

<b>ISLE OF ANGLESEY COUNTY COUNCIL</b>	
<b>REPORT TO</b>	<b>AUDIT AND GOVERNANCE COMMITTEE</b>
<b>DATE</b>	<b>9<sup>th</sup> February 2017</b>
<b>SUBJECT</b>	<b>UPDATE ON THE FOOD STANDARDS AGENCY REPORT ON THE FOOD AND FEED LAW ENFORCEMENT SERVICE ON THE ISLE OF ANGLESEY</b>
<b>LEAD OFFICER</b>	<b>CHIEF PUBLIC PROTECTION OFFICER – DAVID RILEY</b>
<b>CONTACT OFFICER</b>	<b>CHIEF PUBLIC PROTECTION OFFICER – DAVID RILEY</b>
<p><b>Nature and reason for reporting – The Food Standards Agency Report on the Food and Feed Law Enforcement Service on the Isle of Anglesey followed an audit that took place in July 2014. A number of findings were reported upon which gave rise to a number of recommendations by the Food Standards Agency audit team. These recommendations were responded to by way of an Action Plan detailing how each recommendation would be addressed. The Food Standards Agency returned on 15<sup>th</sup> and 16<sup>th</sup> September 2016 to assess the progress of the service against the agreed Action Plan. This report introduces the FSA Revisit report and updated Action Plan.</b></p>	

## **1. INTRODUCTION**

- 1.1 The Food Standards Agency (FSA) have the power to set standards, monitor and audit local authority food and feed law enforcement services by virtue of the Food Standards Act 1999 and the Official Feed and Food Controls (Wales) Regulations 2009. The audit of the food and feed service at Isle of Anglesey County Council was undertaken under section 12(4) of the Act and Regulation 7 of the Regulations.
- 1.2 The audit was carried out by the FSA during the week beginning 14<sup>th</sup> July 2014 and lasted 5 days. The FSA assessed the authority's conformance against "The Standard". The Standard forms part of the FSA's Framework Agreement with local authorities. The Framework Agreement can be found on the FSA's website at:  
[www.food.gov.uk/enforcement/enforcework/frameagree](http://www.food.gov.uk/enforcement/enforcework/frameagree)
- 1.3 The audit covered the Isle of Anglesey's arrangements for the delivery of food hygiene, food standards and feed law enforcement services. These functions were delivered by the Public Protection section of the Planning and Public Protection Division at that time. Work was delivered by officers in the Environmental Health and Trading Standards teams.
- 1.4 The authority received the formal report on 21<sup>st</sup> July 2015 including the approved Action Plan.  
<https://www.food.gov.uk/sites/default/files/angleseyaudit2014.pdf>
- 1.5 The FSA audit team revisited the authority on 15<sup>th</sup> and 16<sup>th</sup> September 2016 in order to Assess progress made against the recommendations and Action Plan agreed to in July 2015.

## **2. AUTHORITY'S ACTION PLAN**

- 2.1 The main findings of the original audit are summarised as follows:
  - The authority had recently undertaken a review of its management structure to

address the forecast budget reduction target for Public Protection for 2013-16.

- The authority had developed a Food Service Plan for 2014/15. The plan did not fully address the significant number of businesses overdue food hygiene, standards and feed interventions. There is a need to provide a comparison of the staff resources against the staff resources available to the authority to ensure sufficient resource is identified and available to deliver an appropriate level of service.
- Checks confirmed that the food establishment databases were generally accurate and the authority had been able to provide an electronic Local authority Enforcement Monitoring System (LAEMS) return to the FSA.
- The arrangements set out in the Service Plan for the delivery of programmed interventions for food hygiene, food standards and feed fell short of those required by the Food and Feed Law Codes of Practice. At the time of the audit there were a significant number of overdue interventions.
- In respect of food standards and feed official controls, it was not always possible for auditors to establish whether businesses had been subject to interventions at the correct frequencies, as the risk rating scheme which had been used was not equivalent to those set out in the Food and Feed Law Codes of Practice. A significant number of feed establishments had been awarded a risk rating without an inspection, effectively rendering a significant number of establishments overdue for an intervention.
- Generally, food hygiene records had been adequately maintained. Food Standards and feed records were not being adequately maintained and many frequently incomplete. This made effective internal monitoring difficult and can impact on the ability of officers to adopt a graduated approach to enforcement.
- The authority had been proactive in providing advice and guidance to food and feed businesses and in promoting food safety using a variety of media and public events.
- There was some evidence of internal monitoring for food hygiene, standards and feed services, however it required further development to enable the authority to verify its conformance with all elements of the Standard, the relevant Codes of Practice, centrally issued guidance and the authority's own documented policies and procedures.

- 2.2 As a result of the findings the service submitted an Action Plan addressing all the detailed recommendations contained in the FSA report. Work began to address the recommendations following the informal feedback session delivered by the FSA auditors on 18<sup>th</sup> July 2014. The Action Plan has been a "live" document and has been updated on a regular basis as the agreed actions have been completed.
- 2.3 The majority of recommendations were of a procedural nature. However, the need to have sufficient staff resources to carry out all the necessary Food Hygiene, Food Standards and Feed Hygiene inspections remains a concern. Current analysis of the workload shows a staff resource gap of 1.5 FTE officers. 1 FTE officer to carry out Food Hygiene inspections and 0.5 FTE to carry out Food Standards. Feed Hygiene inspections are now delivered collaboratively across north Wales and no longer covered by the terms of the original audit.
- 2.4 The service has been in the process of transformation and a significant restructure of the teams within Public Protection took place in April 2016 in order to address such challenges. The changes that took place are still bedding in and although an additional resource is being made available to the new Food team there is still a backlog of inspections that need to be addressed in order to get back on an even keel.
- 2.5 The backlog has occurred due to historic staff absences which the service has been unable to mitigate by bringing in temporary cover. Attempts to bring in temporary staff, or even agency cover, has proved impossible over the last 18 months. The service is, however still proposing to bring in an additional officer resource to be funded from the service budget for a 12 month period to deal with the backlog. The assessment is that during this period the inspections will be back on target and staff within the team will be able to cope in future years with the demand as long as that demand does not increase in the meantime.
- 2.6 In an environment of reducing service budgets this has been the inevitable consequence. When an increase in demand for inspections occur the routine work falls behind and a

backlog builds up and the current staff resource has no built in resilience to recover. The mitigation is to ensure well evidenced and informed prioritisation of the use of staff resource and to have a flexible workforce able to be redeployed to areas of greatest demand. It is important to justify what we do and just as importantly what we are unable to do to the public and businesses on Anglesey as well as those bodies who scrutinise our work.

### **3. FSA AUDIT REVISIT**

- 3.1 The FSA revisit to formally assess progress against the full report took place on 15<sup>th</sup> and 16<sup>th</sup> September 2016. This involved an on-site visit and they produced a subsequent report which has taken the form of an updated Action Plan. This can be viewed at : <https://www.food.gov.uk/sites/default/files/isle-of-anglesey-updated-action-plan-2014.pdf>
- 3.2 The report shows that good progress had been made on the majority of actions agreed. Most being “completed”, 22 or “good progress made”, 10. Only 4 have been designated “limited progress” and none with “no action”. 4 items were untested as no activity in that area of work had taken place.
- 3.3 The 4 items which require the most attention are as follows:
  - (i) Ensure that the Service Delivery Plan is further developed in accordance with the Service Planning Guidance.
  - (ii) During inspections ensure that officers document their assessment of imported food checks.
  - (iii) Ensure that a food standards intervention risk rating scheme which is in accordance with the scheme established under annex V of the Food Law Code of Practice is implemented.
  - (iv) Ensure that food inspection reports are in accordance with Annex 6 of the Food Law Code of Practice and include the following; Areas inspected, person seen, name of the FBO, senior officer details, LA address, designation of inspecting officer and timescales for compliance.
- 3.4 The items outstanding are being addressed in particular the format of the Service Plan. This will have been addressed by the time the next Food Plan is published in April 2017. The other items are relating to additional items of information that needs to be recorded during inspections and has been addressed already.
- 3.5 All remaining items are being addressed and will be completed by April 2017. The FSA stated they had no plans to return to the authority to specifically check on the remaining actions, they will be picked up in the course of any visits they may make to the authority in future.

### **4. CONCLUSION**

- 4.1 The FSA Report on the Food and Feed Law Enforcement Service on the Isle of Anglesey conducted in July 2014 highlighted the areas of improvement required by the authority in order to meet the requirements of the Standard for Official Feed and Food Controls required of local authorities.
- 4.2 The authority produced and Action Plan to progress these improvements and this was approved by the FSA in July 2015.
- 4.3 The updated Action Plan following the revisit in September 2016 shows good progress has been achieved to date and the service anticipates being able to meet all the actions by April 2017.
- 4.4 The enforcement of Feed Controls is now being delivered collaboratively across North Wales and meets the recommendations identified by the FSA Report.
- 4.5 The lack of staffing resources to meet the target numbers of Food Hygiene and Food Standards inspections remains a concern against the decreasing Public Protection service budget. However steps are being taken to bring the backlog of inspections back on track through the employment of a temporary Food Hygiene inspector.