

Policy Committee Decision Report

Title of Report:	Food Hygiene and Standards Service Plan 24/25
Date of Decision:	September 13 th 2024
Report To:	Waste and Street Scene Policy Committee
Report Of:	Richard Eyre – Director of Street Scene and Regulations
Report Authors:	Jennifer Marshall Principal Officer Food (Environmental Health) and Louise Ashton Principal Officer Commercial (Trading Standards)

Executive Summary:

SCC is a statutory body in respect of delivering food controls, and we are required to follow guidance from the Food Standards Agency (FSA) with respect to Food Hygiene and Standards, including a requirement to deliver a Service Plan setting out a programme of inspection of food businesses for each year.

The attached plan has our proposals for fulfilling our Food Hygiene and Standards responsibilities over the next year, including how we propose to respond to the backlog in food visits that remain including our expectation that the food hygiene backlog will be gone by year end. The plan includes a brief review of the previous year's work and confirms that much progress has been made since last year in reducing the overall backlogs such that the Food Standards Agency has stopped its enhanced monitoring arrangement with us albeit some risks remain. There is a modest financial pressure from contractor costs which is being covered within the overall Street Scene and Regulations budget.



Council Plan outcomes: [List the relevant outcomes as set out in section 3]

[A place where all children belong and all young people can build a successful future](#)

[Great neighbourhoods that people are happy to call home](#)

[People live in caring, engaged communities that value diversity and support wellbeing](#)

Policy Committee remit:

“This report is to be considered by the Waste and Street Scene Policy Committee as its remit includes [Part 3C - 3.3 Matters Delegated to Committees May 2024.pdf \(sheffield.gov.uk\)](#)”

Does the report contain confidential or exempt information? No

Recommendations:

Waste and Street Scene Policy Committee is recommended to:

1. Note the improvement in the hygiene and allergen compliance backlog since the last report.
2. Note the necessary overspend in this area to enable statutory duties to be met and the backlog to be reduced which will be mitigated by savings elsewhere in Street Scene and Regulations in 24/25.
3. Acknowledge that resource within the Standards team cannot complete the FSA food standards programme but a risk-based approach is being taken.
4. Approve the Service Plan including the risk-based food programme proposals in the attached report concerning Food Safety and Standards.
5. Note that the Food Standards Agency had been undertaking enhanced monitoring of our work due to the backlogs but have ended that after being satisfied with our progress and the investment last year.

Financial Implications: Yes Approved by: Adrian Hart

Legal Implications: Yes Approved by: Patrick Chisholm

Equality and Inclusion Implications: Yes Approved by: Ed Sexton

Initial Equalities Impact Assessment completed with EIA number: 2813

Climate Change Implications: No Approved by: assessment undertaken by Jennifer Marshall and agreed by Ian Ashmore.

Background Papers: None

Appendices: Sheffield City Council Food Plan 2024/25

1. Background to the issue

- 1.1 Food safety covers the microbiological safety of food including water and potential cross contamination (of allergens). Food standards includes composition, quality and labelling (including allergens and nutritional content).
- 1.2 This report accompanies the 2024/25 Food Plan for Sheffield City Council with regard to its ongoing obligations for the statutory delivery of Food Hygiene and Food Standards protections. The Food Standards Agency (FSA/ the Agency) and Defra are the Central Government agencies with overarching responsibility for the national delivery of Food Hygiene and Food Standards and for monitoring local authority performance to ensure we work in accordance with published codes of practice.
- 1.3 Businesses were severely impacted by the pandemic and the subsequent cost of living situation and have seen a significant decline in the levels of compliance, with business closures at a record level (45 and 56 in last 2 years opposed to 15 average pre pandemic). A significant backlog arose during covid and there were changes to laws relating to allergen control and labelling. These pressures were recognised in the 2023/24 Food Plan, resulting in the creation of 3 new Environmental Health Officer (EHO) posts in the hygiene team to undertake high risk interventions and reactive work across hygiene and standards.
- 1.4 We are therefore in a strong position to project the elimination of backlogs during 2024/25 for hygiene interventions, so the work programme will align with the Food Law Code of Practice from 2025/26.
- 1.5 The investment has also enabled the team to undertake allergen interventions during each inspection, which the Standards team do not have the capacity to complete and it allows for a more joined up inspection which has fewer burdens on business.
- 1.6 We use a cost-effective means of delivering our food inspection programme using a mix of inhouse staff for higher risk work and contractors for lower risk visits. Contractors were slow to return to the profession post covid, which compounded the backlogs. Since April 2024, our contract is sufficiently resourced, although price per inspection has increased considerably. The cost of completing outstanding inspections by Contractors will result in an overspend in 2024/25
- 1.7 A new Food Law Code of Practice was published in June 2023. The code introduced a new food standards delivery model. Phased implementation of the new model is scheduled for local authorities from July 2024 onwards.

- 1.8 In relation to Food Hygiene the changes will not be effective during the 2024/2025 period and so the delivery model for this year is unchanged by the new code, although with the ending of the measures put in place for the recovery from the pandemic, we are again now required to fulfil all our programme each year, with flexibilities only in respect of the very lowest risk interventions. It is anticipated that the new delivery model for Hygiene will be implemented from 2025, and a new plan will be produced at that point to reflect this. We expect that our current triage and risk-based programme will align with the anticipated new model.
- 1.9 The risk-based plan will remove our hygiene backlogs but will not fulfil our statutory obligations with respect to all timely interventions (although this is not uncommon in similar Authorities). Although primary responsibility for safe food practices rests with food businesses, there remains a residual risk to public health and there is also a potential reputational risk if we are unable to deliver our preventative work and any food safety incident occurs at an establishment we have not inspected within a timeframe where a visit would be required.

2. Proposal

- 2.1. The attached document is the proposal to deliver a risk-based Service Plan for 2024/2025 with respect to Food Safety (Hygiene) and Food Standards interventions.

2.2. Food Hygiene

- 2.2.1 There is a legacy from the suspension of routine work during the Pandemic, of overdue food interventions in addition to the new yearly programmes, which we are required to clear. The Food Standards Agency had been undertaking enhanced monitoring of our work but have ended that after being satisfied with our progress and the investment last year.
- 2.2.2 Sheffield City Council (SCC) has a legal duty to ensure that food safety legislation is enforced throughout the City. This is generally achieved by a schedule of programmed inspections in line with Food Standards Agency guidance and dealing with any reactive work such as complaints and other intelligence that may be received regarding food safety and standards issues in the City.
- 2.2.3 There are now both new inspections, and the ones that were carried forward from last year. SCC carried forward 1524 due inspections with an additional 1223 that are new for this year in the programme. We also anticipate 800 new /changed hands businesses during 2024/25, This is approximately 3500 to inspect by 31st of March 2025. In 2023/24 we completed 3197 interventions, so anticipate that 3500 is achievable for the team given the additional resource now employed in the team. This has allowed a projection for 2024/25 of removal of backlogs by year end.

- 2.2.4 Food safety interventions in Sheffield have been completed for decades by a combination of in-house officers performing high risk duties and private contractors undertaking lower risk tasks with support from the Food Team. This business model was cost effective and worked very well, enabling us to achieve a high level of compliance with requirements such that 2019/20 saw the lowest level of outstanding interventions in 15 years. Capacity in the Contract team has increased to pre pandemic levels, and we can once again be confident in their ability to complete our low-risk interventions.
- 2.2.5 We have taken considerable steps to mitigate the public health and legal risks associated with not completing high risk interventions. We have recruited and appointed 3 new EHOs (2.8 FTE) to the team since November 2024 improving resilience and capacity to deal with high-risk interventions and reactive work.
- 2.2.6 Using covid recovery money, we previously trained temporary enforcement officers, to visit newly registered businesses, providing information to assist them in complying with their subsequent inspection, and signposting them to the services of Business Sheffield, as many are found to be affected by the cost-of-living crisis and at risk of cutting corners. They also visited low risk businesses with a detailed questionnaire as an alternative to an official inspection. This enabled us to even out the volume of lower risk visits required over time, freeing officers and contractors to concentrate on official controls.
- 2.2.7 This resource is no longer available but was an effective means of using the flexibilities open to us. We will review alternatives for this approach this year using other staff.
- 2.2.8 We are actively working with Business Sheffield to assist businesses to give them the best opportunity to provide safe food, be legally compliant and cause their businesses to thrive.
- 2.2.9 To address our aging workforce situation, and the national shortage of qualified staff we must succession plan. We are considering a range of training and apprenticeship options to provide competent qualified officers. We have trained an officer in another team and they are now completing their food logbook and we have conducted training for 3 apprentice EHOs based in private sector housing and will continue to train subsequent apprentices going forward. We are exploring the possibility of including an apprentice EHO in the Hygiene team.
- 2.2.10 We have briefed members that we expect to deliver the required inspections this year and be back on track, however there is still a risk we will be unable to deliver these due to our high risk reactive work, in particular imminent risk situations (business closures) and infectious disease outbreaks which are unpredictable and time consuming.
- 2.2.11 We understand a number of other councils will be in a similar position.

2.3 Food Standards

- 2.3.1 The new Food Standards Agency food standards delivery model will significantly change the way in which food standards official controls are delivered in local authorities. Key to the model is a new risk rating scheme for food standards. The Food Standards Agency is overseeing the phased introduction of the new risk rating scheme with local authorities and information management providers (in our case Flare APP). Sheffield is scheduled to be included in cohort 3 from July 2024 onwards. The long-term resource implications of the new model on local authority food standards teams are unknown at present but we are signed up for training in October 2024. Until implementation, the authority will follow inspection programmes set out in the previous Code of Practice.
- 2.3.2 There are insufficient staff resources to meet the current risk-based inspection programme in full. As in previous years, the authority will prioritise high risk inspections. Inspections in other risk categories will be carried out where intelligence suggests there is non-compliance. This could be as a result of consumer complaints, food alerts, where sampling is carried out and an adverse report is received or through other sources such as the National Food Crime Unit. The effect of this approach over time is that most of the food premises in Sheffield are overdue for a full food standards inspection.
- 2.3.3 However the majority of allergen interventions which are the most high-risk element of a standards inspection, are now carried out by the food hygiene service. In this way, resources are allocated to maximum effect for public protection and burdens on business are minimised. Food standards officers continue to respond to consumer complaints on a range of food standards issues, including allergens, descriptions and out of date food. We have a project to review allergen controls in premises which were found to have some non-compliance and were given advice at the time and the project aims to ensure all improvements have indeed been completed. If further additional resource is required for this to mitigate risks, we will raise that through internal processes. This is a legacy issue, as under our current operating model, allergen contraventions identified on inspection are followed through to conclusion by the hygiene team.
- 2.3.4 We are aiming to employ at least one TS apprentice later this year in the Trading Standards Commercial team. It is intended that they will be involved in some basic food work and consideration will be given to food standards modules as part of their training pathway.

3. How does this decision contribute to the Council Plan?

3.1 Council Plan outcome

- 3.1.1 The benefits of the proposals are outlined above. These all help deliver key elements of the corporate plan:

Great neighbourhoods that people are happy to call home.

‘All Sheffield’s neighbourhoods should be welcoming and healthy environments for people to spend time together, live healthily, move around and belong in their communities.... [where people can] make the most of everything all the city’s neighbourhoods have to offer.’

‘We want more people to live long, independent and fulfilling lives free from harm and poverty.’

- 3.1.2 The teams promote high standards of Hygiene and Quality, and information to consumers to enable them to make safe and healthy choices.

There are further areas this plan contributes to:

‘We need to create the environment for more businesses to thrive, and for more investment so that more people are in good jobs.’

‘We need more business and people to be part of these dynamic opportunities, connecting supply chains and more companies into Sheffield’s new economy, driving up demand for new skills, jobs and ideas.’

- 3.1.3 Businesses have struggled to recover from post pandemic staff shortages, and cost of living rises. This is evident in the scale of food business failures and closures. Our teams understand the pressures on businesses and strive to educate and support their efforts to comply with legislation. We offer referrals to Business Sheffield where financial difficulties are identified.

3.2 People – Prosperity - Planet

- 3.2.1 The comments above and the plan itself along with our work with business Sheffield colleagues illustrate how we work with businesses on their behalf and on behalf of customers. Whilst we don’t offer specific carbon reduction advice we can and do signpost businesses to sources of help. We can also provide advice on the food safety and standards aspects of food business growth.



4. What community or partner engagement has been undertaken and how has it informed the proposal?

- 4.1 There are limited avenues for consultation, given this is about following existing regulatory frameworks. However, the Food Standards Agency scrutinises our plans and performance every 6 months and provides feedback and we provide regular briefings to members.

5. What alternative options did we consider?

- 5.1 Over the past twelve months, we have reviewed the organisation of Food Standards and Hygiene delivery to ensure best value and the most efficient use of resources and to minimise the overall regulatory burdens on business. A combined hygiene and full standards visit would reduce standards backlogs but would reduce the number of hygiene visits. We now undertake allergen interventions in each hygiene visit, with limited labelling work with relation to items prepacked for direct sale.
- 5.2 We could decide to deviate further from the Food Law Code of Practice, however, as highlighted above the FSA would be likely to directly intervene to ensure the requirements of the Code were followed and reinstate more regular monitoring. This would be a reputational and potential public health risk and would not be in the best interests of our residents.
- 5.3 Previous Project Management studies have reviewed the cost benefits of the use of Contract staff versus in house staff and concluded that the hybrid model provides best value for money. However, we could stop using contractors and employ a single new FTE however they would be unable to deliver the necessary numbers as the contractor work is high volume with follow up undertaken by inhouse staff. Outsourcing the lowest risk interventions to the Contractor is a cost-effective way of ensuring that all outstanding interventions are completed. Continuing this going forward will free the in-house team to concentrate on working with high-risk businesses and facilitating improvements.
- 5.4 Flexibilities in the Current Code of Practice allow us to use alternative means of conducting the lowest risk interventions which we will do. These interventions are not required to have the same level of Qualification and Competence as official controls and could be conducted by appropriately trained and supervised resources. We have previously effectively used enforcement officers. The addition of an equivalent post to the team would be a cost-effective means of fulfilling our lowest risk work. A dedicated apprentice in the team would also address this matter. Whilst the latter may be funded, the former is less definite so we will consider alternative ways of finding this resource.

6. How has equality, diversity and inclusion been actively considered?

- 6.1 Via an EIA. Residents need to have access to safe and wholesome food wherever they live in the city. A robust food intervention programme ensures equality of access to safe food. The plan ensures public safety and has universal benefit. A significant number of food business operators are from BME communities and where required, we use translators and translated food guidance materials.

7. Financial and Commercial Implications

- 7.1 The projected overspend for hygiene is unfunded and could worsen the Councils revenue budget position for this year, however subsequently the elimination of backlogs will reduce the Contract budget. The Streetscene & Regulation service will need to find savings to mitigate this cost. It is proposed that in year savings across Street Scene & Regulations will be used in mitigation and the overall budget is currently forecast to balance its position.
- 7.2 The Commercial implications of not completing the Programme are that SCC will fail to meet the statutory requirements incumbent on it and could be entered into a monitoring process by the FSA. The ultimate sanction is that the FSA takes control of the service. We have just come out of a monitoring regime. The risk to businesses and customers, is any significant lack of oversight would increase the risk of outbreaks of foodborne illness in the city or allergen incidents, harming the business and the reputation of SCC.

8. Legal Implications

- 8.1 Local Authorities have duties to undertake programmes of Official Controls and interventions in line with the requirements of the Food Safety Act 1990. The FSA is a non-ministerial Government Department who oversee Local Authority activity with regard to Public Health risks arising in connection with the consumption of food and the protection of consumer interests in relation to food. Ultimately the FSA can intervene where it believes a Local Authority is not meeting its legal obligations.
- 8.2 As part of their food safety duties there is a requirement for local authorities to develop and maintain annual Food Service Plans to ensure national priorities and standards are addressed and delivered locally. The Food Service Plan is written in accordance with the nationally agreed Framework Agreement with the FSA. The Plan sets out how the authority will meet its statutory obligations.
- 8.3 Primary responsibility to comply with food law rests with the business, and responsibility for breaches would lie with the operators. However, there is a considerable reputational and public health risk associated with inspection backlogs.

9. Climate and Environmental Implications

- 9.1 These proposals have limited climate impact; an impact assessment was conducted and a full assessment is not required.

10. Other implications

- 10.1 Delivery of the plan is dependent on the availability of appropriately qualified skilled officers, both in house and via our contract. We are committed to providing resilience to our teams by creating opportunities for trainees and apprentices.

11. Reasons for decision

- 11.1. SCC should publish an annual food plan covering Standards and Hygiene work, and that plan is attached. This report and the attached plan sets out the legislative and contextual background to how we will deliver a risk-based inspection programme in 24/25, making best use of resources to protect public health and work with businesses.
- 11.2 Whilst some risks remain and are highlighted, there has been considerable progress in reducing backlogs since the last report evidenced by the FSA's reduced frequency of monitoring. To achieve the aim and expectation of removing the hygiene backlog this year will require a modest overspend however the wider Street Scene and Regulation budget will not overspend.

