



CABINET – 6TH MARCH 2024

**SUBJECT: FOOD STANDARDS AGENCY AUDIT OF THE CAERPHILLY
FOOD LAW ENFORCEMENT SERVICES**

**REPORT BY: CORPORATE DIRECTOR FOR ECONOMY AND
ENVIRONMENT**

1. PURPOSE OF REPORT

- 1.1 To present to Cabinet the findings of an audit conducted by the Food Standards Agency (FSA), on Caerphilly County Borough Council's food law enforcement services, which includes the food safety, food standards and communicable disease control functions within Public Protection.

2. SUMMARY

- 2.1 The audit, which took place on the 25th and 26th October 2023 examined Caerphilly County Borough Council's arrangements for the delivery of official food controls. The report details the results of the audit of food hygiene and food standards at Caerphilly County Borough Council to assess food service delivery planning processes and arrangements and review relevant open audit actions from previous audits. The final report was received on 21st November 2023.
- 2.2 The audit identified that the Council has provided a service plan that broadly meets the requirements of the service planning guidance issued by the FSA. The audit also found that the food hygiene and food standards services have recovered significantly from the pandemic demonstrating progress towards re-alignment with the intervention frequencies contained within the Food Law Code of Practice (Wales) (the Code).
- 2.3 The actions taken to address the 21 food hygiene and food standards recommendations, detailed in the authority's full audit action plan from 2016 were assessed along with the findings from the Food Hygiene Rating Scheme (FHRS) audit of 2017/18. Auditors were able to verify conformance with 16 recommendations from the full audit and all of the actions from the FHRS audit. Auditors were also able to confirm that the authority had made progress towards addressing the remaining recommendations but the action that had been taken was not yet sufficient to verify full conformance. An updated Action Plan, assessment of assurance, and covering letter received from the Food Standards Agency are appended to this report.

3. RECOMMENDATIONS

- 3.1 Cabinet are asked to consider the Food Standards Agency Audit findings and Action Plan as detailed in Appendices 1 to 3 together with the comments from Housing and Environment Scrutiny Committee as detailed at 10.2 below.

4. REASONS FOR THE RECOMMENDATIONS

- 4.1 To comply with the requirements of the Food Standard Agency.

5. THE REPORT

- 5.1 The Council's food law enforcement services, which includes the food safety, food standards and communicable disease control functions are delivered by officers across Environmental Health (food hygiene and communicable disease) and Trading Standards (food standards) teams within Public Protection. Established in 2000 following several high-profile outbreaks of foodborne illness, the Food Standards Agency is the independent government department working to protect public health and consumers' wider interests in relation to food in England, Wales and Northern Ireland. The FSA audits Local Authority Food Law Enforcement Services periodically.
- 5.2 As Members are aware, the Council's Public Protection teams were significantly involved in the response to the Covid 19 pandemic. That involvement included enforcing and advising on Coronavirus regulations, managing individual cases and clusters of cases of Covid 19, providing infection prevention and control advice to care homes, schools, and other educational settings, along with all types of businesses and employers including large factories. As a consequence, and as reported to Members via annual reports to Scrutiny Committee, much routine core work was paused during 2020, 2021 and part of 2022.
- 5.3 As was the case with other local authorities, services have since returned to core delivery and have been actively working through a significant backlog of workload. In order to drive the speed of recovery, the FSA published a Recovery Plan that contained a series of milestones for local authority food hygiene and food standards delivery which were reported quarterly, up to the 31st March 2023. The Recovery Plan was designed to tackle the backlog of inspections relating to high-risk food premises and considerable effort was made by Public Protection staff to ensure the milestone targets were achieved. Further progress has also been made with various interventions at lower risk premises as well as new and unrated premises, and official food samples.
- 5.4 The latest FSA audit of Caerphilly County Borough Council's arrangements for the delivery of official food controls took place on the 25th and 26th October 2023. The audit assessed the Council's food service delivery planning processes and arrangements and reviewed relevant open audit actions from previous audits. The final report was received on 21st November 2023.
- 5.5 As can be seen from the report letter at Appendix 1, the FSA found that the Council has provided a service plan that broadly meets the requirements of the service planning guidance issued by the FSA. A small number of improvements are required to bring the process fully up to the required standard.
- 5.6 The FSA audit found that the Council's food hygiene and food standards services have recovered significantly from the pandemic demonstrating progress towards re-

alignment with the intervention frequencies contained within the Food Law Code of Practice (the Code). The FSA noted that despite a highlighted slight shortfall of officer resources with a deficit of 0.3 Full Time Equivalent (FTE) officers in Trading Standards, the authority is making good progress on recovery and is taking a risk-based approach. The audit recognised that there is a plan in place to address the backlog of overdue interventions and unrated food establishments.

5.7 The FSA audit also assessed the actions taken to address the 21 food hygiene and food standards recommendations, detailed in the authority's full audit action plan from 2016 along with the findings from the Food Hygiene Rating Scheme (FHRS) audit of 2017/18. Auditors were able to verify conformance with 16 recommendations from the full audit and all of the actions from the FHRS audit. Auditors were also able to confirm that the authority had made progress towards addressing the remaining 5 recommendations, but the action that had been taken was not yet sufficient to verify full conformance. Annex 2 to the report letter is included as Appendix 3 and provides an updated action plan which confirms the findings of good progress in relation to the 5 open audit actions.

5.8 Verbal feedback to officers at the conclusion of the audit was positive and the ongoing good progress and planned activity to address the 5 remaining open actions was acknowledged. The FSA also offered to share updated information relating to database checks as part of internal monitoring procedures which they have done. This was welcomed and it is now the intention of the FSA to roll it out to all local authorities.

5.9 CONCLUSION

Annex 1 to the report letter is included at Appendix 2 setting out the assessment of assurance for Caerphilly food hygiene and food standards services as Moderate Assurance which is defined as: *The system for delivering official controls requires some improvement to fully demonstrate effective implementation of planned arrangements suitable to achieve the objectives of legal requirements and guidance.* The audit findings indicate that the authority is making good progress on recovery and is taking a risk-based approach. The FSA state that it is imperative that the authority continues to manage, monitor and support the recovery of both services in accordance with the risk-based plans provided to ensure recovery to the standard prescribed in law and under the Code.

6. ASSUMPTIONS

6.1 No assumptions have been made in relation to this report.

7. SUMMARY OF INTEGRATED IMPACT ASSESSMENT

7.1 There is no requirement for an IIA in relation to this report or its recommendations which relate to the findings of an external audit report.

8. FINANCIAL IMPLICATIONS

8.1 Resources will need to be prioritised to continue to manage, monitor and support the recovery of both services in accordance with the risk-based plans provided to ensure

recovery to the standard prescribed in law and under the Code. It is considered that this can be met within the current resources at the present time, but this is an area which will need to be closely monitored through routine budget monitoring and in the light of other pressures on the service.

9. PERSONNEL IMPLICATIONS

- 9.1 There are no personnel implications associated with this report.

10. CONSULTATIONS

- 10.1 The consultees listed below have been consulted on this report and their views have been incorporated accordingly.
- 10.2 The Food Standards Agency Audit of the Caerphilly Food Law Enforcement Services report was considered by the Housing and Environment Scrutiny Committee on Tuesday 13th February 2024.

One Member asked about the priority order and enquired which establishment types posed the greatest risk. The Member also wished to know if supermarkets producing party food were inspected. The Environmental Health Manager provided information on the risk rating of premises and Members heard how the criteria was scored on factors such as confidence in management, hygiene and general approach to managing food safety within the property rather than the type of business. Premises received green stickers with a score displayed ranging from zero to five. Members also heard how all premises were inspected and that each individual component of production was assessed.

A Member wished to know how new food recycling rules for businesses were being incorporated into the action plan. The Environmental Health Manager confirmed that businesses would be expected to increase their food recycling rates and that it was the duty of the proprietor to ensure that there was a contract in place for the suitable collection of such waste. Members also heard about rules coming into force in April that would prohibit food waste entering the sewage system.

One Member sought assurance that food outlets were complying with rules designed to protect those with food allergies. The Trading Standards, Licensing & Registrars Manager gave details on an allergen training resource for businesses which had been developed by one of her team and shared across the UK. Members also heard how compliance with food allergen requirements are checked as part of the inspection process and that advice and guidance was also offered to businesses. The Committee heard that there was one prosecution in the last 12 months of a business which did not comply with the regulations and that this prosecution had been successful.

Following consideration Committee Members unanimously endorsed the report and accompanying Action Plan.

11. STATUTORY POWER

- 11.1 The Framework Agreement on Official Feed and Food Controls by Local Authorities provides the Agency with a mechanism for implementing its powers under the Food Standards Act 1999 to influence and oversee local authority enforcement activity.

Author: Rob Hartshorn, Head of Public Protection, Community and Leisure Services

Consultees:

Councillor Philippa Leonard, Cabinet Member for Planning and Public Protection
Councillor Andrew Whitcombe, Chair of Housing and Environment Scrutiny Committee
Councillor Shane Williams, Vice Chair of Housing and Environment Scrutiny Committee
Dave Street, Deputy Chief Executive
Mark S. Williams, Corporate Director, Economy and Environment
Jacqui Morgan, Trading Standards, Licensing and Registrars Manager
Ceri Edwards, Environmental Health Manager
Rob Tranter, Head of Legal Services and Monitoring Officer
Steve, Harris, Head of Financial Services and Section 151 Officer
Lynne Donovan, Head of People Services
Maria Pinch, Team Leader Food Safety, Communicable Disease and Health and Safety
Dilys Harris, Senior Trading Standards Officer

Background Papers:

Health, Social Care and Wellbeing Scrutiny Committee Report 21st March 2017: 'Food Standards Agency Report on the Caerphilly Food Law Enforcement Services'
Cabinet Report 21st June 2017: 'Food Standards Agency Report on the Caerphilly Food Law Enforcement Services'
Environment & Sustainability Committee Report 22nd June 2021: 'Public Protection Enforcement, Consumer Advice, & Covid 19 Response 2020/21'
Environment & Sustainability Committee Report 28th June 2022: 'Public Protection Enforcement, Consumer Advice, & Covid 19 Response 2021/22'
Environment & Sustainability Committee Report 13th June 2023: 'Public Protection Enforcement Annual Report 2022/23'
Cabinet Report 20th September 2023: 'Public Protection Enforcement Annual Report 2022/23'
Housing & Environment Scrutiny Committee report 13th February 2024 'Food Standards Agency Audit of the Caerphilly Food Law Enforcement Services'

Appendices:

Appendix 1 Food Standards Agency Audit Report Letter dated 21st November 2023
Appendix 2 Annex 1 – Assessments of Assurance
Appendix 3 Annex 2 – Updated Action Plan