



Cabinet
16 March 2015

**Report from the Strategic Director of
Environment and Neighbourhoods**

For Action

Wards Affected: ALL

Food Safety Service Plan for 2015/16

1.0 SUMMARY

1.1 The annual Food Safety Service Plan details the council's commitment to the delivery of the food safety service. It covers key areas of food law enforcement and relevant management arrangements and targets against which the Council will monitor service delivery.

2.0 RECOMMENDATIONS

That Cabinet:

- 2.1 notes the conclusions of the Food Standards Agency's audit of Brent's food safety arrangements;
- 2.2 notes the action which has been taken to date and endorses the Council's action plan in Appendix 2; and
- 2.3 approves the Food Safety Service Plan for 2015/16.

3.0 DETAILS

3.1 The Council has a statutory duty to enforce food law and have regard to the Food Standards Agency's (FSA) Framework Agreement on Local Authority Food Law Enforcement. The Council is required to publish an annual Food Safety Service Plan that accords with the Framework Agreement, and details the service's objectives in line with the council's Performance Management Framework.

3.2. The attached Food Safety Service Plan for 2015/16 (Appendix 1) sets out food objectives detailing the Council's responsibilities as set out in legislation, associated statutory codes of practice and guidance. It details:

- the food intervention programme for 2015/16;

- the Council’s approach to food law enforcement, food and water sampling, primary authority partnerships, provision of information to business, investigation of complaints and allegations of food poisoning, response to Food Safety Alerts and infectious disease control;
- resources including staffing and financial implications; and
- Performance monitoring and quality assurance.

Food Standards Agency audit July 2014

3.5 After an audit by the FSA in 2003 that identified “*no key areas for improvement*”, the council was not audited for many years.

3.6 In July 2014, the service was again audited and the auditor reported that professional standards had been maintained, for example that:

- Brent “*officers carrying out interventions were competent, experienced and knowledgeable*”;
- “*records maintained by officers were generally comprehensive and detailed for all food activities examined*”; and
- the FSA’s verification visit to a random local food business found that Brent’s “*officer was familiar with the businesses, had a good working relationship with the business owner, very thoroughly assessed the business’ compliance with legal requirements, and was providing helpful advice and guidance to the business owner*”.

However, the audit was concerned about issues connected to resources and required improvement, including:

- increased capacity to undertake more inspections, interventions, enforcement and prosecutions, identifying that 1,736 businesses were overdue for inspection;
- increased capacity to undertake internal auditing of professional standards and system data accuracy and completeness; and
- IT development capacity to improve cumbersome reporting tools and some areas of case data retrieval.

3.7 The FSA have published their audit report on their website¹ including the action plan prepared by Brent in response. The Action Plan is at Appendix 2.

¹ <https://www.food.gov.uk/enforcement/auditandmonitoring/2014/auditreports/brent-london/brent-london-delivery-and-compliance-audit>

- 3.8 Since 2003, the number of staff undertaking food law duties has reduced by around 6 FTEs. Over the same period the number of premises requiring inspection has grown significantly and when translated into inspection demand represents additional work equivalent to 2 FTE inspectors at current productivity levels. In response to the FSA's resource-based recommendations, officers have made the following changes:

Team rebalancing

- 3.8.1 As an immediate response to the concerns raised during the audit, a review of staffing arrangements has identified that greater efficiency from existing staffing could be delivered by changing the balance of skills in the team. At the time of the audit, all enforcement staff were qualified to the highest level required by the Food Standards Agency, whereas only around one-third of necessary inspection demand requires this level of qualification.
- 3.8.2 In late 2014, two vacant positions were changed from post-holders holding '*higher*' qualification to the '*ordinary*' qualification, to better reflect the balance of businesses requiring intervention by staff with different levels of competency. As of January 2015, five front-line FTE staff enforcing food law, three now hold the higher qualification and two hold the ordinary qualification.
- 3.8.3 Recruitment to the vacant team leader post has enabled further efficiency improvement through focussing enforcement staff with the highest level of competency on the 300 or so businesses with the highest level of the lowest level of compliance. These businesses need a great deal and frequency of intervention, advice, time taken per business, enforcement and officer skill. These businesses represent about 15% food businesses overall.
- 3.8.4 Enforcement officers holding a lower level of competency will deal with the remaining 2,000 or so food businesses which pose a much lower risk to consumers or are broadly compliant with the law. It is expected that this two-team approach will increase inspection productivity significantly through the creation of a team that solely deals with broadly compliant, lower risk businesses, that will be freed to undertake inspections at a much higher rate of productivity and at a lower cost per inspection, unencumbered by a smaller number of complex or problematic businesses. This twin team development came into effect in February 2015, and will increase inspection and intervention numbers in 2015-16 onwards.

Performance management

- 3.8.5 Further changes have been made to improve inspection productivity and reduce the number of businesses that are not broadly compliant with food law from within existing resources. This includes a more comprehensive range of performance measures by which individual staff and the service overall can be monitored and a more modern set of management information tools that allow managers easier access to this data.

Backlog recovery

- 3.8.6 The restructuring that established Regulatory Services in April 2014, indirectly led to an unusually high number of vacancies across most regulatory functions, including food and resulted in a significant underspend in 2014/15.
- 3.8.7 During the final quarter of 2014/15, this underspend has been used to recruit temporary contractors to inspect businesses overdue for inspection.
- 3.8.8 In early February, the backlog of premises due for inspection had been reduced from 1,736 premises to 1,239 premises. It is expected that by the end of March that the number of overdue inspections will have been further substantially reduced and possibly to half the level reported by the FSA in July 2014.

Statutorily required internal quality checks

- 3.8.9 The July 2014 Food Standards Agency audit expressed concern that the arrangements for internal quality monitoring also fell below the minimum requirements of the Food Law Code of Practice.
- 3.8.10 At the time of the Food Standards Agency's previous audit, when internal audit checks were found to be entirely satisfactory, this role was undertaken by a support officer (1.0 FTE) embedded within the service, with support from a Team Leader. However, this post was absorbed into a centralised business support function which, together with the vacancy at Team Leader, resulted in the cessation of the internal quality checking that this officer undertook.
- 3.8.11 The recent permanent appointment to the Team Leader post will allow some additional internal monitoring to take place. However, this will not be sufficient to achieve the level of internal monitoring required by the Food Law Code of Practice, and it is estimated that a minimum of 0.5 FTE would be required to satisfy the requirements of the Food Law Code of Practice.

Statutorily required intervention staffing levels

- 3.8.12 The current number of food businesses require an average of 4,000 interventions a year. Current staffing levels are sufficient to deliver around two-thirds of the statutorily required intervention programme at current productivity levels. It remains to be seen the extent to which the above changes in the way that the team works can increase productivity to close the gap between interventions undertaken and required by the Food Standards Agency.

3.8.13 However, current estimates of the number of additional staff (or equivalent budget for external contractors) to achieve the required level of interventions range between 3 and 6 full-time equivalents, with the most likely figure being around 4.2 FTEs. Additionally 0.5 FTE is required to undertake the aspects of statutory quality checks that do not need to be carried out by a senior competent enforcer. This gives a total probable requirement of 4.7 FTEs at a likely cost of around £200k.

3.8.14 It should however, be noted that, the frequency of inspection was determined in Food Law Code of Practice well before reductions in local authority funding started to come into effect and increasingly local authorities are not able to achieve this level of intervention. Even so, in order for the council to undertake sufficient interventions to reach the level required for UK median intervention, would likely require an increase in staffing in the order of half of that described at 3.8.13 above to meet the requirement of the Food Law Code of Practice.

Regulatory Services Review

3.9 In early 2014 the council restructured a number of its regulatory functions including food law enforcement bringing many services together under a single Head of Regulatory Services, including: animal health, health & safety, health checks, licensing, public safety, public mortuary, nuisance control, pest control, environmental monitoring, sanitary health, smoking cessation and tobacco control, and trading standards. Prior to the FSA audit the council determined that a strategic review of Regulatory Services, planning, building control and private housing services should take place which will consider:

- the statutory requirement to deliver these services and the added value from and priority for service levels above that;
- the scope for efficiency and/or service resilience arising from shared regulatory services with other councils;
- the scope for income generation and commercial activity; and
- alternative service delivery arrangements including out-sourcing either to the private sector, management buy-out; or cooperative or mutual organisations.

3.10 The council intends to consider the FSA's recommendations regarding resourcing in the context of the forthcoming Regulatory Services Review, so that decisions can be made about priorities for all regulatory functions.

Current position

3.11 Until such time as officers are able to present Members with options for future resourcing for all regulatory services, including food law enforcement, it should be noted that the council's capacity to undertake food law interventions will remain below that required by the FSA's Framework Agreement.

3.12 The investment of 2014/15 underspends from other areas of regulatory activities that is being used to recruit contractors to reduce the number of overdue inspections, will result in a much higher number of interventions being publicly reported for 2014/15 than in recent years. As this data is used by the FSA to determine comparative local authority performance, it is highly likely that the authority will temporarily have a more typical and acceptable performance for 2014/15 when this data is published by the FSA in late 2015.

3.13 In a similar vein the Consumers Association (CA) are closely scrutinising local authority activity on food enforcement as part of their campaign to ensure safe food for consumers. The CA has developed their own methodology for scrutinising local authority performance to enable publication of a league table. For food safety (hygiene), they look at three factors:

1. The percentage of high and medium risk premises that are compliant with food hygiene requirements (50% weight). This reflects whether or not councils are fulfilling their role of ensuring food businesses are able to comply with hygiene law.
2. The percentage of unrated premises in their area (25% weight) – this reflects councils ability to keep on top of food businesses opening in their area, rate them and therefore determine future inspection frequency.
3. The percentage of planned interventions carried out as a proportion of rated premises (25% weight) - this reflects the extent to which council's are pro-actively trying to ensure that businesses that are not complying with hygiene requirements, improve their standards.

3.14 The CA have published their annual assessment for 2013/14 data which is now in the public domain. For the previous year which was published by CA in January 2014, Brent's performance for these three factors was (out of 405 LAs):

1. 334th
2. 97th
3. 390th

3.15 With the weighting this gave an overall position of 370 out of 395 authorities who provided the data. Eleven of the bottom 25 authorities were London Boroughs.

3.16 The 2014/15 data now published by the Consumers Association shows that the position has worsened for 2013-14 and that Brent is in tenth place from the bottom. Camden, Ealing, Harrow and Enfield are also in the bottom ten, reflecting the particular pressures facing London authorities.

- 3.17 It is highly likely that the authority will temporarily have a more typical and acceptable performance for 2014/15 when this data is published by the Consumers' Association in early 2016, as a consequence of the investment of temporary in-year underspends from other areas of regulatory activities on contractors to reduce the number of overdue inspections.

4.0 FINANCIAL IMPLICATIONS

- 4.1 Additional resourcing would be required to meet the full requirements of the Framework Agreement and early estimates of the potential financial implications for food law enforcement are outlined in paragraphs 3.8.12 to 3.8.14 above. Whilst these estimates indicate an additional £200k of resources together with the productivity changes described earlier, are likely to be necessary to achieve compliance with the Food Law Code of Practice, a lower figure would likely secure a median performance figure in comparison with other UK local authorities, reflecting the difficulty of many local authorities in maintaining levels of food law resourcing.
- 4.2 The findings of a wider review of regulatory functions, including private housing services, building control, planning enforcement and Regulatory Services will be available in mid-2015. This report is expected to include advice on levels of service provided together with options for efficiencies and savings. It is expected that Members will be better placed to make decisions about levels of food law enforcement in the context of decisions about other areas of regulation.

5.0 LEGAL IMPLICATIONS

- 5.1 The Council has a statutory duty to enforce Food Safety legislation and have regard to the Food Standards Agency's (FSA) Framework Agreement on Local Authority Food Law Enforcement.

6.0 DIVERSITY IMPLICATIONS

- 6.1 None.

7.0 STAFFING / ACCOMMODATION IMPLICATIONS

- 7.1 None.

8.0 BACKGROUND PAPERS

- Food Standards Agency Audit Report July 2014
- Food Standards Agency's (FSA) Framework Agreement on Local Authority Food Law Enforcement

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Food Safety Service Plan 2015/2016

Food Hygiene, Food Standards and Feedstuffs

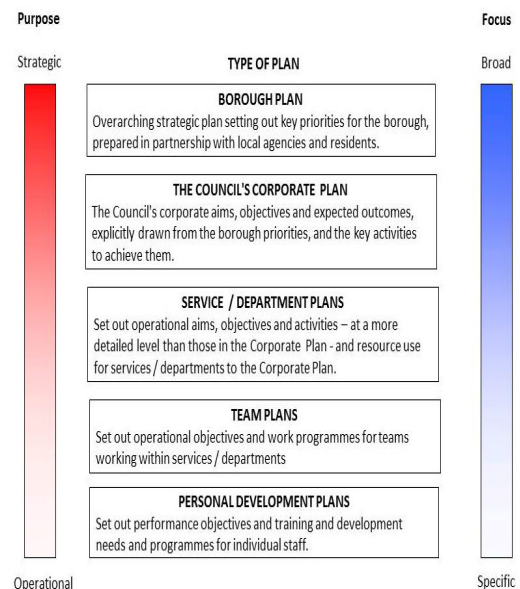
1. Aims and Objectives

1.1. Service Aims and Objectives

The overall aim of the service is to provide a food safety service to consumers and the business community ensuring a balance between consumer safety and standards and economic prosperity for businesses and local communities. We seek to achieve this through advice, education and where appropriate, enforcement.

1.2. Links to Corporate Objectives and Plans

Brent Council's planning process operates through a number of different levels within the council, ranging from the strategic to the detailed and operational. In order that the corporate planning process is effective and efficient each level needs to reflect and reinforce the other levels. It should be possible to trace each of the Council's strategic objectives through the various planning levels to show how it is being translated into specific actions within service and team plans which deliver the required outcomes. The Council's overall planning framework is shown in the adjacent diagram.



Brent Council's planning framework has plans in place at all levels with an identifiable 'golden thread' running through it.

Brent Council's April 2015 – December 2016 Corporate Plan, sets out the Council and its partner's vision for a better future for the borough and the values, priorities and actions that will enable that vision to be achieved.

The Borough Plan has three priority themes which underpin our ambition to make Brent a great place to live and work, where people feel that they have real opportunities to change their lives for the better.

The Council's three priorities are:

- better lives;
- better place; and
- better local.

In addition to the three priorities of the Borough Plan, the Corporate Plan also includes the actions that the council will take to improve its internal management arrangements under the themes 'Better ways of working'.

The objectives of the food service and the work plans set out here, have a strong synergy and commonality with the Council's priorities in the Borough Plan and Corporate Plan.

This report is part of the Council's publicly transparent and democratic decision making process, and final approval for this service plan will be considered and if appropriate, granted at a meeting of the Cabinet².

Other council plans which influence the food service, includes:

- corporate enforcement policy; and
- departmental equalities plan.

² <http://brent.gov.uk/your-council/about-brent-council/council-structure-and-how-we-work/the-cabinet/>

2. Background

2.1. Profile

The London Borough of Brent is located in North West London, and forms part of outer London. The major areas are Kilburn, Wembley and Willesden.

Brent is home to Wembley, host of national and international events, both sporting and musical. This area includes the Wembley National Stadium, containing the two largest restaurants in London, Wembley Arena, Fountain Television Studios (home of the X-Factor, The Cube, Britain's Got Talent, The British Comedy Awards and other TV shows); the London Designer Outlet and a host of up-market restaurants, shops and hotels. A 1,400-seat theatre is being built during 2015/16.

The borough is home to two very large industrial estates: - Park Royal and Wembley, which also host many large food operations.

Brent has more food manufacturers, importers and packers than most other local authorities. The Authority was one of the host London Boroughs for the 2012 London Olympics, and will be a host borough for the final and semi-finals of the 2020 UEFA European Football Championship.

This brings many demands to the service, which go beyond that faced by many other London authorities with a more typical food industry profile.

Brent has an ethnically diverse population of around 311,000 that is the seventh largest in London. The 2011 census indicated that about 33% of the population was of South Asian heritage, 19% of African and Caribbean heritage and about 7% were other ethnic groups. About 4% of the population is White Irish, the highest of any local authority in England and Wales.

The ethnically diverse population attracts a very wide range of food business operators. In a high proportion of cases English is not the first language either of the population using, or providing the business. In practice, and almost with exception, traders are able to converse in basic English and the experience of the officers means this is managed effectively, although it can impact on the time spent on inspections to ensure effective communication and appropriate follow-up to issues of concern by the proprietor.

The high churn of food businesses - the average time between changes in management or ownership is around 2 years - leads to a constant flow of enquiries from new business start-ups, and those looking to change or expand their business. There is a high proportion of enquiries about food labelling from our many manufacturers and packing businesses which places a significant demand on the service.

There is a demand arising from community events and festivals, such as Eid Diwali and Christmas and commercial events too. Wembley hosts a major market attracting visitors from a wide area. Ad-hoc events are considered by the Borough Safety Advisory Group that is advised by the team on food issues.

2.2. Scope of the food service

As a single tier authority, food law enforcement encompasses assessment for compliance for food standards, hygiene and animal feed. Other key activities carried out by the team include inspection of health and safety at high risk businesses, investigations of infectious disease notifications, accident investigations, enforcement of smoke free legislation and licensing of businesses offering special treatments.

Key food activities include:

- inspection of businesses for food hygiene;
- food sampling to reflect national and local priorities;
- approval of businesses under EC Directive 853/2004;
- investigation of serious food complaints and outbreaks of food poisoning;
- responding to national food alerts;
- monitoring animal feed businesses; and
- provision of food hygiene training for food proprietors.

The service is delivered from a single location based at the Civic Centre, Engineers Way, Wembley. The offices are open to the public on workdays between 08:30 - 5:30pm. Outside those times, the main reception area is open 24 hours although no staff will be able to come and see the public.

2.3. Type of establishments

The UK has a well-established methodology for assessing and rating food businesses. This seeks to proportionately ensure that businesses are generally only subject to compliance assessments based on factors such as the risk posed to consumers and their previous track record. Businesses that have a high degree of risk and a poor track record are inspected with greatest regularity. Routine inspections for these businesses (category A) are twice a year, with inspections for the least risky with a good track record, being every 3 years.

There are separate inspections made for food safety (how safe is the food, sometimes called food hygiene) and food standards (how authentic is the food, sometimes called food fraud).

A national system requires inspectors to score different aspects of each inspected food business for compliance. Together with different scores for the intrinsic risk for the foods handled or sold by the business, this gives a score for the risk that the premises poses to the public. Businesses with similar scores are grouped together into bands and each band is required to be inspected with a different regularity. Businesses with greatest risk in Band A are required to be inspected no less than every 6 months and businesses with least risk are required to be inspected no less than every 36 months.

The table below shows how many food businesses there are in each of the risk rating categories as reported to the FSA:

Food Safety

Risk category	Businesses (2013/14)	Businesses (2012/13)	London average	Inspection frequency
A	23	20	17	At least every 6 months
B	182	191	139	At least every 12 months
C	1,091	1,087	875	At least every 18 months
D	440	416	415	At least every 2 years
E	504	491	508	At least every 3 years
New/Unrated	95	48	147	High risk: within 28 days Low risk: within 90 days
Outside inspection programme	213	195	49	None. These are premises with the very lowest risk, such as child-minders.
TOTAL	2,556	2,448	2,151	

Food Standards

Risk category	Businesses (2013/14)	Businesses (2012/13)	Inspection frequency
A	52	51	At least every 6 months
B	543	604	At least every 12 months
C	1,579	1,470	At least every 18 months
New/Unrated	94	51	High risk: within 28 days Low risk: within 90 days
Outside inspection programme	190	167	None. These are premises with the very lowest risk, such as child-minders.
TOTAL	2,458	2,343	

Business type

The business profile breakdown is given in the table below:

Business type	Total
Manufacturers & packers	104
Importers/Exporters	14
Distribution/Transporters	122
Retailers (food)	708
Restaurants and caterers	1,608
TOTAL	2,556

Trend

Examination of the rolling number of food businesses in the borough requiring inspection, shows a fairly consistent picture of increase over the past 10 years. This is consistent with the increase in population from 265,000 to 311,000 (17.5%) between 2001 and 2011.

Year	Total
2013/14	2,556
2012/13	2,448
2011/12	2,431
2010/11	2,301
2009/10	2,260
2008/09	2,060
2003	1,938

Since the time of the previous FSA audit in 2003, the number of food premises has increased by 618 or 32%. This is an additional 300 or so inspections per year, which equates to around the work of an additional 2.0 FTE inspectors. During the same period the number of front-line enforcement officers has reduced by 2 and the number of support staff reduced by 4; a net worsening of 8 FTEs.

Examination of more recent change for the most recent reported year, shows an increase in the number of businesses requiring inspection increased by 118 (4.8%) which equates to almost 1.0 FTE inspector in the last 12 months.

2.4. Primary Authority Scheme

Brent fully supports the Primary Authority scheme³ and has entered into food and health and safety partnerships with:

- IKEA
- Bestway Cash and Carry
- Pernod Ricard UK Ltd
- Universal Suppliers Limited

³ <https://www.gov.uk/government/publications/primary-authority-overview>

3. Service delivery

3.1. Intervention plan

The service has a documented intervention plan that takes account of:

- established food businesses which have previously been inspected and have a risk rating in compliance with Annexe 5 of the Food Law Code of Practice (England);
- establishments that have submitted registration documents but are as yet un-inspected and therefore have no risk rating (un-rated businesses);
- changes the team become aware of relating either to the food business operator or the type or extent of the business;
- intelligence received from various sources which may impact on the programme; and
- businesses that have ceased to trade.

The intervention plan is based on a 6-year rolling calculation, updated each year subject to approval by the Head of Service. The number and type of interventions are calculated each year and assessed against the available resources as part of the service planning process.

The number and type of businesses in the borough will change constantly as will the risks associated with them. Should the number or type of interventions change significantly during the year to the extent that delivery of the annual intervention programme may not be achievable, this will be brought to the Head of Service's attention with a suggested recovery programme at earliest opportunity.

The intervention plan prioritises interventions in the following order:

Priority	Intervention
1	Businesses subject of justified /serious complaint, an unsatisfactory sample result or linked to confirmed Food Poisoning case/outbreak
2	High risk inspections
3	Businesses where significant risks identified
4	Unrated businesses or businesses subject to significant change
5	Approved premises
6	Formal sampling and analysis
7	Businesses not broadly compliant
8	Businesses with a public Food Hygiene Rating Scheme of less than 3
9	Primary or Home Authority obligations
10	Very high risk food or practice, at businesses with overall low risk rating
11	Medium risk businesses (broadly compliant)
12	Low risk business diverted from alternate enforcement into inspection programme
13	Low risk business subject to alternate enforcement
14	Targeted education, advice or coaching
15	Food Hygiene Rating Scheme 'revisits'
16	Surveillance visit
17	National events; markets, seasonal/occasional businesses

Priority	Intervention
18	Consistency monitoring of completed interventions including alternative enforcement forms
19	Low risk businesses
20	Animal feedstuffs

3.2. Sampling plan

The approach to sampling and the basic programme is included in the Sampling Policy attached as Appendix 1. Sampling is used as a positive tool in assessing health risk, securing compliance and informing businesses.

A formal arrangement is in place with the Public Health England for the analysis of samples that require microbiological examination.

The service participates in national and regional microbiological sampling initiatives coordinated by the Food Standards Agency and North West London Food Liaison Group. Samples of food and swabs of food-contact surfaces are also taken as part of routine work when investigating complaint.

The annual food sampling programme is managed by an enforcement officer. An estimated 0.25 FTE is assigned to co-ordinate the sampling programme.

3.3. Enforcement policy

The council has a graduated approach to enforcement based on the better regulation principles of proportionality, accountability, consistency, transparency and in accordance with the Regulators' Code⁴.

The Council has a Corporate Enforcement Policy which will be updated in 2015. It is intended that this policy will avoid the need for a separate food enforcement plan. However, in the event that policy statements relating to food cannot be incorporated in any new corporate enforcement policy, approval for a separate food enforcement policy addendum will be sought from Cabinet as and when any consent for the new corporate policy is sought.

3.4. Performance

Following the relocation of the food service within a newly established Regulatory Services unit, a more robust performance management arrangement now includes monthly monitoring for:

- proportion of food businesses that are broadly compliant;
- food businesses NOT rated for risk;
- food businesses overdue for inspection;
- number of A, B category, non-compliant C food businesses overdue for inspection;
- number of food businesses with zero food hygiene rating;
- number of microbiological and chemical samples taken;

⁴ <https://www.gov.uk/government/publications/regulators-code>

- number of food businesses subject to food standards interventions (excl unrated establishments) in rolling 12 month period;
- number of A & B category food businesses overdue for food standards inspection;
- number of microbiological and chemical samples taken;
- case processing;
- complaints;
- freedom of information requests
- sickness; and
- financial performance.

3.5. Liaison with other organisations

There are a number of arrangements in place with other local authorities and partner organisations to promote consistency in enforcement, joint project working and shared training. These groups are usually attended by a manager with responsibility for the food service, but where appropriate other members of the enforcement team will be asked to attend. The time commitment and frequency of these meetings is included in the table below:

Group	Frequency	Time per meeting
Association of London Environmental Health Managers	6 p.a.	½ day
NW London Food Liaison Group	4 p.a.	½ day
London Food Coordination Group (approvals)	4 p.a.	½ day
Brent Integrated Infection Control Committee	4 p.a.	½ day
NW London LA/PHE Partnership Group	4 p.a.	½ day
Primary Authority Partnership	2 p.a.	½ day
Borough Safety Advisory Group	6 p.a.	½ day
Wembley Arena Group	Monthly	2 hours

The time commitment for these meetings is significant and does not include preparation or additional issues that may arise as a result of the meeting.

4. Resources

Food law enforcement is part of the Council's Regulatory Services Unit and some budgets, such as training are pooled across the service for maximum efficiency. The cost centre concerned also includes costs for other areas of enforcement, and therefore the budget for food law enforcement excludes some of the budget for matters that are not food related. Funding for 2014/15 was:

4.1. Budget for food law enforcement

Expenditure	2014/15 Budget £000's	2015/16 Budget £000
Staffing	334	341
Travel and subsistence	2	2
Equipment and Maintenance	1	1
PPE	1	1
Sampling & analysis	20	20
Court costs	1	1
Income		
Health certificates	-9	-9
Food hygiene training courses	-3	-3
TOTAL net expenditure	347	354

4.2. Staffing

The staffing for all regulatory services has dramatically reduced in recent years, at the same time as the authority has centralised business support as part of the drive to reduce expenditure arising from the dramatic reduction in funding for local government in recent years. The number of staff undertaking food control work is around two-thirds fewer than a decade ago.

The current staffing establishment undertaking food law work is:

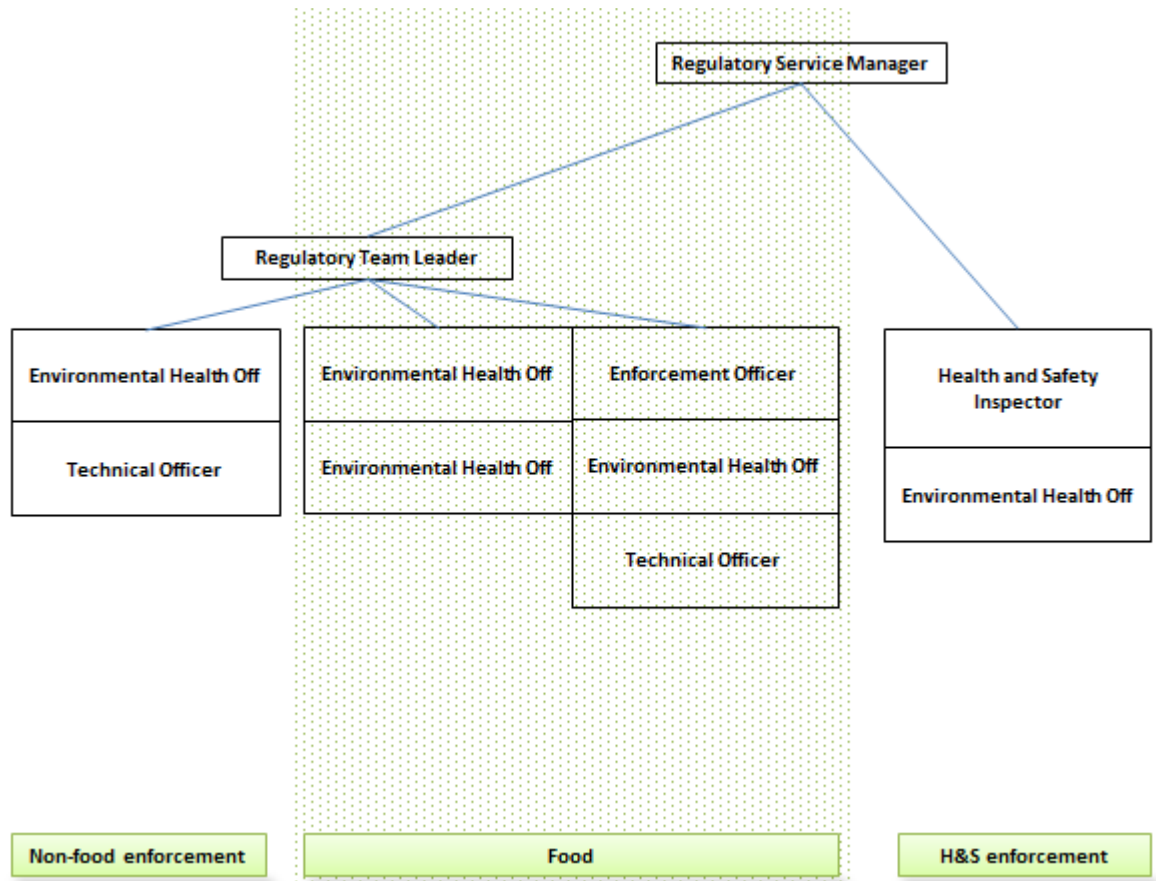
Position	Full-time equivalents
Regulatory Service Manager	0.5
Regulatory Team Leader	1
Frontline staff holding 'higher' qualification	4
Frontline staff holding 'ordinary' qualification	1
TOTAL	1.5 x FTE managers 5.0 x FTE enforcement staff 0 x FTE support staff

Additionally there are 2.0 x FTE enforcement officers (not shown in the above table) that solely carry out Health and Safety enforcement and are 2.0 x FTE enforcement officers that carry out other enforcement obligations such as smoke free enforcement, communicable diseases and special treatments licensing etc., and 0.5 x FTE Regulatory Service Manager.

Qualifications and competence of the officers is managed by the Regulatory Services Team Leader and detailed in the separate Authorisation Procedure and Management scheme.

4.3. Organisational structure

The organisational structure for food safety is shown below. The posts working of food law issues are shaded. The Regulatory Service Manager spends around two-thirds of their time on food matters.



4.4. Capacity building

The July 2014 audit of the service by the Food Standards Agency found that there was a significant backlog of overdue food businesses interventions and that the extent of the backlog was such that it would not be possible to recover the inspection programme with the staff resources available.

4.4.1. Team rebalancing

As an immediate response to the concerns raised during the audit, a review of staffing arrangements has identified that greater efficiency from existing staffing could be delivered by changing the balance of skills in the team. At the time of the audit, all enforcement staff were qualified to the highest level required by the Food Standards Agency, whereas only around one-third of necessary inspection demand requires this level of qualification.

In late 2014, two vacant positions were changed from post-holders with a 'higher level' qualification to the 'ordinary level' qualification, to better reflect the balance of businesses requiring intervention by staff with different levels of competency.

Recruitment of the vacant Team Leader has enabled further efficiency improvement through focussing enforcement staff with the highest level of competency 'higher' qualification on the 300 or so businesses with the highest level of the lowest level of compliance. These businesses need a great deal and frequency of intervention, advice, time taken per business, enforcement and officer skill. These businesses represent about 15% food businesses overall.

Enforcement officers holding a lower level of competency now deal with the remaining 2,000 or so food businesses which pose a much lower risk to consumers or are broadly compliant with the law.

This two-team approach will increase inspection productivity significantly through the creation of a team that solely deals with broadly compliant, lower risk businesses, that will be able to undertake inspections at a much higher rate of productivity and at a lower cost per inspection, unencumbered by a small number of complex of problematic businesses.

4.4.2. Performance management

Further changes have been implemented to improve inspection productivity and reduce the number of businesses that are not broadly compliant with food law from within existing resources. This includes a more comprehensive range of performance measures by which individual staff and the service overall can be monitored and a more modern set of management information tools.

4.4.3. Backlog recovery

The restructuring that established Regulatory Services in April 2014, indirectly led to an unusually high number of vacancies across most regulatory functions, including food, and caused a significant underspend in 2014/15.

During the final quarter of 2014/15, this underspend was used to recruit temporary contractors to inspect businesses overdue for inspection. It is expected that by 31 March that the number of overdue inspections will have been very substantially reduced to around half the previous level.

4.4.4. Statutorily required intervention staffing levels

At current levels of productivity, current staffing levels are sufficient to deliver around two thirds of the intervention programme required by the Food Law Code of Practice.

It remains to be seen the extent to which these changes can increase productivity to close the gap between interventions undertaken and those required by the Food Law Code of Practice.

However, current estimates of the number of additional staff (or equivalent budget for external contractors) to achieve the required level of interventions range between 3 and 6 full-time equivalents, with the most likely figure being around 4.2 FTEs. Additionally 0.5 FTE is required to undertake the aspects of statutory quality checks that do not need to be carried out by a senior competent enforcer. This gives a likely requirement of 4.7 FTEs at a likely cost of £200k.

4.4.5. Statutorily required internal quality checks

The July 2014 Food Standards Agency audit expressed concern that the arrangements for internal quality monitoring also fell below the minimum requirements of the Food Law Code of Practice.

At the time of the Food Standards Agency's previous audit, when internal audit checks were found to be entirely satisfactory, this role was undertaken by a support officer (1.0 FTE) embedded within the service, with support from a Team Leader.

However, this post was absorbed into a centralised business support function which resulted in the cessation of the internal quality checking that this officer undertook.

The recent permanent appointment of an experienced enforcement officer to the previously vacant managerial post will allow some additional internal monitoring to take place. However, this will not be sufficient to achieve the required level of internal monitoring required by the Food Law Code of Practice, and it is estimated that a minimum of 0.5 FTE would be required to satisfy the requirements of the Food Law Code of Practice.

4.5. Staff Development Plan

All enforcement officers are encouraged, motivated and trained to develop and maintain their required professional competencies. Training and development needs are identified at annual appraisals.

In addition to centrally provided council-wide occupational learning and development arrangements, a training budget enables additional training in areas that are specific to regulators and the services' objectives.

Advantage is taken wherever possible for peer learning and low cost or free training provided by organisations, in particular the Food Standards Agency.

5. Quality assessment and internal monitoring

A high importance is placed on quality monitoring to ensure consistency and compliance with statute. Monitoring is led by the Regulatory Services Manager with the Team Leader.

Required areas for monitoring and method are:

Critical standard	Monitoring	Frequency
Intervention plan	Routine reports to check completion of interventions.	Monthly
Enforcement outcomes	Document checks on sample of completed interventions to ensure appropriate and consistent action taken, accurate and legible records	Monthly
Document management	Sample checks of digital document management system to ensure referencing and attachment are correct and in place.	Monthly

Critical standard	Monitoring	Frequency
Enforcement consistency	121 meetings, team meetings and peer review of enforcement actions	Six-weekly
Data integrity	Checks on accuracy of database. Ensure no duplication and no incomplete data fields	Quarterly
Work allocation & completion	Ensure work is allocated and completed by appropriately qualified and competent officers	Quarterly
Peer review inspections	Accompanied inspections with manager to ensure consistency	Six monthly for each officer

6. Review

Having staff available to implement the above monitoring will assist with a continuous review of the delivery of the intervention plan that is key part of the service plan.

From 2015, the Regulatory Service Manager and the Team Leader shall bi-annually meet with the Head of Service to specifically review progress against the Service Plan and the requirements of the Food Standards Agency. These will be in:

- April – to review the previous years' performance and
- September to review mid-year progress and start the planning require to report the annual Food Service Plan to Cabinet for Members approval in February / March for the following municipal year.

Where there are concerns about capacity or service delivery. Where appropriate, the Head of Service would raise this with the responsible Operational Director and Lead Member.

Appendix 1 - Sampling

General Principal

The London Borough of Brent recognises the role of food sampling in the delivery of an effective food safety service. Food sampling supports an educative and graduated enforcement approach by providing valuable evidence about food and the environment it is produced, stored, sold or consumed in.

Purpose

Food sampling is targeted and prioritised to assist in ensuring that:

- food and drink intended for human consumption which is produced, stored, distributed, handled or consumed within the London Borough of Brent is without risk to the health or safety of the consumer;
- foods and food packaging meet relevant standards for quality composition and labelling and that reputable food businesses are not prejudiced by unfair competition;
- feeding stuffs manufactured, packaged or imported into Brent meet the relevant standards for quality, composition / labelling; and
- sound advice is provided for business / consumers.

Types of samples

Most samples are obtained by the as part of a planned programme. Some however result from public enquiries or are received as part of an investigation into an infectious disease case. The type of sample and reason for finding out more about it, will determine where it is submitted for analysis. This is summarised in the table below:

Analysis	Microbiological	Chemical & speciation	Labelling advice	Foreign body identification
Provider	Food Examiner	Public Analyst	Public Analyst	Public Analyst or insect specialist
Trigger	<ul style="list-style-type: none"> • Sampling • Public enquiry • Infectious disease • Food poisoning • At inspection 	<ul style="list-style-type: none"> • Sampling • Public enquiry 	<ul style="list-style-type: none"> • Sampling • Public enquiry • At inspection 	<ul style="list-style-type: none"> • Public enquiry • At inspection
Purpose	<ul style="list-style-type: none"> • Legal compliance • Safety of food • Indications of poor handling, storage, cleaning • Food contamination 	<ul style="list-style-type: none"> • Legal compliance • Chemical contamination • Meat or fish speciation 	<ul style="list-style-type: none"> • Compositional compliance • Labelling compliance • Consumer protection and fair trading 	<ul style="list-style-type: none"> • Identification of insects, or inanimate foreign objects

Straightforward samples, for which the team possess the necessary competence and equipment will be assessed in-house and not forwarded for external analysis or examination.

Resources

Delivering an effective sampling programme requires financial resources to cover the cost of sample analysis and for the staff resources needed to deliver the programme.

An 'allocation' scheme is operated by the appointed laboratory for food examination (microbiological analysis). They undertake to examine a specified number and type of samples at no direct cost to the local authority. The policy of this Council is to use the full allocation available. This mainly relates to agreed sampling programmes the development of which the Food Examiner and Public Analyst both influence.

Samples additional to those identified in the above laboratory allocation, such as those from locally initiated projects, monitoring of importers and manufacturers or public enquiries or those samples requiring chemical analysis are charged for. Brent has identified a separate budget for this which is shown in the annual Food Safety Service Plan.

Brent council undertakes to fund sufficient staff resources to deliver the priority 1 sampling work identified below. Currently, this has been identified as 0.25 of an enforcement officer. Where resources permit, priority 2 and then priority 3 sampling work will be delivered as well. The priorities have been formed taking into account the number, type and risk ratings of the food businesses in Brent as well as the types of foods imported and manufactured. Attention will be directed to those items considered to be of higher public health significance.

Appointments and Authorisations

All samples that may be used for enforcement purposes are taken by appropriate authorised and qualified officers in accordance with the Food Law Code of Practice. Any training gaps identified in securing this position will be addressed in the training plan which is developed and discussed annually, particularly as part of the appraisal process.

The Food Safety Act 1990 allows LA's to undertake food sampling and requires them to appoint a Public Analyst to analyse food samples on their behalf. The Food Safety (Sampling and Qualifications) (England) Regulations 2013 outline the qualifications required by the public Analyst and the Food Examiner.

Appointments are made by the Regulatory Services Team Leader and detailed in the Authorisation Procedure and Management scheme.

The Agriculture Act 1970 allows LA's to undertake feeding stuffs sampling and to appoint an Agricultural Analyst. Qualifications are set out in the Feeding Stuffs (Sampling and Analysis) regulations 1999. An appointment will be made when there is a need for sampling

Sampling Priorities

The table below shows the reasons for a sample being taken and the priority it has in the sampling programme.

Priority	Reason for sampling	Comment
1	Food poisoning	An outbreak of food poisoning linked to a premise, resident or business in Brent.
	Food Alert or incident	A food contamination incident linked to a premise, resident or business in Brent.
	'Approved Businesses' verification	These businesses are monitored and will normally have satisfactory standards of production and sampling already in place. Where necessary, verification or supplementary samples will be taken to ensure food does not present a risk to public health.
	Complaint or referral	Concerns of public health significance linked to a premise, resident or business in Brent.
	Schools water quality sampling programme	A self-funding service provided to local schools that assist the schools with their obligations and contribute to the cost of other priority 1 sampling activity.
	Legionella sampling programme	
2	Coordinated local authority sampling programmes	Local authority sampling programmes are more effective when coordinated between several authorities. Brent therefore seeks to support and contribute to coordinated sampling initiatives.
	Euro / UK / regional	
	Intervention led sampling including inspection sampling.	At the discretion of inspectors, sampling at food businesses can confirm hygiene standards or product compliance and safety.
	Imported food	
	Local needs or seasonal sampling	Local issues such as seasonal or higher risk operations
3	Monitoring and surveillance	Informally taken samples, for which enforcement is not possible if offences are identified.
	Public enquiry	Foods of concern identified by members of the public identify.

Within the above priority categories, greater priority and focus is given to:

- businesses with a manufacturing base, or head office for importation and distribution located in Brent; and
- high-risk businesses and foods.

Feeding stuffs are not currently included in the sampling programme as there are currently no farms or manufacturers or importers of feeding stuffs in the borough.

Sampling protocols: Where samples are taken as part of a local or regional programme, a protocol will be prepared and agreed with the Food Examiner and / or Public Analyst depending on the type of sample and analysis required.

Procurement: As provided for in the Food Safety Act 1990 and reiterated in the Food Law Code of Practice, samples will be taken rather than paid for, unless the cost of the sample would cause undue hardship to the business.

Operating procedure: Standards setting out arrangements for how samples are taken, labelled, transported and managed are detailed in a local food sampling procedure.