviews of local authority food law services are part of the FSA’s programmed work and are aimed at improving consumer protection and confidence in relation to food.
- 2.2 The Food Hygiene Rating (Wales) Act 2013 (“the Act”) established a statutory Food Hygiene Rating Scheme in Wales which came into force on the 28<sup>th</sup> November 2013. The specific details of the operation of the scheme in Wales were contained in the subsequent Food Hygiene Rating (Wales) Regulations 2013 (“the Regulations”). All food authorities, including Blaenau Gwent County Borough Council, are required to inspect food business establishments within their area and produce food hygiene ratings for them adhering, for consistency purposes, to criteria published by the FSA which has been produced in consultation with Local Authorities. Blaenau Gwent County Borough Council is currently responsible for the delivery and implementation of the Scheme across a total of 657 premises within the Borough (figure correct to the 10<sup>th</sup> December 2019). This work is delivered by Officers of the Commercial Team that sit within the Public Protection Service.

- 2.3 On the 28<sup>th</sup> February 2018 a report on the ‘Review of the implementation and operation of the statutory Food Hygiene Rating Scheme and the operation of the Appeals system in Wales’ was laid before the National Assembly. This report detailed the findings of a three year review of the implementation and operation of the Scheme across Wales and made a number of recommendations for action either by the FSA and/or Local Authorities. Recommendation 5 of the aforementioned report proposed the following action which is of relevance to this update:

**Recommendation 5:** *That the FSA publishes a report on the findings of its audit of local authority delivery of the Food Hygiene Rating Scheme by May 2018.*

A full copy of the 2018 review report is available to download here:

<http://www.assembly.wales/laid%20documents/gen-ld11433/gen-ld11433-e.pdf>

- 2.4 The audit referred to in Recommendation 5 was a focussed audit of local authority delivery and implementation of the Scheme against the standards and requirements outlined in the Food Hygiene Rating (Wales) Act 2013, associated regulations, the Food Law Code of Practice (Wales) 2014 (“the Code”) and any relevant centrally issued guidance. All 22 Local Authorities in Wales were subjected to the focussed audit and were required to return a detailed questionnaire together with other relevant supporting information to the FSA during October 2017. Blaenau Gwent County Borough Council participated fully in the focussed audit process and returned the requested information within agreed timescales.

### **Outcomes**

- 2.5 In the Spring of 2019 the final report detailing the findings of the audit was published. The report contained a total of 13 recommendations for Local Authorities to consider (where applicable) and also highlighted areas which the FSA had identified and perceived to be good practice. Appendix 1 provides the summary of the 13 identified recommendations outlined in the above report. A copy of the full audit report is available to download here:

<https://www.food.gov.uk/other/focused-audits>

- 2.6 The FSA did not identify specific Local Authorities by name where areas for improvement were identified. They did however name Authorities where good practice had been observed. Blaenau Gwent County Borough Council was named as one of the Council’s demonstrating good practice in the following area which is an extract directly from the published audit report:

*4.4.26 The law requires food businesses to display ratings at every public entrance. One local authority included a specific prompt on an ancillary FHRS display aide-memoire to check display at all entrances. The remaining authorities had not included any documented instruction to their officers to*

*check display at all entrances.*

**Good Practice**

*An ancillary FHRS display aide-memoire used by Blaenau Gwent CBC prompts officers to record the display of ratings at all customer entrances to a food business establishment.*

- 2.7 Blaenau Gwent County Borough Council has representation at the All Wales Food Safety Expert Panel. This is a working group with representatives across all 22 local authorities in Wales, the FSA, the Chartered Institute of Environmental Health and other core and co-opted members (as necessary). Discussions at this group are focussed around food hygiene related issues including matters such as the delivery and implementation of the Scheme. During a meeting of this group the findings of the audit report were considered and discussed with representative from the FSA. It was agreed that in order to support local authorities to identify the specific recommendations or relevant parts of recommendations applicable to themselves a further detailed analysis of local authority performance against the audit criteria would be provided. As previously outlined in point 2.6 above the recommendations and content of the audit report did not specifically name individual Local Authorities where areas for improvement had been identified. This resulted in difficulties for Local Authorities to identify the areas that they may need to address.
- 2.8 The additional detailed information was supplied by the FSA to Blaenau Gwent County Borough Council in March of 2019 and this was reviewed by key staff within the Commercial Team and any areas for potential improvement were identified for action. The information provided by the FSA contained a mixture of both areas where no action was required and those where potential action was needed. Appendix 2 provides a summary of the areas where potential improvements have been identified and the corresponding action that has been taken or which is planned to address these matters.
- 2.9 An update on progress against the action plan will be provided to the Public Protection Service Manager at the end of the financial year for 2019/20. At the time of writing this report there is no known follow-up work planned by the FSA in respect of checking the Authorities progress against any identified recommendations or parts of recommendations.
3. **Options for Recommendation**
- 3.1 The report will be considered by the Community Services Scrutiny Committee on 27<sup>th</sup> February 2020 and any comments from the Committee will be presented verbally to the Executive.
- 3.2 Option 1 – That the Executive Committee considers and approves the content of the action plan detailed in Appendix 2 (preferred option);
- 3.3 Option 2 – That the Executive Committee considers the contents of this report and the associated appendices and do not approve the content of the action plan detailed in Appendix 2.

4. **Evidence of how does this topic supports the achievement of the Corporate Plan / Statutory Responsibilities / Blaenau Gwent Well-being Plan**

4.1 The continued improvement of the Food Law Service will ensure ongoing contribution to the key themes of Blaenau Gwent's Corporate & Well-being Plans. The Food Law Service meets the relevant well-being goals through the continued provision and planned improvements (as outlined in Appendix 2) of a service with retained expertise that aims to protect public health and consumer safety.

5. **Implications Against Each Option**

5.1 ***Impact on Budget*** (short and long term impact)

There are no direct financial implications associated with the acceptance of this report.

5.2 ***Risk including Mitigating Actions***

The areas of work of the Food Law Service referred to in this report are a statutory function of the Council and, as such, carries with it risks of damage to reputation or legal action in the event of under provision or negligence in terms of service delivery. A lack of appropriate regulation, advice and support to local businesses can increase the risks to health associated with food safety related issues (including serious illness and death) to members of the public within and beyond the County Borough.

5.3 ***Legal***

As above.

5.4 ***Human Resources***

There are no direct staffing implications associated with the acceptance of this Report. The planned improvements identified will be delivered by existing staff within the Public Protection Service.

6. **Supporting Evidence:**

6.1 ***Performance Information and Data***

There is no additional performance information that can be provided at this time other than that which has already been outlined above in terms of the findings of the FSA audit and the proposed improvements subsequent to this. An updated outcome report outlining the progress against the proposed actions detailed in Appendix 2 will be provided to the Public Protection Service Manager at the end of the financial year for 2019/20.

## 6.2 **Expected outcome for the public**

To reduce the potential risks to health associated with food safety related issues (including serious illness and death) to members of the public within and beyond the County Borough through continued regulation of food businesses within the Borough for which the Authority has a regulatory role.

## 6.3 **Involvement** (*consultation, engagement, participation*)

The plan outlined in Appendix 2 has been drafted with the full co-operation of relevant lead colleagues whom are responsible for the delivery of the Food Law Service, specifically in respect of food hygiene related functions, within Blaenau Gwent County Borough Council.

## 6.4 **Thinking for the Long term** (*forward planning*)

The continued implementation and operation of the statutory Food Hygiene Rating Scheme is a statutory requirement. The activities detailed in the action plan outlined in Appendix 2 will assist in the improvement of the Food Law Service and ensure its continued contribution to the protection of public health.

## 6.5 **Preventative focus**

The full implementation of proposed action plan outlined in Appendix 2 will allow the Food Law Service to continue to contribute to the key themes of Blaenau Gwent's Community Strategy 2010-2030. The Food Law Service meets the relevant well-being goals through the continued provision and planned improvement of a service with retained expertise that aims to protect public health and consumer safety.

## 6.6 **Collaboration / partnership working**

The improvements identified in the action plan provided in Appendix 2 have been developed in-line with the recommendations of the FSA audit report and also in discussion with key staff responsible for the area of Service Delivery in question.

## 6.7 **Integration** (*across service areas*)

The full implementation of proposed action plan outlined in Appendix 2 will allow the Food Law Service to continue to contribute to the key themes of Blaenau Gwent's Community Strategy 2010-2030. The Food Law Service meets the relevant well-being goals through the continued provision and planned improvement of a service with retained expertise that aims to protect public health and consumer safety.

## 6.8 **EqIA** (*screening and identifying if full impact assessment is needed*)

No adverse impact identified.

## 7. **Monitoring Arrangements**

- 7.1 An updated outcome report outlining the progress against the proposed actions detailed in Appendix 2 will be provided to the Public Protection Service Manager at the end of the financial year for 2019/20.

### **Background Documents / Electronic Links**

Appendix 1 – FSA Focussed All Wales Audit Recommendations

Appendix 2 – FSA Focussed Audit Action Plan – Blaenau Gwent Specific Actions

<https://www.food.gov.uk/other/focused-audits>

<http://www.assembly.wales/laid%20documents/gen-ld11433/gen-ld11433-e.pdf>