

 <b>EXECUTIVE – 2<sup>nd</sup> March 2011</b>		<b>Agenda Item No.</b> <b>21D</b>
<b>Title</b>	<b>Food Standards Agency Food Safety Official Controls Delivery Review</b>	
<b>For further information about this report please contact:</b>	Rob Chapleo (01926-456707)	
<b>Service Area:</b>	Environmental Services	
<b>Wards of the District directly affected</b>	None	
<b>Is the report private and confidential and not for publication by virtue of a paragraph of <i>Schedule 12A</i> of the <i>Local Government Act 1972</i>, following the <i>Local Government (Access to Information) (Variation) Order 2006</i>:</b>	<b>No</b>	
<b>Date and meeting when issue was last considered and relevant minute number:</b>	N/A	
<b>Background Papers:</b>	<a href="#">Food Standards Agency Board Paper</a>	

<b>Contrary to the policy framework:</b>	No
<b>Contrary to the budgetary framework:</b>	No
<b>Key Decision?</b>	No
<b>Included within the Forward Plan? (If yes include reference number)</b>	No

<b>Officer/Councillor Approval</b>		
With regard to officer approval all reports <i>must</i> be approved by the report authors relevant director, Finance, Legal Services and the relevant Portfolio Holder(s).		
<b>Officer Approval</b>	<b>Date</b>	<b>Name</b>
Chief Executive	8.2.11	Chris Elliott
CMT	8.2.11	
Deputy Chief Executive	8.2.11	Bill Hunt
Section 151 Officer	8.2.11	Mike Snow
Legal		
Finance	8.2.11	Mike Snow
Portfolio Holder	8.2.11	Michael Coker
<b>Consultation Undertaken</b>		
<b>Final Decision?</b>		Yes

## 1. **SUMMARY**

- 1.1 The Food Standards Agency (FSA) Board has recently proposed a review of Food Safety enforcement. It is to consider whether the role should no longer being dealt with by local authorities but should be delivered at national level. This report provides a critique of this proposal and recommends that the Council makes its views known with regard to matter.

## 2. **RECOMMENDATION**

- 2.1 It is recommended that the Council adopts a position in support of the local delivery of food safety official controls in opposition of the proposals in the FSA report, to centralise the service.

## 3. **REASONS FOR THE RECOMMENDATION**

- 3.1 The FSA proposals would effectively centralise food safety enforcement by creating national bodies to carry out the work currently undertaken by local authorities. This would impact on local accountability and the ability to respond to local needs and local businesses.
- 3.2 Much of the health & wellbeing agenda is delivered by working with local partners. The scope for this would be greatly diminished.
- 3.3 Although the number of staff employed within Environmental Services may be reduced it is likely that the amount of money withdrawn from the Revenue Support Grant would exceed any savings to the Council from reduction in salary costs (see 5 below).
- 3.4 There is a consultation process and the Council has an opportunity to make its views known on this issue.

## 4. **POLICY FRAMEWORK**

- 4.1 **Fit for the Future** – this initiative, in the terms set for it, would have implications for on the wider health & wellbeing delivery aspects. Environmental Health food safety and healthy diet work contributes to this. The proposals would impact directly on these but would impact on the delivery of other work areas contributing to the health agenda eg health promotion, health and safety education/enforcement, infectious disease control.
- 4.2 This review, in the terms set for it, would have profound implications for the Council's Food Law Enforcement Service Plan.

## 5. **BUDGETARY FRAMEWORK**

- 5.1 The implications for the Budget depend on the model determined and implemented. If the work is centralised, with responsibilities moving away from local authorities, the roles of up to five full time equivalent staff would be affected, with a reduction in employment costs. However, there would be implications for other work within the Food and Occupational Health Team, with overlapping duties meaning that predicted reduction in budgets not being realised.

- 5.2 From previous experience the Head of Finance advises that there would be a significant risk that the financial resources removed from the Council would not match the reduced costs of ceasing to provide the service, thereby possibly increasing the net residual expenditure of the Council.

## 6. **ALTERNATIVE OPTION(S) CONSIDERED**

- 6.1 The alternative option would be to support the loss of local environmental health resource to a national body.

## 7. **BACKGROUND**

- 7.1 Members will be aware that Quasi-Autonomous National Government Organisations (QUANGOs) have been under the Government's spotlight since it came into power. Indeed many have been dissolved or re-absorbed into the Departments. The Board of one surviving QUANGO, the Food Standards Agency (FSA), which lost its remit for nutrition in the review, has been persuaded to approve a review of local food safety official controls delivery against a national model. This is despite the Government's 'Localism' and 'Big Society' agendas, and the Public Health White Paper proposing more local health responsibilities. The Board of the FSA, was told that *there is a growing body of evidence that the current complex and inconsistent delivery model, coupled with declining resources at Local Authority level and uncertainty about good performance being sustained or poor performance improving amongst food businesses, that the current model does not give the FSA, as the central competent authority, evidence or assurance that delivery is effective.*

The Board was asked *inter alia* to agree:

- *that the Executive should review the current delivery model and compare it to an alternative delivery model that involves **four national bodies**; and*
- *to consider the results of the review and proposals for action at its open meeting in July 2011.*

- 7.2 As the UK's competent authority in this area, the FSA is responsible for protecting the interests of consumers in relation to food. To do this it needs a system that ensures food business operators are able to fulfil their obligations for safe food production. These controls – implementing feed and food law in the UK – are currently delivered through a variety of means, including FSA employees, other Government Departments, contractors, and local authorities. This makes food safety responsibility in the UK very complex.

- 7.3 FSA Chair Jeff Rooker said: *'The UK food sector is one of the most sophisticated and developed in the world. The current official control delivery arrangements do not mirror the modern food supply chain with food businesses ranging from multinationals and global brands to single artisan producers operating across local authority boundaries.*

*'The heart of the FSA's role is protecting public health from risks, which may arise in eating food, including the way it is produced or supplied. In the current climate of financial pressures it is timely to consider how best we can secure consistency and sustainability in this fundamental public health protection function.*

*'The review will be principle based and objective with **no pre-determined outcomes**. A number of options will be assessed including a more centralised model with four national delivery bodies in each of the countries of the UK.*

*The review will be undertaken by FSA staff but overseen by an independent representative. It will be done in partnership and seek the co-operation and involvement of other public health organisations, individuals, other Government departments, professional bodies and consumers across the UK.'*

- 7.4 In light of current and future budget restrictions in the public sector it is recognised that there is a need for consistent and reliable enforcement to protect consumers and support businesses in meeting their legislative obligations. As such the proposal for a review appears timely, but there are risks that confidence in food and food regulators may be undermined if the work is not seen to be fully inclusive and completely open and transparent. Consequently inclusion of the full range of interested parties will be essential to reaching robust conclusions that will stand up to detailed scrutiny. The establishment of a Review Steering group, composed of FSA officials and key external stakeholders would deliver optimum outcomes and be fully in line with the core values of the FSA as an open, accessible and transparent organisation.

Whilst the details of the review remain to be finalised it is suggested that it should consider not only areas of potential weakness but also areas where there is significant value to be found in the current arrangements, a point not emphasised in the Board paper.

- 7.5 A particular strength of local delivery is the ability to develop trust and good working relationships with local businesses, particularly the small independent businesses that form the majority of the food sector. Many of these do not belong to any representative trade organisation and rely on contact with local regulators to achieve compliance. It seems doubtful that such relationships could be fully replicated with more centralised delivery models. Some other examples of the strengths of local delivery include;

- Accessibility; "Face to face" provision of business support and the ability to respond directly to consumer queries and requests
- Development of local intelligence; allowing the identification of the most suitable interventions and the need for urgent action.
- Partnership working across and beyond the local authority base e.g. combining food hygiene and health and safety inspections (as recommended in Lord Young's report "Common sense Common safety"); working with other local authority regulatory services such as planning and licensing; working with public health teams to allow rapid response to infectious disease outbreaks; and building partnerships with the business community to deliver improvements in food safety (and improve diet and nutrition).

- 7.6 The author of the Board states that *there is a growing body of evidence that the current complex and inconsistent delivery model, coupled with declining resources at Local Authority level and uncertainty about good performance being sustained or poor performance improving amongst food businesses, that the current model does not give the FSA, as the central competent authority, evidence or assurance that delivery is effective.*

This is neither referenced nor supported by evidence presented in the author's own paper.

However, as with any system there are authorities which by the measures set for them by the FSA are not performing as well as others.

The FSA has a monitoring team and auditors who carry out inspections of Environmental Health Departments. It has default powers to deal with 'failing' authorities.

It should look to itself, therefore, in taking measures to secure the better performance of those authorities at the fringe of the general picture.