

Food Standards Agency Achieving Business Compliance Proposals – Principal Environmental Health Officer – (Daniel Bradding)

Synopsis of report:

To update the Committee of the Food Standards Agency's plans outlining the direction the Agency is proposing to take in delivering a new model food regulatory system in England (following a commitment to provide an update to the Committee in 2017).

Recommendation:

For Information only

1. Context of report

- 1.1 The Committee were informed in 2017 of the Food Standards Agency's (FSA) published intentions to change the way in which food businesses were regulated. One of the stated reasons for this is due to insufficient resources in local authority environmental health and a scarcity of available qualified officers. Originally, their proposed vision was for food business registrations to be managed centrally; businesses would be able to participate in assurance schemes; and business intelligence and artificial intelligence would be used to identify which food interventions would be conducted by local authorities. Relatively few changes have been proposed since that time and so there had not been much information to update the Committee with. However, the work of the FSA has continued under the project title "Achieving Business Compliance" and an amended delivery model for local authorities is expected to be published for 2024/2025.

2. Report

- 2.1 On the 23rd of March 2023 the FSA published a paper summarising the latest position on any changes to the food delivery system in England:
<https://www.food.gov.uk/board-papers/achieving-business-compliance-programme>
- 2.2 Since the last update to this committee food registrations will continue to be managed by local authorities for the foreseeable future and food authorities will continue to access some business intelligence through the primary authority scheme; although some of the wide-ranging changes envisaged in 2017 are not expected to be realised under current plans.
- 2.3 The latest paper sets out three parts to the FSA programme:
- Modernising the delivery of local authority regulation,
 - Testing new approaches to regulation, and
 - Designing the blueprint for the future regulatory assurance system
- 2.4 Under the 'Modernising the delivery of local authority regulation' strand of the programme Local Authorities are invited to respond to a consultation closing 30th June, the full details of which can be found online: <https://www.food.gov.uk/our-work/consultation-on-developing-a-modernised-food-hygiene-delivery-model-england>.

The key proposed developments include:

- a revised risk-based food hygiene intervention rating scheme, amending the frequency of programmed visits. FSA modelling anticipates a slight reduction in the number of official controls compared to the current model. The average time between controls at non-compliant establishments decreasing from 1.2 to 0.5 years.
- an updated risk-based approach to the timescales (where not prescribed in law) for initial official controls of new food establishments, and other due official controls
- increased flexibility as to the methods and techniques of official controls that can be used to risk rate an establishment, including the use of remote official controls
- extending the activities that officers, such as Regulatory Support Officers, who do not hold a 'suitable qualification' for food hygiene can, if competent, undertake.

2.5 In the short term, the proposed amendments to the existing framework increases the number of interventions in businesses considered as high risk (or non-compliant) and reduces the number of interventions in lower risk premises. The overall change to the annual programme of interventions is therefore unlikely to be affected significantly over the next few years. Any longer-term proposals have not yet been outlined.

2.6 The remaining parts of the programme, not subject to consultation at this time, are:

Testing new approaches to regulation - This part of the programme is a set of projects which aim to test out potential new approaches which could be used in future regulation, or which could help to drive compliance across the system. It includes:

- Enterprise Level Regulation pilot with large retailers (may extend to other sectors) starting with the big supermarkets, FSA will work with local authorities and primary authorities to develop an innovative approach that regulates the whole business as one, rather than as multiple small premise-based businesses.
- the development of the new Food Safety Charter with online aggregators. Those aggregators are encouraged to reduce access to businesses who are considered not broadly compliant and to display food hygiene ratings. RBC regularly receives communications from businesses, particularly takeaways, who are concerned about access to their trade online.

Designing the blueprint for the future regulatory assurance system - the final part of the programme is essentially a piece of policy work on the future regulatory system. Now that the UK has left the EU and is responsible for its own food law, FSA are taking a view on what the future regulatory assurance system should look like.

2.7 Significant updates from the programme will be brought to the attention of the committee at a future date.

3. Policy framework implications

- 3.1 Runnymede's food safety policy is governed by the requirements of its annual Food Safety Plan the latest of which covering 2023/24 is available for the attention of the committee. Formulation of the Food Safety Plan is regulated by the FSA (through the Food Law Code of Practice) and therefore it is likely that any future Food Safety Plans will reflect any significant shift in direction from the requirements set out in the Code. In 2022/2023 Runnymede BC met its obligations under the Food Law Code of Practice in full.
- 3.2 The department has been leading in developing its own modernised approaches to data collection and analysis and have presented our findings to our other Surrey based colleagues. Additional work is scheduled in order to encourage similar uptake so that intelligence may be pooled in the future and help direct resources to support the enhancement of standards and business growth.
4. **Resource implications**
- 4.1 There are minimal resource implications for RBC at this stage. There has been no additional information provided with regards intentions to introduce any new funding models to ensure the sustainability of any amendments to the inspection regime.
5. **Legal Implications**
- 5.1 Runnymede Borough Council are a Competent Authority responsible for the delivery of official food controls and other official activities. When the proposed changes are given effect in a revised Food Law Code of Practice (England) RBC has a statutory duty to have due regard to relevant provisions of the Code.
6. **Equality Implications**
- 6.1 There are no Equality Implications arising from this report.
7. **Timeline for Implementation**
- 7.1 Following this consultation the FSA state they will review feedback, refine the proposals and conduct a six-month pilot and a formal consultation. The pilot is anticipated to run from January to June 2024, leading to implementation of the modernised model in 2025/26 following the publication of an amended Food Law Code of Practice.
8. **Conclusions**
- 8.1 This report brings to the attention of Members FSA's document outlining its plans for future regulation of food safety legislation. Further reports on the FSA's new approach will be brought back to Committee if any other major changes are proposed.

(For Information)

Background papers

FSA Achieving Business Compliance Paper March 2023

<https://www.food.gov.uk/board-papers/achieving-business-compliance-programme>

Consultation on developing a modernised food hygiene delivery model - England

[https://www.food.gov.uk/our-work/consultation-on-developing-a-modernised-food-hygiene-delivery-model-england.](https://www.food.gov.uk/our-work/consultation-on-developing-a-modernised-food-hygiene-delivery-model-england)