

**FOOD LAW ENFORCEMENT BY LOCAL AUTHORITIES: THE NEW VISION**

**Executive Summary**

1. Following the presentation made to the Board in May 2006, this Information Note reports on the four policy reviews currently being undertaken by Enforcement Division, to introduce a new approach to food law enforcement in partnership with Local Authorities (LAs). This work is in harmony with Philip Hampton's report to the Government on improving the delivery of regulatory services, and aims to protect the health of consumers. The Note sets out details of the arrangements to co-ordinate this work, and how key external stakeholders from LACORS and the local authorities themselves are being involved.
2. The Board is asked to:
  - **note** the work now under way, and the arrangements for its co-ordination.

**LOCAL AUTHORITY ENFORCEMENT DIVISION**

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## FOOD LAW ENFORCEMENT BY LOCAL AUTHORITIES: THE NEW VISION

### Issue

1. To report to the Board the way in which the new approach to food law enforcement in food premises by local authorities is being developed.

### Strategic Aim

2. The Enforcement Division is developing a new approach to food law enforcement by LAs. The objective remains to protect public health by driving up levels of compliance with food law by food business operators. This new approach will enable LAs to focus resources into higher risk areas, to help achieve that objective more effectively. It is also in line with higher level objectives of the Agency's Strategic Plan including "Food Safety" and "Delivering through Partnership".

### Specific Aims

3. This work aims to provide LAs with a sweeping revision of the approach to food law enforcement in food premises, for both food hygiene and food standards, which will:
  - focus on outcomes in terms of improving business compliance, and thereby improving the protection of public health;
  - be risk-based, using good intelligence and sound knowledge of the food premises;
  - offer local authorities a range of interventions, within the requirements of Regulation (EC) No. 882/2004, which will include alternatives to full inspections;
  - provide LA's with the flexibility to choose the type of intervention which is appropriate for the particular circumstances of the individual food establishment;
  - enable LAs to focus resources and actions on those cases which present the highest risk;
  - provide a system which covers all food establishments, including food producing farms and those subject to approval; and

- place more emphasis on:
  - the food safety management,
  - the confidence in management, and
  - the track record of performance by the management of the food business.
- 4. An initial presentation on the new approach was made to the Board in the closed session of its May 2006 meeting. The note of this part of that meeting is attached at Annex B.

### **Links to Broader Agency Policies**

5. This work is consistent with the Agency's overall approach to regulation. Whilst the Agency has a statutory obligation to apply and implement legislation from the European Union, it has the opportunity to consider how this will be enforced within the prime objective to protect public health and consumers' other interests in relation to food. Regulation and the enforcement process are seen as a single entity. However, noting the burdens that regulation and enforcement place on others, these could be reduced and simplified – without compromising the outcomes for public health.
6. The Agency's Simplification Plan includes two measures to reduce the burden of regulation on the enforcement community. These aim to free up time and resources for more innovative means of securing regulatory compliance.

### **Progress to Date**

7. Enforcement Division is leading on the following four major reviews. In each case, key stakeholders are being consulted, colleagues in FSA Scotland, Wales and Northern Ireland are fully involved, and there will be a full consultation exercise with all LAs. Details are:
  - a review of enforcement policy, to introduce interventions; this will lead to a revision of the Code of Practice and accompanying Practice Guidance. (The Code sets out the detailed requirements for enforcement of the law which local authorities have to meet.) Work is currently in progress, and a full consultation on this review is planned for early 2007, with the new policy completed by June 2007, and a revised Code of Practice and Practice Guidance published by August 2007;
  - a review of the monitoring system (which gathers details of local authorities' enforcement actions) aiming to make the system simpler and easier to use, to adapt to the new policy on enforcement, and to introduce effective outcome measures. Full consultation on these proposals was published on 31 July

2006. It is planned to introduce the new system in 2007/2008, on a graduated basis in parallel with the new enforcement policy;

- a review of audit arrangements, to build on the strengths of the existing process, taking account of the new enforcement policy and of new EU requirements. The proposals are currently being developed in parallel with the other enforcement related reviews, and full consultation on the audit proposals will take place in mid 2007, with completion by December 2007; and
  - a review of the Framework Agreement, which is the bedrock document in which all of these policies and arrangements are set down. This review will incorporate the outcomes of the first three reviews, and will therefore take place during 2007, with final decisions planned for the end of the year. Those decisions will be taken in the existing Enforcement Liaison Group, which includes key stakeholders.
8. It is therefore planned to introduce the new approach during 2007-08, from August onwards, as reviews are completed. There will, however, be significant work for the LAs in adapting to the new arrangements, and a major training programme on the new enforcement policy and new monitoring system will be needed. Work to develop that training programme will be pursued over the next six to eight months. Therefore 2007-08 will be treated as a transitional year, and 2008-09 will be the first full year of the new system.

### **Co-ordination of the Reviews**

9. Each of the four specific reviews is being taken forward as a separate project, with appropriate external stakeholder input. Colleagues from FSA Scotland, Wales and Northern Ireland are members of the relevant working groups. Day to day management co-ordination of the reviews is the responsibility of Julie Monk, as Head of Enforcement Division.
10. A Policy Board on the Changes to Local Authority Enforcement (CLAE) is being established, to provide strategic oversight and direction of the work on the new approach. This is to be chaired by David Statham, as Director of Enforcement, and key representatives from LACORS and the LAs, and colleagues from FSA Scotland, Wales and Northern Ireland will be members. The first meeting of the CLAE Policy Board will be held on 24 October.

### **Benefits and Risks**

11. The proposed new approach offers a major opportunity to revise and update the current enforcement system, and to move to a better focussed risk-based system which gives LAs significantly greater flexibility to pursue the objectives of

improved business compliance in food premises, and better public health protection.

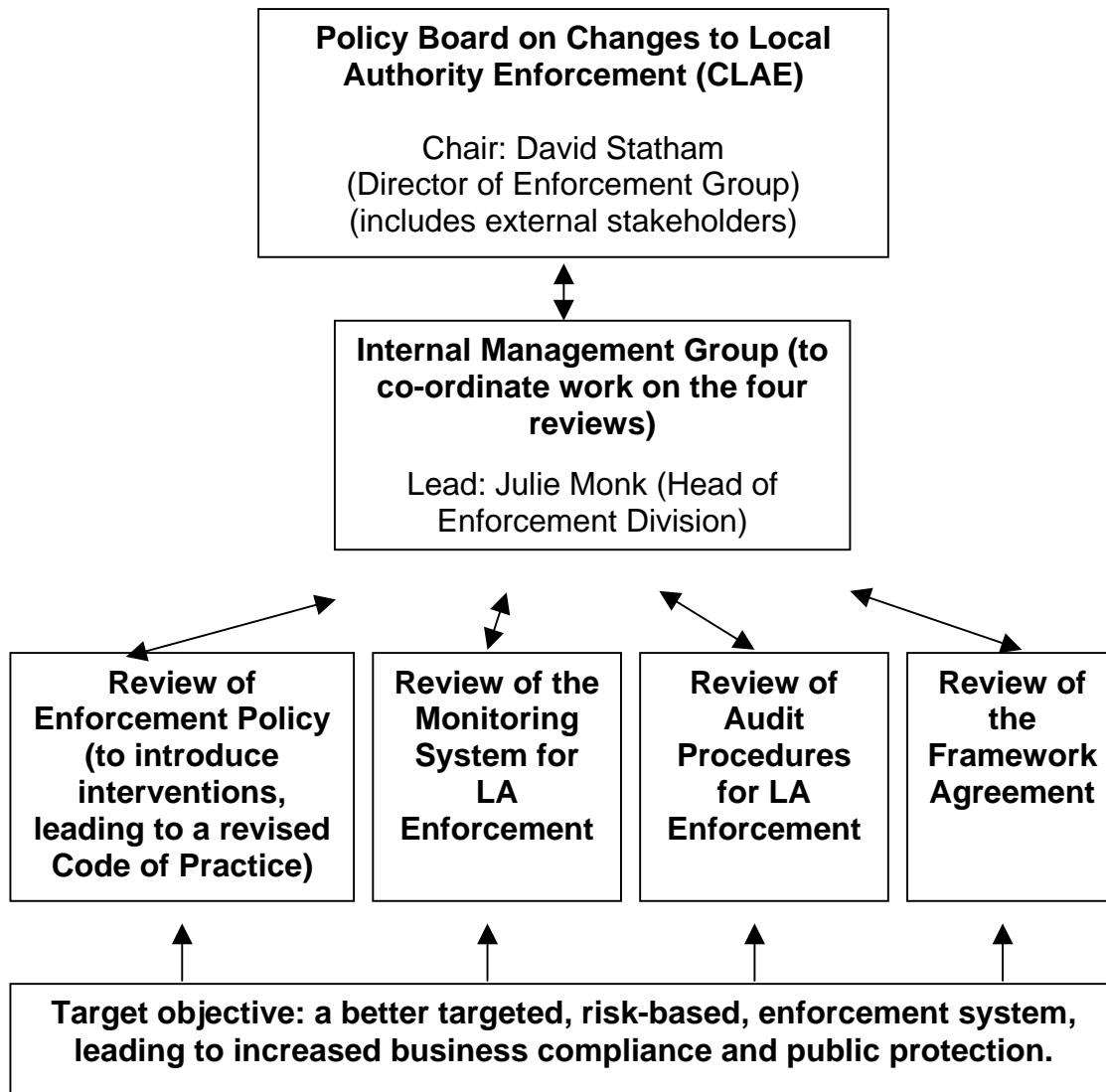
12. The main risks to the planned programme of work lie in its complexity and inter-dependence. Delays in one area may well have effects elsewhere. These risks have been considered as part of the overall project management plan.
13. The key building block will be the revised Code of Practice following completion of the review of enforcement policy. That needs to be in place before the new monitoring system can be introduced, and before consultation on the proposed new audit arrangements can begin. Furthermore, the electronic recording of key data at local authority level, used both for their delivery of services and for the transfer of data for monitoring and audit purposes, depends crucially on the development of revised computer software programmes by the major IT companies which provide services to the LAs. Those IT companies have been and are fully involved in the timetable of work, and the time allocated for them to develop their new programmes is based on their advice. But any delays on their part would be beyond the Agency's control.
14. A diagram of the reviews and of the structure for their co-ordination is attached in Annex A.

### **Board Action Required**

15. The Board is asked to:

- **note** the work now under way, and the arrangements for its co-ordination.

DIAGRAM OF THE REVIEWS AND THEIR CO-ORDINATION



The following is taken from the regular Friday mailings to Board members:

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**16 June 2006**

**May Board Meeting: Follow Up on Workshop (Better Regulation and Enforcement)**

The syndicate group discussions and subsequent comments from several Board members have provided a clear steer to us on how the draft regulatory framework should be revised. These revisions are now in hand and we will schedule a formal endorsement of the regulatory framework by the Board, followed by publication.

Following the Board's endorsement of the new model for enforcement that David Statham and Julie Monk presented at the workshop, we are also formulating plans for how we might develop the new model further. This will focus on:

- mobilising local authority regulatory services around a compelling case for change, backed up with strategic engagement with local authority elected members and their representative organisations in order to embed in local authority culture a self-sustaining view that public health protection is always a high priority;
- proposing a sweeping revision of the statutory code of practice, to define shared outcomes in terms of public health protection, set out our core principles, and define a suite of options for local authorities to choose from when drafting local service delivery plans - whilst allowing them to be innovative through demonstration projects that contributed in new ways to securing better public health outcomes;
- fleshing out the specifications for the five strands of the enforcement strategy, in order to develop the culture, capability and capacity for food law enforcement;
- developing a broad programme of activity to mobilise internal culture change;