

Leicester
City Council

Democratic and Civic
Support
City Hall
115 Charles Street
Leicester
LE1 1FZ

20 September 2023

Sir or Madam

I hereby summon you to a meeting of the LEICESTER CITY COUNCIL to be held at the Town Hall, on THURSDAY, 28 SEPTEMBER 2023 at FIVE O'CLOCK in the afternoon, for the business hereunder mentioned.

Monitoring Officer

AGENDA

AUDIO STREAM OF MEETING

A live audio stream of the meeting can be heard on the following link:

<https://www.youtube.com/@leicestercitycouncildemocr5339>

1. LESSONS LEARNED FROM LEICESTER'S COVID STORY

Prior to the formal business commencing, the former Director of Public Health and the Current Director of Public Health have been invited to present the report to Council which outlines lessons learned from COVID in Leicester.

The report can be accessed by following this link:

[Beyond the lockdowns: Lessons learned from Leicester's COVID story](#)

2. LORD MAYOR'S ANNOUNCEMENTS

3. DECLARATIONS OF INTEREST

4. MINUTES OF PREVIOUS MEETING

The minutes of the meetings held below are available to view at the links below:

22nd June 2023 – Special Council Meeting

<https://cabinet.leicester.gov.uk/ieListDocuments.aspx?CId=81&MId=12813&Ver=4>

6th July 2023

<https://cabinet.leicester.gov.uk/ieListDocuments.aspx?CId=81&MId=12775&Ver=4>

Copies are also available from Democratic Support on (0116) 454 6350 or

committees@leicester.gov.uk

5. STATEMENTS BY THE CITY MAYOR/EXECUTIVE

6. PETITIONS

- Presented by Members of the Public
- Presented by Councillors
- Petitions to be debated

7. QUESTIONS

- From Members of the Public
- From Councillors

8. MATTERS RESERVED TO COUNCIL

- a) **SERVICE PLAN FOR FOOD LAW REGULATION 2022/23** **Item 8 a**

9. REPORTS OF SCRUTINY

- a) **SCRUTINY ANNUAL REPORT 2022/23** **Item 9 a**

10. REPORTS OF REGULATORY AND STANDARDS COMMITTEES

- a) **REPORT OF THE AUDIT AND RISK COMMITTEE TO COUNCIL COVERING 2022/23** **Item 10 a**

11. EXECUTIVE AND COMMITTEES

- To note any changes to the Executive

- To vary the composition and fill any vacancies of any Committee of the Council

12. ANY OTHER URGENT BUSINESS

Information for members of the public

Fire & Emergency Evacuation Procedure

- The Council Chamber Fire Exits are the two entrances either side of the top bench or under the balcony in the far-left corner of the room.
- In the event of an emergency alarm sounding make your way to Town Hall Square and assemble on the far side of the fountain.
- Anyone who is unable to evacuate using stairs should speak to any of the Town Hall staff at the beginning of the meeting who will offer advice on evacuation arrangements.
- From the public gallery, exit via the way you came in, or via the Chamber as directed by Town Hall staff.

Meeting Arrangements

- Please ensure that all mobile phones are either switched off or put on silent mode for the duration of the Council Meeting.
- Please do not take food into the Council Chamber.
- Tweeting in formal Council meetings is fine as long as it does not disrupt the meeting. Will all Members please ensure they use their microphones to assist in the clarity of the audio recording.

You have the right to attend, view, formal meetings such as full Council, committee meetings & Scrutiny Commissions and see copies of agendas and minutes. On occasion however, meetings may, for reasons set out in law, need to consider some items in private.

Dates of meetings and copies of public agendas and minutes are available on the Council's website at <https://cabinet.leicester.gov.uk/>, or by contacting us using the details below.

Making meetings accessible to all

Braille/audio tape/translation - If you require this please contact the Democratic Support Officer (production times will depend upon equipment/facility availability).

Further information

If you have any queries about any of the above or the business to be discussed, please contact:

Matthew Reeves, Democratic and Civic Support Manager on 0116 4546352.

Alternatively, email matthew.reeves@leicester.gov.uk or call in at City Hall.

For Press Enquiries - please phone the **Communications Unit on 0116 454 4151**



Food Safety Team Service Plan for Food Law Regulation 2023/24

Decision to be taken by: Council

Decision to be taken on: 28th September 2023

Lead director: Sean Atterbury

Useful information

- Ward(s) affected: All – City Wide
- Report author: Liz Johnson
- Author contact details: telephone; 0116 4543214 / 07976 348003. Email; Liz.johnson@leicester.gov.uk

1. Purpose of report

To inform council of the Food Safety Team Service Plan for Food Law Regulation 2023/24.

2. Summary

The service plan is based on the Food Standards Agency's Framework Agreement on Official Feed and Food Controls of April 2010. The Plan outlines how Leicester City Council's Food Safety Team intends to fulfill its obligations as a food and feed authority. It also demonstrates how the work of the Food Safety Team links into the council's overall vision and aims for Leicester.

The Service Plan states the underpinning aims and objectives of the service, which are;

- to discharge the responsibilities the Council has under food law to carry out official controls in food and feed businesses;
- to ensure that food businesses in the city provide food that is safe to eat and does not give rise to food borne illness;
- to ensure consumers are not misled in the way food is described or presented;
- to prevent and detect fraud in the food supply chain;
- to guide Leicester's food businesses to comply with food law.

The plan sets out the Food Law interventions required in the 2023/24 work programme and the anticipated resource requirements.

3. Recommendations

That council note the contents of the plan and endorse the delivery of the food service plan 2023 /24.

4. Report/Supporting information including options considered:

4.1 - Review of 2022/23 – FSA Recovery Roadmap

The Covid-19 Local Authority Recovery Plan, published by the Food Standards Agency in June 2021 provided advice and guidance to Local Authorities for the period from 1 July 2021. The plan provided a framework for restarting routine food law inspections. The plan included a series of target dates by which Local Authorities were required to have completed overdue inspections for those businesses that presented the highest risk. That is, those where compliance had previously been found to be poor, or which were regarded as higher risk due to factors such as the vulnerability of the customers served, the scale and type of food provision or the use of complex processes.

The Recovery Plan was formally brought to an end on 31st March 2023. In her letter to Chief Executives, Emily Miles, CEO of the Agency recognised that many Local Authorities still have a backlog of lower risk businesses that are overdue inspection. This is the case for Leicester City Council.

The council successfully completed the vast majority of inspections required by the Recovery Plan, with only 8 inspections that we were not able to complete, mostly due to temporary closures of the businesses during Ramadan. In total, last year the team completed 1217 inspections, 1114 compliance revisits, took 127 food samples and carried out 81 advice visits.

4.2 - Planned Interventions for 2023/24

This year it is planned to carry out 1494 inspections using the council's current resources.

It is intended to complete all inspections that are due this year of higher risk premises. This totals 518 inspections.

Of those overdue lower risk inspections, we have further divided these establishments by risk and plan to inspect those that present the greatest risk this year. This equates to 511 inspections. To achieve this, it is intended to delay the due inspection date of some lower risk establishments by 6-9 months. There are estimated to be 177 such premises.

There are also 245 new food businesses that registered last year that were not inspected and need to be carried over to this financial year, as well as an estimated 547 new businesses that will register this year. It is intended to provide advice and guidance on food law compliance to all businesses and inspect those which we deem to be high or medium risk. This totals 221.

We also anticipate we will carry out a further 67 chargeable inspections that businesses will pay for on a cost recovery basis only where businesses want to improve the food hygiene rating that we have issued to them.

4.3 - Areas of Focus for 2023/24

Our focus this year is to continue to work to reduce the number of overdue inspections and to realign with the Food Law Code of Practice, (FLCoP) and inspect businesses at their due date. In addition to this proactive work, we will continue to investigate and respond to complaints about food or food establishments, take action to close businesses that present an imminent risk to health of customers and carry out compliance revisits at establishments that fail to achieve broad compliance with food law. We are finding higher levels of non-compliance at food businesses as a consequence of them not being subject to regular food law inspections during the coronavirus pandemic. We will also carry out regular food sampling, checking for microbial quality and have also successfully applied for grant funding from the Food Standards Agency to carry out sampling of imported food for contaminants.

5. Financial, legal and other implications

5.1 Financial implications

All of the activity outlined within this report will be carried out within existing budgets and as such there are no financial implications arising from this report. The 2023/24 net budget for the Food Safety Team is £579k.

Stuart McAvoy – Head of Finance

5.2 Legal implications

The Food Standards Agency supervises local authority regulatory activity and the requirements from local authorities are set out in the Framework Agreement on Official Feed and Food Controls by Local Authorities.

Under the Framework Agreement the local authority is required to produce a service plan that sets out how and at what level official feed and food controls will be provided in accordance with Codes of Practice.

Local authorities should take account of the Government's better regulation agenda when planning and delivering their services. Key to this agenda are the five principles of good regulation:

- targeting (to take a risk-based approach);
- proportionality (such as only intervening when necessary);
- accountability (to explain and justify service levels and decisions to the public and to stakeholders);
- consistency (to apply regulations consistently to all parties); and
- transparency (being open and user-friendly).

The Service Plan has been produced in accordance with the guidance in the Framework Agreement.

Local authorities have the flexibility to decide locally whether or not service plans should be approved at Member level.

The Service Plan for Food Law Regulation is an element of the City Council's Policy Framework and the Council's Constitution reserves approval of the Service Plan to full Council as a matter of local choice.

Kamal Adatia
City Barrister & Head of Standards
Monitoring Officer
Tel: Ext 37 1401

5.3 Climate Change and Carbon Reduction implications

There are limited climate change implications directly associated with this report, however the travel required to deliver this service does contribute to the council's carbon footprint. This can be managed through continuing to enable and encourage staff to plan journeys efficiently and utilise sustainable travel options where possible.

Aidan Davis, Sustainability Officer, Ext 37 2284

5.4 Equalities Implications

Under the Equality Act 2010, public authorities have statutory duties, including the Public Sector Equality Duty (PSED), which means that, in carrying out their functions decision makers have to pay due regard to the need to eliminate unlawful discrimination, harassment and victimisation, to advance equality of opportunity between people who share a protected characteristic and those who don't and to foster good relations between people who share a protected characteristic and those who don't.

Protected Characteristics under the Equality Act 2010 are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

Food regulatory activities are delivered in accordance with the Food Law Code of Practice (England) June 2023. The Code of Practice is issued pursuant to section 40(1) of the Food Safety Act 1990, regulation 26(1) of the Food Safety and Hygiene (England) Regulations 2013 and regulation 6(1) of the Official Feed and Food Controls (England) Regulations 2009.

The risk assessment scheme in the Code of Practice takes account of vulnerable risk groups. In this context, vulnerable risk groups are those that include people likely to be more susceptible to the effects of illness that arise from poor food hygiene, such as those who are under 5 or over 65 years of age and people who are sick or immune compromised. The report provides an update on the Service Plan for Food

Law Regulation 2023/24. There are no direct equality implications arising from the report. The Food Safety Team helps ensure food businesses deliver products which are safe and produced from premises which are hygienic and properly controlled, thereby helping business to grow and thrive. It is also to provide information to the public to help them make informed choices about what and where to eat, through promotion and transparency. The Service Plan does not propose changes or departures from the Code of Practice with equalities implications. It is important that communications around inspections are accessible.

Equalities Officer, Surinder Singh, Ext 37 418

5.5 Other Implications (You will need to have considered other implications in preparing this report. Please indicate which ones apply?)

None

6. Background information and other papers:

None

7. Summary of appendices:

The Service Plan for Food Law Regulation 2023/24
Annex to the Service Plan for Food Regulation 2023/24

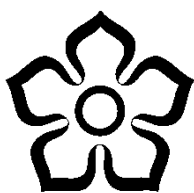
8. Is this a private report (If so, please indicated the reasons and state why it is not in the public interest to be dealt with publicly)?

No

9. Is this a “key decision”?

No

10. If a key decision please explain reason



Leicester City Council
Service Plan for Food Law Regulation

2023/2024

Date: 20th September 2023

Version: v.03 FINAL

Owner: Liz Johnson

Table of Contents

Executive Summary

1.0	Service aims and objectives
2.0	Background
3.0	Service delivery
4.0	Resources
5.0	Quality Assessment
6.0	Review

Executive Summary

This is the Councils' mandatory annual food service plan, detailing how the Food Safety Team will fulfill its duties to enforce food and feed law in the city.

The plan fulfils the Council's obligations under "The Framework Agreement on Official Feed and Food Controls by Local Authorities". This document, issued by the Food Standards Agency, sets out what the Agency expects from Local Authorities in delivering their obligations to enforce food law.

The plan provides for a common format in the structure of service plans, so that the Agency can easily assess how a Local Authority is fulfilling this responsibility.

This is the first service plan produced since the Covid-19 pandemic began in March 2020. The previous service plan, for the financial year 2019/2020, was submitted to the Neighbourhood Services and Scrutiny Commission in May 2019.

The Impact of the Coronavirus (Covid -19) Pandemic on the Food Service Plan.

The Covid -19 pandemic resulted in the suspension of the routine food inspection programme from the end of March 2020. During the period of the pandemic, staff in the Food Safety Team were primarily diverted to the COVID -19 response.

In June 2021, the Food Standards Agency (FSA) published its Covid-19 Local Authority Recovery Plan, which provided advice and guidance to Local Authorities for the period from 1 July 2021 until 2023/4. The plan provided a framework for restarting routine food law inspections, to bring food businesses back into alignment with the Food Law Code of Practice (FLCoP) a code that Authorities must have regard to when discharging their statutory duties under food law. This requires that food businesses receive food law inspections at regular frequencies, based on risk. The plan included a series of target dates by which Local Authorities were required to have completed overdue inspections for those businesses that presented the highest risk. That is, those where compliance had previously been found to be poor, or which were regarded as higher risk due to factors such as the vulnerability of the customers served, the scale and type of food provision or the use of complex processes.

The Recovery Plan was formally brought to an end on 31st March 2023. In her letter to Chief Executives, Emily Miles, Chief Executive Officer of the FSA recognised that many Local Authorities still have a backlog of lower risk businesses that are overdue inspection (see **Annex 1**) This is the case for Leicester City Council.

Dealing with the back log of lower risk businesses

This service plan outlines the scale of the backlog of overdue lower risk inspections we face as a consequence of the coronavirus pandemic, and details how we intend to address this backlog over this financial year and subsequent ones. Lower risk businesses are those that have previously been found to comply with food law requirements, or where open food is not prepared and handled, or where open food is handled but the number of consumers is very low. There is no specific timescale that the Food Standards Agency have directed authorities to follow: the requirement is for us to adopt a risk based and intelligence led approach as we work towards realigning with the Code of Practice.

Higher risk establishments

Higher risk businesses that are already back in alignment with the Code of Practice need to receive an inspection by their due date.

Monitoring by the Food Standards Agency

The Agency monitors Local Authorities performance by requiring all authorities to submit mid and end of year returns. During the period of the Recovery Plan, regular returns were required at the end of each of the target dates in the plan.

Structural and staffing changes to the team

Since the last service plan, the Food Safety Team has undergone some significant structural and staffing changes. In particular:

- The allocated 1.5 full time equivalent (FTE) Food Safety Management post was reviewed following the retirement of Job Share Team Manager David Barclay Rhodes in June 2019. Two new posts were created for Senior Regulatory Officers, posts created to reflect the complexity of food law and the need for technical expertise within the team. These posts were recruited to internally in September 2021. As a result of these new posts, the resource required to manage the team was reduced to 1 FTE.
- In January 2022 the Food Safety Team Manager was promoted to Head of Regulatory Services.
- In May 2022 the two Senior Regulatory Services Officers in the team were jointly appointed to the post of Food Safety Manager, initially for a period of 6 months, and the subsequently on a permanent basis.
- Recruitment to the post vacated by the promotion of the two Senior Regulatory Officers to Team Manager has recently been successful, and a new Environmental Health Officer started with the team in July 2023.
- As of 1st September 2023, the team is fully resourced. The team comprises the Team Manager post plus 11 officers.

1. Service aims and objectives

1.1 Aims and Objectives

- to discharge the responsibilities the Council has under food law to carry out official controls in food and feed businesses;
- to ensure that food businesses in the city provide food that is safe to eat and does not give rise to food borne illness;
- to ensure consumers are not misled in the way food is described or presented;
- to prevent and detect fraud in the food supply chain;
- to guide Leicester's food businesses to comply with food law.

1.2 Links to Corporate Objectives and Plans

The Food Safety Team is part of Regulatory Services. The main aims of this Service are;

- to protect legitimate businesses as well as the health, safety, wellbeing and economic interest of the people who visit and live in Leicester.
- provide advice, support and training to encourage business growth and sustainability through regulatory compliance.

Regulatory Services sits within the Neighbourhood and Environmental Services Division. The strategic priority of the division is;

“Providing Leicester with high quality efficient and effective services for the benefit of its people “

Links to other Strategic Plans

Leicester City Council has several strategic plans that set out what the Council aims to achieve, with our partners, local businesses, communities, and residents. This means focusing our efforts and resources in the areas that are the biggest priorities for the city.

The Food Safety Team aims and objectives link in particular to:

The Economic Action plan 2016 – 2020 (currently under review)

Enterprising Leicester Priorities Action EL1: Deliver targeted business support for growing businesses in priority sectors, including food and drink manufacturing, textiles, creative, and technology sectors.

In particular food and drink manufacturing is a distinctive strength priority sector for the city.

Tourism Action Plan 2020 - 2025

Objective 3: Developing a strong identity to position Leicester as a desirable destination attracting first-time visitors

Create awareness of the local food and drink offer reflecting the cities diversity.

2. Background

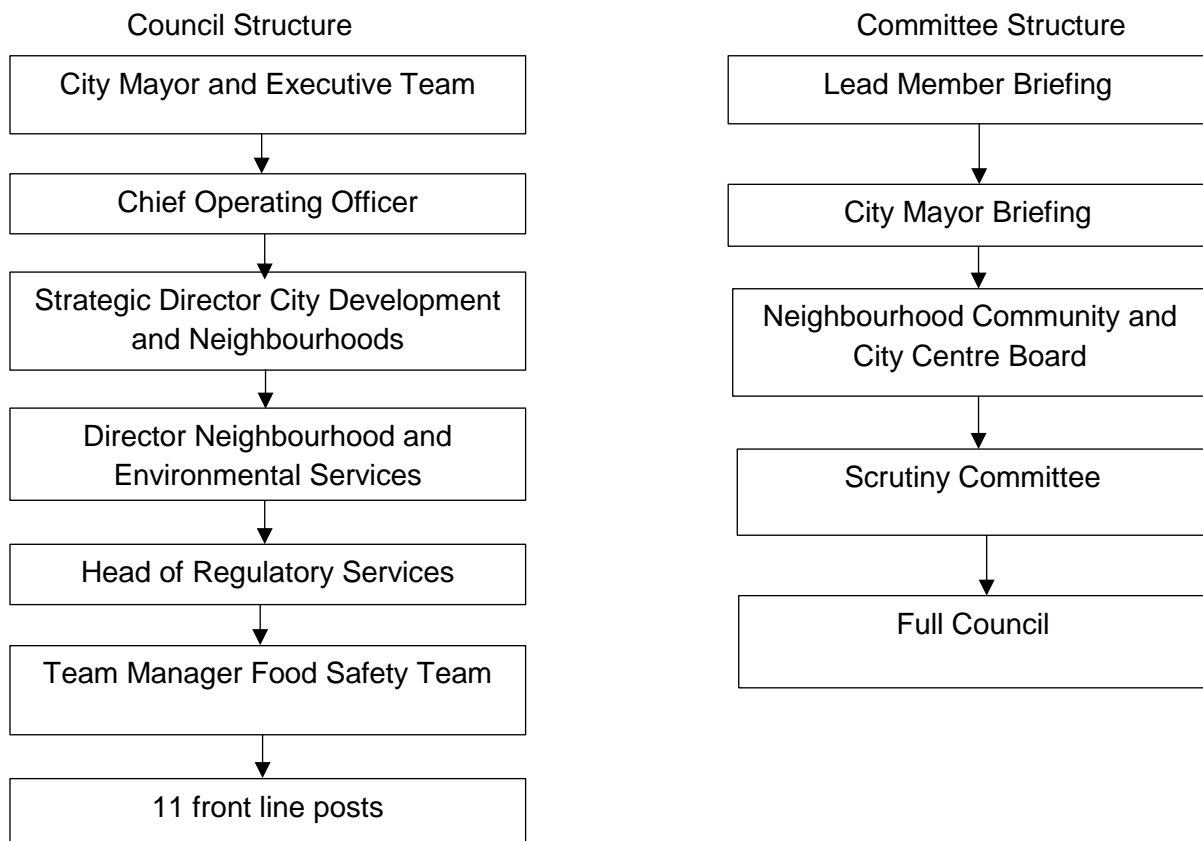
2.1 Profile of Leicester City Council

Leicester is the largest city in the East Midlands. In the 2021 census, the population of Leicester was 368,6000, increasing by 11.7% from the previous census in 2011. This represented a higher population growth than across the rest of the East Midlands. The median age of Leicester's residents is 33, below the median figure of 40 in England.

At the 2021 census, 57.9% of the population said they were born in England, with 16.2% stating they were born in India. 43.4% of Leicester's residents identified their ethnic group within the "Asian, Asian British or Asian Welsh category" and 40.9% of that as "white" and 7.8% identified their ethnic group as Black, Black British, Black Welsh, Caribbean or African"

Leicester City Council is a unitary authority. It consists of 54 councillors representing 21 wards in the city overseen by a directed elected mayor. The executive team is made up of the City Mayor, Sir Peter Soulsby, together with Deputy City Mayors and Assistant City Mayors.

2.2 Organisational Structure



Analytical Services

Eight Public Analysts and one Agricultural Analyst all working for Public Analyst Scientific Services are appointed. The services of six Food Examiners at the UK Health Security Agency's Food, Water and Environmental Laboratory in London are also used.

2.3 Scope of the feed and food service

Food Law Inspections

Food Safety Team Officers are responsible for the enforcement of both food hygiene and food standards law in food businesses.

Feed Law Inspections

For a number of years, arrangements has been in place for Trading Standards Officers from the County Council to carry out inspections of registered feed establishments in the city. The cost for this is claimed back from the Food Standards Agency. There are 41 registered feed business establishments in the city. Of these, inspections are due at 4-5 a year. There are no feed manufacturers in the city, and those feed establishments we do have are regarded as low risk.

2.4 Demands on the food and feed service

Leicester has some notable long-established food and drink manufacturers in the city, such as Walkers snack foods – a subsidiary of US giant PepsiCo, which operates the largest crisp factory in the world in Leicester. Also of note is Samworth Brothers Ltd, whose products include sandwiches and pork pies. The city is also home to Cofresh Snack Foods, the trading name of Lakshmi and Sons (now part of Vibrant Foods), the market leader in Indian snack foods.

However, 86% of the sector are 'micro'-sized (employing less than 9 people) food businesses. (Source; Leicester and Leicestershire Partnership trust – sector profile Agri Food and Drink in Leicester and Leicestershire)

The establishment profile for registered food businesses

The establishment profile for food businesses in the city is shown below. It can be seen that compared nationally, we have a higher number of manufacturers and distributors and retailers, but a lower number of restaurants and caterers.

Establishment Type	2023	% of total	2019/2020 England only (LAEMS return)
Primary producers	3	0.09 %	0.7%
manufacturers & distributors	108	3.3 %	2.8%
importers/exporters	16	0.5 %	0.3%
distributors/transporters	107	3.3 %	1,7%
retailers	875	26.7%	22%

restaurants & caterers	2176	66%	72.6%
total	3285		

(Source – internal figures; establishment profile as of 31/3/2023.)

The increase in food businesses in the city

The table below shows the total number of food business establishments registered in the city over the last 5 years.

	2018	2019	2020	2021	2022	2023
Number of food business establishments	2980	3113	3159	3421	3444	3285

(Source; 2018-2020 FSA LAEMS reports, 2021. Internal figure, 2022-2023 figures submitted in yet to be published LAEMs returns)

It can be noted that the yearly increase in the total number of establishments has now levelled off. The reduction in numbers between 2022 and 2023 is probably mostly attributable to closures as a result of the coronavirus pandemic, the cost-of-living crisis and a data base cleansing exercise.

New registrations

The number of new food business registrations received over the last 5 years is shown below;

	2018/2019	2019/2020	2020/2021	2021/2022	2022/2023
Number	506	549	524	561	595

(Source; Food Safety Team performance reports, end March 2018-2022.)

It can be seen that there has been a year-on-year increase in this figure, with the overall number increasing by 18% between 2018/9 and 2022/23.

A particular feature of food businesses in the city, which this table does not indicate, is the rate that businesses change hands. Whenever this happens, the new operator is required to register this change, which in turn triggers the need for an inspection to occur. In addition to this, any new businesses that have set up for the first time also need to register and be subject to inspection. Our management information system is not set up to allow us to obtain figures for the number of existing premises that change hands.

A further feature of food businesses in the city is the percentage of food business operators for whom English is not their first language. This presents some challenges for Officers in terms of explaining food law requirements and enforcing these.

Because of our diverse population, Leicester is a hub for shops specialising in ethnic produce. A lot of these products are imported into GB. Therefore, checking that such food

has been legally imported into GB and is safe to consume and properly labelled does account for a significant amount of time.

Approved Establishments

Approved establishments are those that handle products of animal origin and store or process them. These require prior approval before they can start this activity. This can be a complex process and time intensive for the small number of officers who are involved in this work.

There are 28 approved establishments in the city. The numbers of different establishment types are shown below;

Type of establishment	Number of establishments
Stand-alone cold store	6
Meat preparations manufacturer	4
Meat products manufacturer	4
Meat prep, meat products and fishery	1
Meat prep and meat products	1
Dairy products Manufacturer	3
Fishery products manufacturer	3
Egg products manufacturer	3
Rewrapping premises	3
Total	28

Inspections are due or overdue at 11 of these establishments this year.

Service delivery points

Services can be accessed online through the “My Account” facility. This operates 24/7. Users can access this service by logging in to their account, or by continuing without an account. The City Council also has a general telephone number that can be called from 8am – 6pm.

A customer service centre is located in the city centre and is open 2 days a week (Tuesday and Thursday) from 9.30am – 4.30pm. There is also an emergency out of hours telephone number that can be used from 6pm – 8.00am.

A customer services email address is also freely available to use. There is also a dedicated email account: food@leicester.gov.uk. Complaints made online via The Food Standards Agency “Report a problem” pages are re-routed to this account.

2.5 Regulation Policy

The Council’s Regulatory Services have a published General Regulatory Policy. This policy reflects the statutory regulatory principles set out in section 21 of the Legislative and Regulatory Reform Act 2006 and the Regulators’ Code 2014.

This policy is currently undergoing review.

3. Service Delivery

3.1 Interventions at food and feeding stuffs establishments

Intervention type – food hygiene

The Food Law Code of Practice (England) issued in June 2023 (FLCoP) provides guidance to Local Authorities on what types of interventions can be carried out at each category of risk rated business. The inspection frequencies for each risk category are shown at **Annex 2**.

While there is some flexibility that exists on the type of intervention that can be carried out for different risk rated categories, (**see Annex 3**) if a business is subject to the food hygiene rating scheme, then a food hygiene rating can only be issued if the business has been assessed for compliance with food law against the criteria included in the scheme. In practice, this means that those businesses that are included in the scheme must receive an inspection for the rating to be reviewed.

It is the policy of Leicester City Council to support the national food hygiene rating scheme, to protect the integrity of the scheme and maintain consumer confidence in this. This means that every routine intervention we carry out at food businesses in scope for the scheme will be an inspection.

Approximately 8 % of the total number of food businesses in the city are out of scope of the scheme. Therefore, it can be seen that in practice, the flexibilities in the FLCoP for intervention type cannot realistically be utilised.

For the small number of food businesses that are not in scope for the scheme (which will include food manufacturers), many will be overdue an intervention. In that time, standards could have considerably altered, and activities significantly changed. We therefore intend to ensure that those businesses are also subject to inspections.

Establishments risk rated as Category E for hygiene

The only exception to the above will be for the 31 establishments risk rated as category E for hygiene and due this year. These are by their nature low risk establishments, such as retail shops selling packaged foods and found to be at least broadly compliant with food law. While many of these will be subject to the Food Hygiene Rating Scheme, we intend to subject them to an alternative intervention in the form of a telephone questionnaire. This will mean that the food hygiene rating will not be reviewed, and they will retain the rating issued 3 years ago. The only exception to this will be if the nature of the business has changed and they are no longer carrying out low risk activities or where information comes to light suggesting their risk profile may have changed. In such cases, they will be moved into the inspection programme.

Food Inspections due or overdue 2023/2024

The following categories of food inspections have been considered in determining this year's food service plan;

1. Due food hygiene inspections
2. Due high risk food standards inspections
3. Overdue low risk food hygiene inspections carried over from the previous financial year(s)
4. New registration inspections
5. New registration inspections carried over from the previous financial year(s)

1. Due food hygiene inspections

The table below shows food hygiene inspections that are due for the current financial year;

Inspection risk rating category	A	Estimated further category A inspections required #1	B	C	D	E # 2	Total (exc. Cat E)
Total	26	26	165	318	385	31	920

#1 there will be inspections carried out in the first half of the year where the establishment is rated as a category A for hygiene and will then be due again for a further inspection the same financial year. Estimate same number as first half.

2 category E establishments can be subject to an alternative intervention and do not need to be inspected. . This figure has therefore not been included in the total number of establishments that require inspection.

2. Due food standards inspections

The vast majority of due food standards inspections are carried out at the same as food hygiene inspections. In general, a food standards inspection is less resource intensive than a food hygiene inspection. For those establishments that are risk rated as category A for food standards (due every year) , a separate inspection may need to be scheduled if the hygiene inspection is not also due. Category A food standards inspections tend to be food manufacturers. These do tend to be resource intensive inspections.

The total number of high-risk food standards due inspections due in 2023/24 is shown below:

	Category A
Total	22

3. Overdue low risk food hygiene inspections carried over from previous financial years

All inspections of higher risk establishments overdue because of the coronavirus pandemic were completed in the last financial year or very shortly afterwards. At the beginning of this year, the number of overdue food hygiene inspections of lower risk establishments

(Category D and E) is shown below;

	Category D	Category E
Total	756	506

While the Food Law Code of Practice does allow for an alternative intervention strategy for Category E businesses, that means they do not need to receive an inspection, those that are in scope for the food hygiene rating scheme will need to be inspected for the food hygiene rating to be updated. In addition, during the coronavirus pandemic because of the diversion of resources into the covid-19 response, an alternative enforcement strategy has not been applied to these establishments for a number of years, and the majority of category E establishments are now overdue.

4. New Registrations

The estimated number of new registrations inspections required (based on the average of the last 5 years) is shown below:

2022/2023 new registration interventions required (estimate)	547
--	------------

5. New registration inspections carried over from the previous financial year(s)

The number of new registrations carried over from the previous financial year that require an inspection is shown below;

new registrations carried over	245
--------------------------------	------------

Estimated total number of interventions required to realign inspection programme with the Food Law Code of Practice (FLCoP) this financial year;

Due inspections (category A-D)	Due Food standards inspections Category A	Overdue Category D Hygiene	Overdue Category E Hygiene	New registrations Estimate	New registrations Carried over	Total
920	22	756	506	547	245	2996

Resources Required

The Framework Agreement requires us to estimate the resource requirement in full time equivalent posts (FTE) for carrying our all aspects of food law work.

The work we carry out is both proactive (the routine inspection programme) and reactive: responding to food incidents, general hygiene complaints, outbreaks of food borne disease and food complaints. It can be difficult to quantify the resource requirement for reactive work as this does vary from year to year. We therefore use a figure of inspection capacity which includes capacity for reactive work built in.

Inspection capacity 2023/2024

The inspection capacity of the existing team for the year is estimated at **1452** inspections (**see Annex 4 calculation**) . It can be seen therefore, that it is not feasible for the food law inspection programme to be realigned at the end of this financial year. There are roughly double the number of inspections required than can be realistically achieved.

2023/2024 Inspection Plan

The inspection plan for 2023/2024 recognises that it is not possible for us to realign with the Code of Practice this year. The point when realignment can be achieved is difficult to predict. This current financial year we have fewer due inspections than we normally would, due to the disruption of the inspection programme cycle during covid. Next financial year, we anticipate that we will have a significant amount more due inspections. The Food Standards Agency have set no specific time scale for realignment but have advised that Local Authorities should be working towards this, based on a risk based and intelligence led approach.

A consultation on a new food hygiene delivery model has recently ended and our plan would be to aim for realignment at the time that the new delivery model is introduced. This is likely to be 2024/2025 or later) (see **Annex 5** for further details)

The current years plan is to;

1. Inspect only those higher risk establishments due for a hygiene intervention this year

Of the 920 due inspection for this current year, those risk rated as category A-C are regarded as higher risk inspections. The total for these is **496**. We intend to delay inspecting the due lower risk inspections (category D) to provide capacity for us to focus on inspecting the overdue category D inspections. We anticipate it will be necessary to delay inspecting those due category D inspections by a period of 6-9 months, so that only those due in the first two quarters of the year will actually be planned in for inspection this year.

2. Inspect those due category A food standards inspections

There are a **22** category A food standards inspections due.

3. Inspect those overdue lower risk inspections based on risk

An inspection plan has been devised that aims to prioritise those most overdue category D inspections that pose the greatest risk and inspect them in this current financial year.

The 756 overdue category D premises have been divided into higher and lower risk establishments as indicated below;

Overdue category D (hygiene) inspections

	Higher risk	Lower risk	Total
Category D Hygiene	511	245	756

Our plan is to inspect those **511** higher risk establishments this financial year.

4. New registrations

The Code of Practice allows us to delay inspecting lower risk new registrations where to do so would mean that there would be a delay in inspecting any higher risk establishments.

All new registrations are triaged within 4 weeks of receipt, the food business operator is contacted and signposted to published advice and guidance and the risk of the business is determined as either, low, medium, or high.

All high and medium risk new registrations carried over from 2022/2023

	New reg high and medium risk	New Reg lower risk	Total
Number	69	176	245

Our plan is to inspect the **69** high and medium risk new registrations carried over from 2022/2023 .

Predicted new registrations 2023/2024

Total estimate	Of which we estimate will be assessed as high risk	Of which we estimate will be assessed as medium risk	Of which we estimate will be assessed as low risk
547	20	264	263

Our plan is to inspect those estimated high risk new registrations (**20**) and those assessed as medium risk within 6 months of their registration. Assuming we get an equal number of medium risk new registrations every month, we estimate this to be **132**.

Predicted rerating inspections

Food Business Operators can apply for a rerating inspection at any time after an inspection. During the covid pandemic, charges for this were waived, but were introduced again in 2022. The charge is for cost recovery only. The estimate for the number of rerating inspections is based on the average of the last 3 years ;

	2019/2020	2021/2022	2022/2023	2023/24 estimate
Rerating requests received	66	70	64	67

Summary of Inspection plan for 2023/2024.

	Total number
Due inspections (category A-C only)	496
Due Food standards inspections Category A	22
Overdue Category D (higher risk)	511
Due category D in first 2 quarters	177
New registrations high and medium risk carried over overdue	69
New registrations- higher risk Estimated	20
New registrations- medium risk – inspected within 6 months of receipt Estimated	132
Rerating inspections estimate	67
Total	1494
Estimated number of inspections that can be achieved	1452

Variance

In practice, we often experience considerable variance with the inspection programme. An estimated 20% of establishments will be found to have changed hands or closed either at an inspection or before one can be scheduled. This means that businesses often move from one list to another. For example, if an overdue category D premises was visited for inspection purposes and a new food business operator found, the premises would move from the overdue D list to the new registration list. While it may be appropriate to inspect this new business since the officer is already on site, if the nature of food handling activities have changed, for example it has moved from a café to a retail shop, the officer may decide not to inspect it at that time because there are higher priority inspections to complete.

Intelligence and information

If there is credible intelligence to suggest that the risk of any food business has altered, for example because we have received complaints from consumers alleging poor standards or illness after consuming food from there, then we will bring the inspection forward. This is particularly the case if the inspection is overdue.

Carried over to inspection plan for 2024/2025

It can be seen that this inspection plan does address the following;

Low risk new registrations

Low risk new registrations carried over from the last financial year and those that registered this current year will not be inspected.

Category D inspections that are overdue and lower risk

Such premises are most likely to be small retailers.

Category E establishments

None of the 506 category E establishments that are overdue an inspection will be inspected.

We will, however, develop a strategy this year to determine how these businesses can be bought back into the inspection programme. Initial plans are based around utilising Environmental Health apprentices (of whom 7 have been recruited to Regulatory Services) who will spend blocks of time with the team from June 2024. They will have developed some competency in food law enforcement by this point in their training.

The total number of inspections that we will not have capacity to inspect this year is summarised in the table below;

Low risk new registrations carried over from 2022/2023	176
Medium risk new registrations registering in second half of current year	132
Low risk new registrations current year	263
Category D's due second half of current year	247
Low risk overdue category D's	245
Overdue category E	506
Total	1569

Compliance Revisits

Our estimated of the number of compliance revisits is based on the average of the last 3 years.

Estimated compliance revisits.

	2019/2020	2021/22	2022/23	2023/24 Est
Compliance revisits carried out	1150	909	1114	1057

Compliance revisits are required by the Food Law Code of Practice wherever a food business is not found to be broadly compliant at a food hygiene inspection. Multiple revisits made be made to some businesses before broad compliance is achieved. Food hygiene re-rating inspections are also classed as compliance revisits.

Our resource calculation for the number of inspections we can achieve this year takes into consideration other activities undertaken by officers in the team, including compliance revisits.

New requirements 2023/2024

There are no new legislative requirements that will come into force this year that we believe will have a significant impact on our food service plan. A summary of proposed changes to food law are shown below;

The Food (Promotion and Placement) (England) Regulations 2022

These regulations restrict promotions and placement in certain large retail stores of foods high in fat, salt, or sugar (commonly known as the HFSS regulation)

The government announced (19th June 2023) that the rules banning multi buy deals on products high in salt, fat, or sugars (so called BOGOF deals) which was due to come into effect in October 2023, will be further delayed until October 2025.

Retained EU Law (Revocation and Reform) Bill

In May 2023 the government announced that the sunset clause in this bill, which would have seen all EU law automatically revoked by the end of the calendar year (which could have included significant amounts of food law) , unless exempted, will be dropped.

Changes to novel food regulations

The UK now has its own register for novel foods, that is, those foods that do not have a significant history of consumption in the country before May 2015. The UK is now diverging from the EU in this area, with 2 new novel foods added to the EU register which haven't been added to the UK register. From 31 December 2023, only edible insect species that are subject to an application for novel food authorisation will be allowed to legally remain on the market.

Genetically modified crops

The Genetic Technology (Precision Breeding) Bill is currently at the report stage in the House of Lords. If passed, this will allow the release and marketing of foods made from “precision breed” plants or animals. In effect this means that genes of current plants and animals could be edited to become more nutritious or resistant to disease of the effects of climate change.

3.2 Feed and Food Complaints

All complaints received by the service are logged and reviewed by officers who will use professional judgement to determine which complaints warrant further investigation. Wherever a site visit is made, the officer will endeavour to combine a complaint investigation with an inspection at those premises where the inspection is overdue.

The estimated number of complaints for this year is based on last year’s figure and the figure for the 2019/2020 averaged together.

Year	2019/2020	2022/2023	2023/2024 Estimate
Total number of complaints	1055	907	981

Our resource calculation for the number of inspections we can achieve this year takes into consideration other activities undertaken by officers in the team, including investigation of complaints.

3.3 Home Authority Principle and Primary Authority Scheme

Leicester City Council has one primary authority agreement with Navitas/ESB Limited, a Leicestershire based food safety and health and safety consultancy.

Costs are recoverable on a not-for-profit basis only.

The partnership was in effect mothballed during the coronavirus pandemic and there is currently no regular resource commitment to this. The company has recently expressed an interest in us carrying out a review of their food safety monitoring system. A decision will be made on whether we agree to this based on the estimated time resource.

We also act as the Originating Authority for many Leicester based food manufacturers, responding to requests for advice and information about these businesses from other local authorities.

Our resource calculation for the number of inspections we can achieve this year takes into consideration time officers spend on dealing with complaints and queries from other councils about Leicester based businesses.

3,4 Advice to Businesses

All new business registrations are contacted and signposted to relevant advice before a first inspection occurs (generally by email). Our capacity to carry out advice visits is limited, and these will only generally be carried out for premises seeking approval or for premises intending to set up new manufacturing premises in the city.

Many micro sized food businesses (<10 employees) which manufacture, or pack food do not have technical expertise within their businesses on how to comply with food law requirements. As a result, they rely heavily on us for advice and assistance in achieving this. In particular in the areas of food labelling and food safety management procedures.

We do have close links with the Food and Drink Forum, an organisation providing support to the food and drink sector, which is locally based, and are able to refer some of these businesses on to this organisation to obtain this support.

Currently, we do not record the resources we deploy in advising small packers or manufacturers on food law compliance. It can be difficult to separate this out from our statutory duty to inspect them to identify non-compliances with food law.

3.5 Feed and Food Sampling

Microbiological sampling

This year we plan to carry out microbiological sampling on two days most months. Where UK Health Security Agency (UKHSA) national sampling surveys are relevant to us, we will take part in these. We will also visit and take food samples and/ or environmental swabs from premises where we have received multiple credible complaints about illness after eating food.

Samples will be submitted to UKHSS laboratory at Colindale in London via a courier service.

Sampling for analysis (including allergens)

We do not plan to carry out any regular sampling for this, but moreover will consider ad hoc sampling in response to complaints or the identification of concerns.

Last year we carried out 32 samples for analysis of imported food through funding obtained by the Food Standards Agency. We have applied for and been success in obtaining further funding this year for a reduced number of samples (10).

Our resource calculation for the number of inspections we can achieve this year takes into consideration time officers spend in carrying out sampling.

Feed sampling

We do not plan to carry out any samples from feed establishments, due to the fact there are no feed manufacturers in the city.

3.6 Control and investigations of outbreaks of food related infectious disease

The food safety team are responsible for investigating any outbreaks of infectious disease in the city linked to food premises, with the Public Safety Team taking the lead on arranging sampling of cases and completion of questionnaires.

We have not had a major food poisoning outbreak in the city involving the convening of an outbreak control team for a number of years.

Our resource calculation for the number of inspections we can achieve this year **does not take into consideration** a major food borne disease outbreak. In the event that this occurs, resources would need to be diverted from the inspection programme into this. It is not possible to estimate what resources would be needed for this.

3.7 Feed/Food Safety Incidents

The food safety team are responsible for responding to food alerts and incidents notified to us by Food Standards Agency. We are also responsible for alerting the Agency to any incidents that we become aware of in accordance with the Code of Practice requirements.

Our resource calculation for the number of inspections we can achieve this year **does not take into consideration** a major feed or food incident. In the event that this occurs, resources would need to be diverted from the inspection programme into this. It is not possible to estimate what resources would be needed for this.

3.8 Liaison with Other Organisations

The Team Managers routinely attend the following liaison groups;

Trading Standards East Midlands (TSEM) - food and allergen group.

Leicestershire Food Group – covering food hygiene matters. A UK Health Security Agency representative also attends this group.

The above groups meet every quarter and aim to share experience and best practice.

Team Managers may also attend the Midlands Cities Benchmarking Group, which operates on an ad hoc basis. Performance data is also submitted to this group every year for comparison purposes.

3.9 Feed and Food Safety and Standards promotional work and other non-official controls

We do not plan to carry out any food safety promotional work this year. This is not a statutory function and we have not had the resources to do this for a number of years now.

4 Resources

4.1 Financial Allocation

Food Safety Team 2023/2024 Financial Allocation

The table below shows the overall expenditure in providing the service and shows how this figure has changed over time (not adjusted for inflation)

	Current budget 2023/2024	2018/2019	2017/2018
Employee costs	580,500	522,800	455,300
Controllable running costs (including travel, equipment purchase)	3800	6000	2300
Sampling budget	no set amount		
Financial provision for legal action	No set amount		
Total expenditure	584, 300	528,800	457,600

4.2 Staffing Allocation

The Food Safety Team is currently composed of;

Food Safety Team Manager	1 FTE
Senior Regulatory Officer	1 FTE
Front line officers; Food Safety Officers/ Environmental Health Officers	10 FTE
Allocated front line posts	11
Filled front line posts (excludes Team Manager post)	11

The 11 allocated front-line posts are considered to be adequate to deliver the service in an average year but are not adequate for us to deal with the backlog of all overdue inspections this current financial year.

In terms of the cost, allocated resources and performance of the service, a comparison can be seen at **Annex 6** with Nottingham City Council. It can be seen that the budgets, staffing allocation and performance are remarkably similar.

Officers working in the Food Safety Team are all fully qualified to deliver food hygiene inspections in accordance with the Food Law Code of Practice (FLCoP) requirements. In terms of food standards work, once officer is not qualified to carry out food standards inspections, although they are permitted to carry out allergen related food standards work. As this is the most significant area of food standards work, this does not create us significant difficulties.

4.3 Staff development plan

All officers are required to undertake a minimum of 20 hours continuing professional development a year, as part of the competency requirements detailed in the Food Law Code of Practice.

This is facilitated by an individual subscription that each team members holds to ABC Food law. Officers can use this subscription to attend live webinars, watch on demand webinars or complete online courses. In addition to this, officers will also attend ad hoc courses organised by partner organisations, such as the UK Health Security Agency (UKHSA).

We also take part in consistency exercises operated by the Food Standards Agency in respect to the operation of the Food Hygiene Rating scheme.

5 Quality Assessment

5.1 Quality Assessment and Internal Monitoring

Monthly performance reports are produced that provide data on numbers of inspections completed, enforcement actions taken, numbers of complaints and new registrations received. The reports contains tracking bar charts, which aim to help us assess whether we are on track to meet our targets. See **Annex 7** for a copy.

There are no current plans for any inter-authority audits to occur this year.

6.Review

6.1 Review against the service plan

It is our intention to review progress with this service plan every quarter, and report back after 6 months to the Lead Member for Regulatory Services on our progress with this.

Performance in 2022/2023.

While there was a service plan for 2022/2023, this was not submitted for Councillor approval. The plan essentially was to ensure that we completed the Recovery Plan targets set for Local Authorities by the Food Standards Agency,

Annex 8 details work completed by the team that year and **Annex 9** staffing changes that have occurred.

6.2 Identification of any variation from the service plan

Since there was no published service plan last year, we have not analysed this for variance against the plan.

6.3 Areas of Improvement

In our review against this years' service plan, we will identify areas for improvement which will feed into the service plan for the following year.

Annex to Service Plan for Food Law Regulation 2023/24

Index

- Annex 1 – Letter from Emily Miles to Directors dated 31/3/2023.
- Annex 2 – Intervention frequencies as required by Food Law Code of Practice (FLCoP)
- Annex 3 – Permitted intervention types under FLCoP
- Annex 4 – Team inspection capacity calculation
- Annex 5 – The new food hygiene delivery model
- Annex 6 - Comparative figures between Leicester and Nottingham food inspection service
- Annex 7 - Copy of Food Safety Team performance dashboard
- Annex 8 - Data for 2022/23 year showing team performance
- Annex 9 – Staffing changes since 2022/2023

Annex 1

Emily Miles end of recovery plan letter PDF

(See letter appended to Annex)

Annex 2

The table below shows the frequency of interventions required;

Food hygiene interventions frequencies

Premises risk rated for hygiene as:	Intervention frequency
Category A	Due every 6 months
Category B	Due every year
Category C	Due every 18 months
Category D	Due every 2 years
Category E	Due every 3 years

Food standard Intervention frequencies

	Intervention frequency
Category A	Every year
Category B	Due every 2 years
Category C	Due every 3 years

Annex 3

Permitted intervention types at food establishments

The table below summarises the permitted intervention types at food establishments as detailed in sections 4.4.1.1.- 4.4.1.4 of the food law code of practice.

	Food hygiene intervention type
Establishments which are new, where there has been a change in food business operator and where the establishment has not been previously risk rated	Inspection
Establishment's risk rated as category A or B for hygiene	inspection, partial inspection or audit.
Establishment's risk rated as category C for hygiene and broadly compliant	For businesses that are broadly compliant with food law, Interventions may alternate between an inspection, partial inspection or audit and another type of official controls.# for businesses not deemed to be broadly compliant, this must be an inspection, partial inspection or audit.
Establishment's risk rated as category D for hygiene	Interventions may alternate between an intervention that is an official control and an intervention that is not an official control Except where establishments are rated 30 or 40 for "type of food handling and method of handling" which need to be subject to an official control which is an inspection, partial inspection or audit but can alternate between this type of official control and other types of interventions.
Establishment's risk rated as category E for hygiene	Can be subject to an alternative enforcement strategy. but do need to continue to be subject to official controls. Where an establishment is approved, the intervention must be an official control.

The intervention risk rating (which feeds into the Food hygiene rating scheme) can only be reviewed following an inspection, partial inspection, or audit.

Annex 4

Estimated team capacity for inspections

Environmental Health Officers and Food Safety Officers.

8.88 FTE (1.12 vacancy)

Officers have to carry out food inspections, compliance revisits, complaint visits and re-rating inspections at food business establishments. The target for numbers of inspections a week therefore reflects the fact that these other visit types are also carried out.

Target of 3.5 inspections a week for a FTE officer. Assume work for 44 weeks a year (assuming 8 weeks absence due to A/L (6 weeks) and bank holidays (total of 9)) = $44 \times 3.5 = 154$ inspections.

$154 \times 8.88 = \mathbf{1368}$ inspections.

Senior Regulatory Officers (2)

Target of 4 inspections a month. (assume leave of 1.5 months)

$10.5 \times 4 = 42 \times 2 = 84$

= 1452.

The above figure does not take into account that we currently have one team member on long term sick and do not have an estimated return date as yet.

We estimate that when we will fill our existing vacancy on 3rd July, the new member of staff's capacity to carry out inspections will roughly offset the fact one member of the team has been on long term sick leave since 14th April 2023 and as of June 2023, there is no date for return set.

Annex 5

Proposals for the modernisation of the food hygiene delivery model

Key changes proposed are summarised below;

1. A new matrix for determining the frequency of routine inspections/interventions. New intervention frequencies would range from every 2 months to every 60 months.
2. A change to when a "risk profile" of a business can be reviewed (and hence next inspection/intervention date).
3. A change to when an initial inspection of a new business should occur and basing this on the anticipated risk of the business.
4. The introduction of remote controls in certain circumstances and more flexibility on the types of interventions that can be used.
5. Greater flexibility on who can undertake inspections/interventions at food businesses.

Annex 6

Comparison between Leicester and Nottingham 2022/23

	Leicester	Nottingham
Controllable budget, food hygiene and standards	£580,500	£584,353
Total number of registered food establishments	3128	3189
Food hygiene inspections completed of which ;	1217	1218
Category A	29	1
Category B	138	40
Category C	444	324
Category D	111	511
Category E	18	56
New registrations	477	286
Actions;		
Number of voluntary closures	11	0
Number of Hygiene	2	0
Emergency Prohibition Notices		
Number of samples taken	127	19
Monthly inspection target	14	18-20
Allocated food hygiene posts	8.25	7.7
Filled food hygiene posts	7.7	7.7
Allocated food standards posts	2.75	1.8
Filled food standards posts	2.2	1.8

Annex 7

(Copy of performance dashboard)

See report appended to this Annex.

Annex 8

Food Hygiene team performance 2022/2023

Food hygiene inspections completed;

	A rated	B rated	C rated	D rated	E rated	New registrations	Total
	29	138	444	111	18	477	1217

(Based on risk rating at the time of inspection)

Other food hygiene interventions carried out;

	Compliance revisits	Sampling visits	Advice visits
	1114	13	81

Enforcement Actions

	Voluntary closures	Emergency prohibition notice	Seizure, detention and surrender	Improvement notice	Written warnings	Simple caution	Prosecution
	11	2	6	3	754	0	0

Complaints investigated

	Food	Hygiene of premises
	81	332

Samples taken

	Microbiological	Contamination	Composition	Allergens	Total
	96	8	11	12	127

Food Standards team performance 2022/2023

Food standards inspections completed

	A rated	B rated	C rated	Unrated	total
	23	158	258	496	935

Other food standards interventions completed;

	Compliance revisits	Sampling visits	Advice visits
	128	25	Number unrecorded

Enforcement

	Seizure, detention, surrender of food	Written warnings	Improvement Notice	Simple caution	Prosecution
	3	409	0	0	0

Complaints

	food
	86

Annex 8

Staffing changes since 2022/2023

	2022/2023	2023/2024 (As of 1 st April 2023)	2023/2024 (As of 1 st September 2023)
Food Safety Team Manager	0.84 FTE (post was vacant for 2 months)	1FTE	1 FTE
Senior Regulatory Officer	1.16 FTE	1FTE	1 FTE
Front line officers; Food Safety Officers/ Environmental Health Officers	8.88 FTE	8.88 FTE	10 FTE
Vacant post	1.12 FTE	1.12 FTE	0
Filled front line posts (excludes Team Manager post)	10.01	9.88	11
Allocated front line posts	11	11	11

2 May 2023

Classification: Official

Dear Chief Executive,

Withdrawal of COVID-19 Recovery Plan

I wrote to you back in June 2021 to set out how the FSA intended to support local authorities in England, Wales and Northern Ireland to continue to deliver their food safety services and recover from the impact of the COVID-19 pandemic. I am writing to update you on the progress made since then, and to set out how we plan to work with you to tackle some of the challenges still ahead.

When I last wrote to you, a year into the pandemic, over half of the staff working in local authority food teams had been diverted onto other priority work. As a result, there was a growing backlog of food businesses who had never been inspected or whose inspections were overdue. The FSA set out, in our Local Authority Recovery Plan, how we would work with local authorities to bring down this backlog, starting with those businesses which posed the highest risk.

Since then, we have worked with your staff at an operational level and with their support we have been assessing progress against agreed milestones using “temperature check” surveys, as well as the end of year surveys. I would like to extend my thanks to your team for engaging with our Recovery Plan, our monitoring surveys and verification assessments and for their ongoing vital work in striving to return to pre-pandemic levels of service.

The vast majority of local authorities met the milestones we set in the plan to bring interventions at the highest risk businesses back on track, and many have made significant progress towards returning to the normal inspection frequencies for lower risk businesses too. Due to the positive work undertaken by local authorities, I am pleased to say we were able to write to your teams in February (copy attached) to communicate our decision to bring the formal Recovery Plan to an end on 31 March 2023.

However, challenges still remain. Many local authorities still have a backlog of lower risk businesses to work through, alongside a return to normal performance expectations. The

food industry has been evolving rapidly, with new trends such as the rapid growth in online food sales posing new challenges to food teams. There are further system changes to come, like the implementation of a new operating model for UK border controls. Meanwhile, the resources available to address these challenges have been steadily decreasing. Although local authority food teams are now largely back to pre-pandemic staffing levels, those teams have around 11% fewer environmental health and 50% fewer trading standards professionals than they did a decade ago, and we have heard evidence of some significant recruitment and retention challenges in food teams.

As the national regulator, the FSA has a statutory duty to monitor the performance of local authorities and port health authorities in delivering official controls for food safety and standards. Having brought the Recovery Plan to an end, we will now work with local authorities in a more bespoke way, to ensure a return to delivery of pre-pandemic levels of service. We will take a risk-based and pragmatic approach to performance management as services work to realign with the Food Law Code of Practice and to 'catch up' on backlogs of lower risk premises created by the pandemic. We have also commissioned some research from Ipsos to help us to quantify the nature and extent of the issues impacting on recruitment and retention so that we can define our role in ensuring future sustainability of the workforce.

We will also go further, working through our Achieving Business Compliance (ABC) Programme to develop regulatory reforms which help your teams to target available regulatory resources at the areas which pose the greatest risk. This year, we expect to begin implementation of a more risk-based, intelligence-driven delivery model for food standards, which has been developed with, and piloted by, local authorities. We will also be working with your teams to develop a new approach to food hygiene in a similar way, and with them and the relevant professional bodies to explore some of the workforce challenges.

Your food teams play a vital role in protecting public health, and protecting consumers from those who might exploit them by selling fraudulent or inauthentic food. They are the second line of defence, after the businesses themselves. That role becomes even more important at times when people and businesses are feeling the impact of the rising cost of living. An outbreak of foodborne disease can have devastating consequences for people's health, as well as for local and national food businesses; 160 people die each year from eating contaminated food, and over 15,000 receive hospital treatment. And a loss of trust in the authenticity of UK food can have long-lasting economic impacts, as we saw in the horsemeat scandal ten years ago, which is estimated to have cost UK industry

over £800m. It is essential that food teams continue to have the resources they need to do the job.

We want to keep supporting you in this important work, and to work with you to ensure that food safety and standards remains a high priority for you.

This letter has been copied to lead food officers and Heads of Service via the Smarter Communications platform. If you have any questions or concerns relating to the content of this letter, please contact LAEngagement@food.gov.uk

Thank you for your ongoing commitment and support and we would like to record our thanks to your teams for all their hard work under the unprecedented strain of the last three years.

Yours sincerely,

A handwritten signature in black ink that reads "Emily Miles". The signature is written in a cursive style with a horizontal line underneath the name.

Emily Miles

Chief Executive

Food Safety Team Dashboard

Period | May 2023

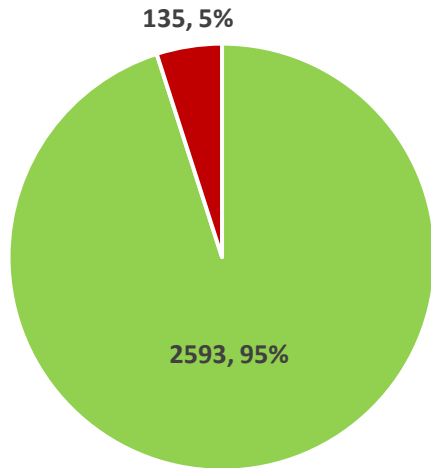
Summary

Establishment Overview

Total number of registered food establishments	3315 (3294)
Number of approved food establishments	30 (29)
Number of registered feed establishments	44 (44)
Number of establishments closed in month	46 (41)
% of broadly compliant establishments	85% (86%)

Establishments with FHRS of 3+ and 2-

44



■ FHRS 3+ ■ FHRS 2-

New Registrations by Month 2023/24



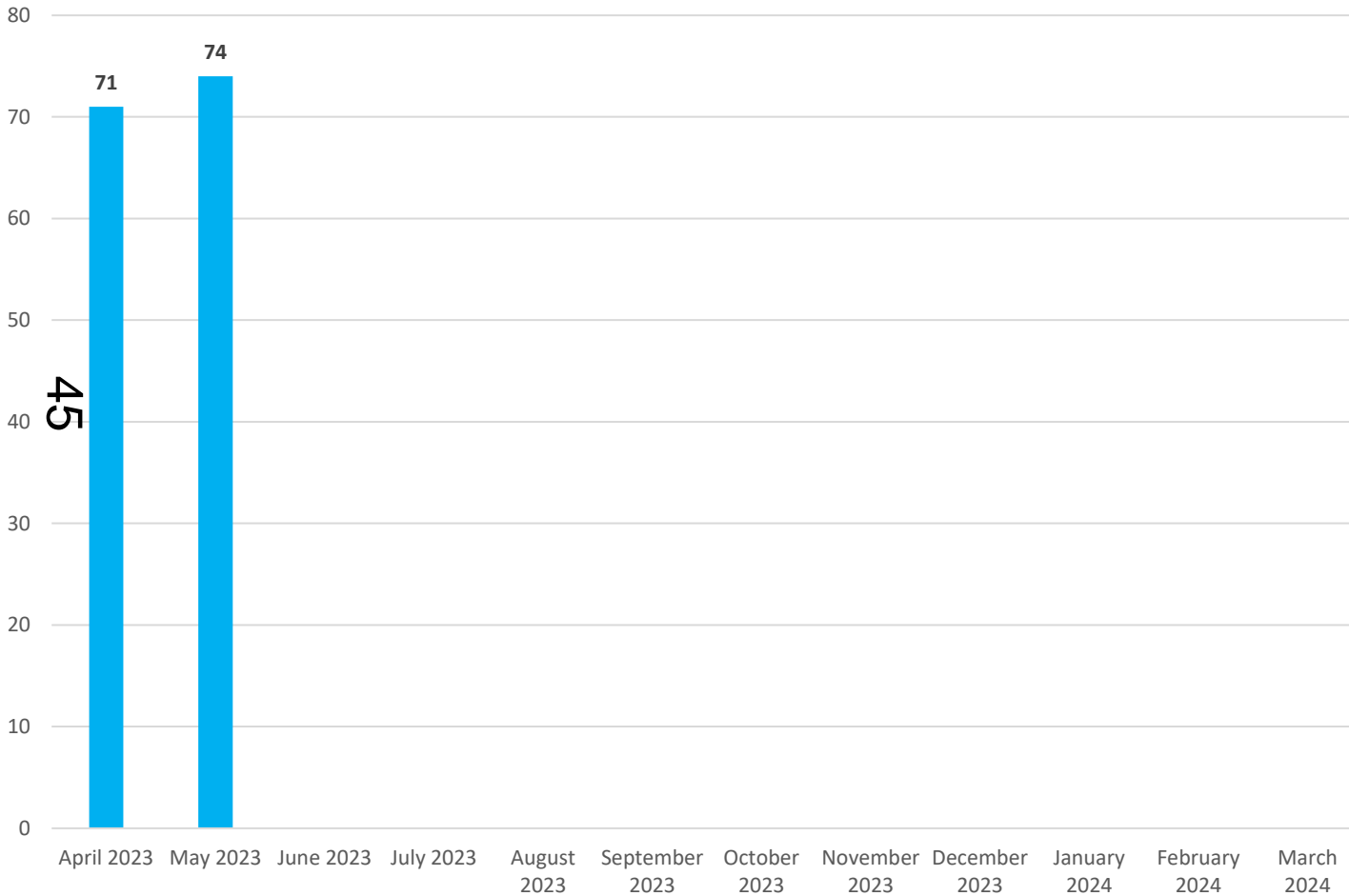
Overdue Interventions

Number of establishments not yet rated for intervention	275 (247)
Number of establishments overdue inspection or intervention	740 (769)

NOTE: All figures in (brackets) are previous month's figure

Service Requests

Service Requests by Month 2023/24

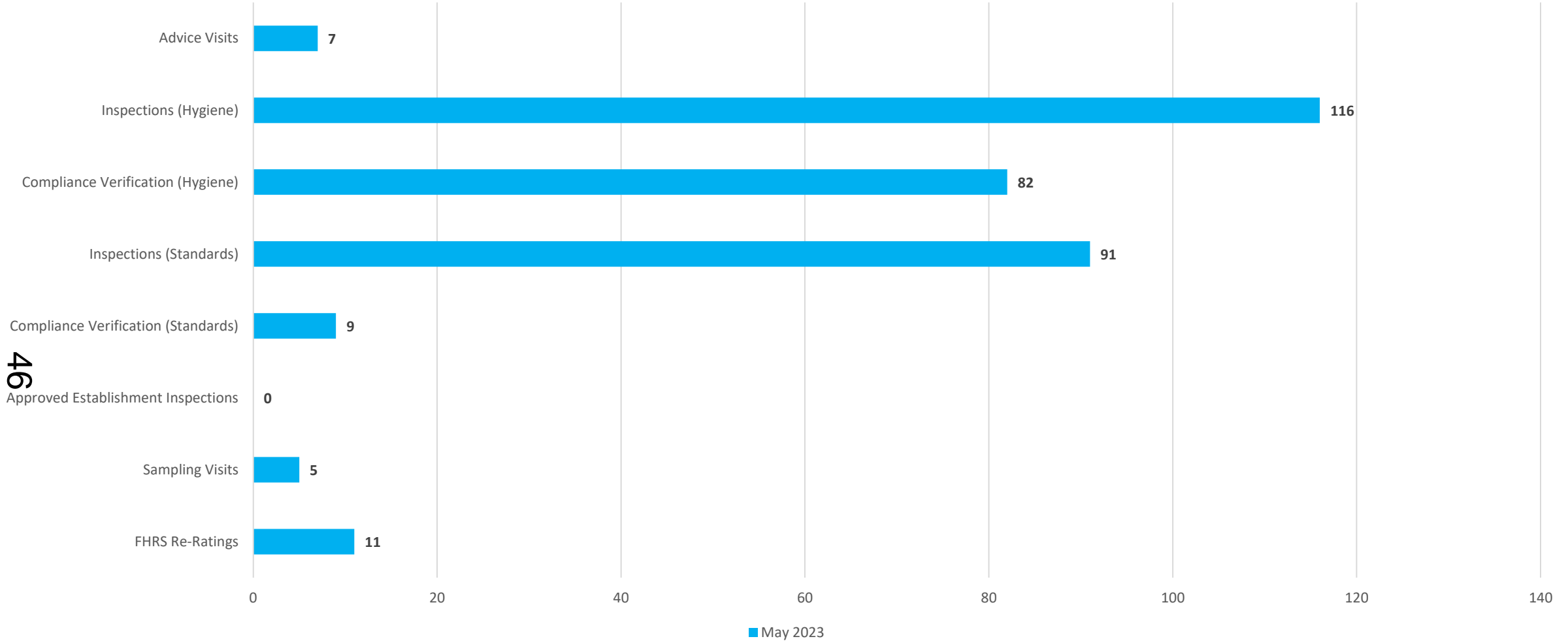


April Service Requests by Type

Service Request Type	Total
Food premises poor cleanliness/practices	9
Food request for information	9
Food hygiene re-rating request	8
Food premises - food poisoning	8
Food labelling/date coding/advertising	6
Food business registration query	6
Food premises - pests	5
Unfit food	3
Off taste/taint in food	3
Food safety advice for new food business	3
Food premises - unsafe food served	3
Food out of condition	2
FHRS Upload Request	2
Food safety advice current food business	2
Food standards advice	1
Mould in food	1
MP / Councillor Enquiry or FOIA Request	1
Food complaint from another LA	1
Food allergy	1
Grand Total	74

Inspections and Visits

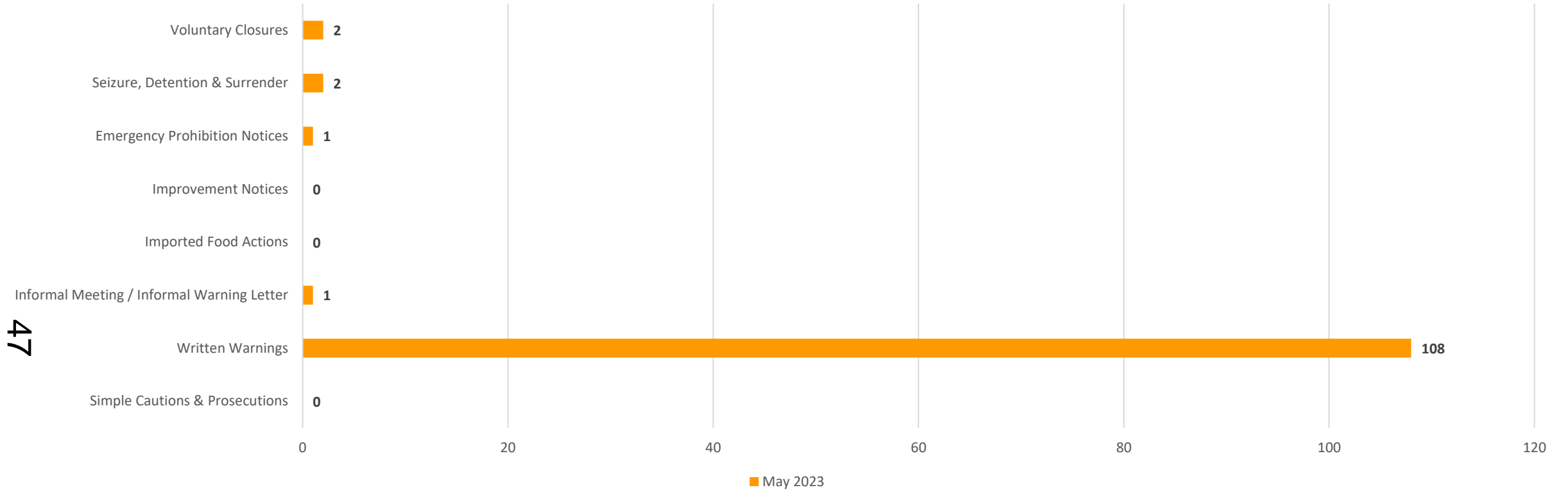
Food Safety Teams Visits - May 2023



Visit Type	Advice Visits	Inspections (Hygiene)	Compliance Verification (Hygiene)	Inspections (Standards)	Compliance Verification (Standards)	Approved Establishment Inspections	Sampling Visits	FHRS Re-Ratings
Cumulative Total 2023/24	8	199	147	163	13	0	14	24

Actions

Food Safety Teams Actions - May 2023

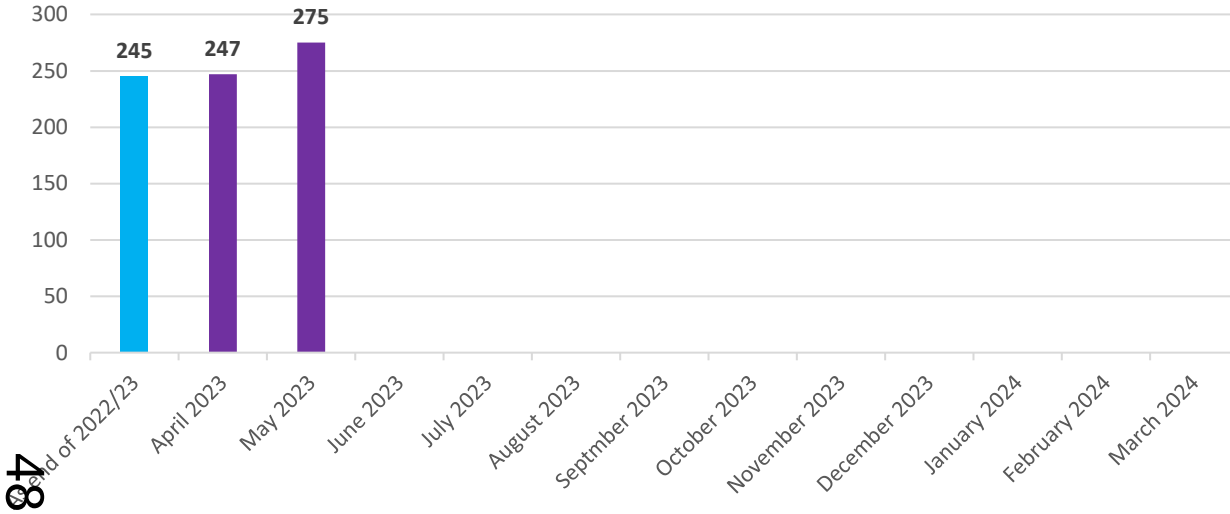


Action Type	Voluntary Closures	Seizure, Detention & Surrender	Emergency Prohibition Notices	Improvement Notices	Imported Food Actions	Informal Meeting / Warning Letter	Written Warnings	Simple Cautions & Prosecutions
Cumulative Total 2023/24	2	7	1	0	0	1	185	0

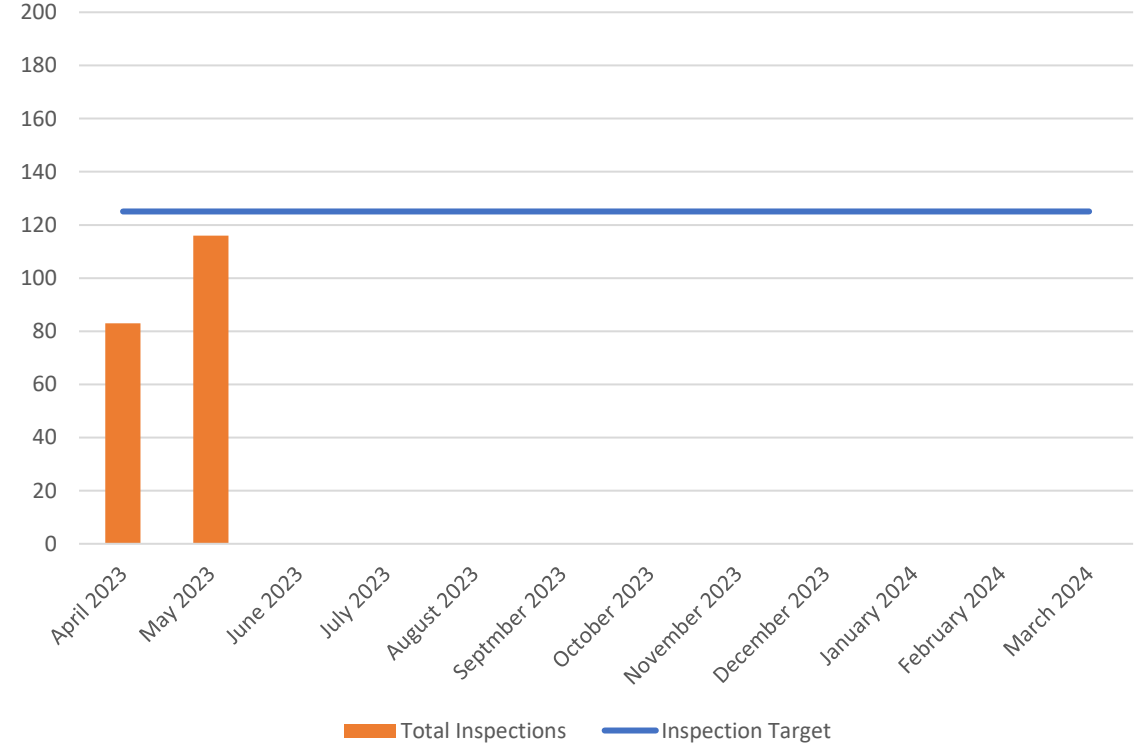
Comments Two food businesses were closed by means of voluntary undertakings, with the agreement of the food business operators. A third business was served with a hygiene prohibition notice requiring it to close; this notice was subsequently endorsed by the Magistrates Court and a hygiene emergency prohibition order granted requiring the business to stay closed until improvements have been made.

Service Trackers

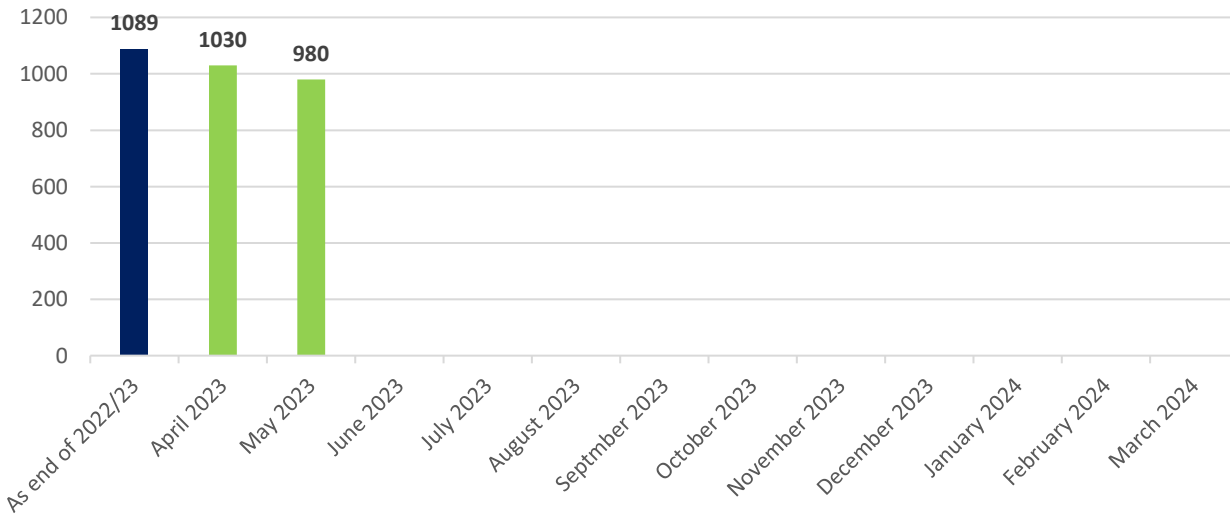
New Registrations Not Inspected at End of Each Period 2023/24



Food Hygiene Inspections Completed 2023/24



Compliant Ds Due to End of 23/24 - Tracking Report



Comments

Team inspection capacity is currently reduced due to long term sickness of 1 team member (since 17/4/2023) and a vacancy that has been recruited to, but will remain unfilled until 3/7/2023.

Scrutiny Annual Report 2022-23

Decision to be taken by:
Full Council

Decision to be taken on/Date of meeting:
Full Council – 28 September 2022
Overview Select Committee – 20 September 2023

Lead director/officer:
Miranda Cannon
Director – Delivery, Communications and Political
Governance

Useful information

- Ward(s) affected: All
- Report author: Francis Connolly, Scrutiny Support Manager
- Author contact details: Francis.Connolly@leicester.gov.uk
- Report version number: 1

1. Summary

- 1.1. This report provides a summary of the Scrutiny Annual Report 2022-23.
- 1.2. The Chair of the Overview Select Committee has developed a report that details the activity performed by the City Council's scrutiny bodies during 2022/23. The report does not primarily cover scrutiny work that has been undertaken since May 2023, though there are references to ongoing and proposed scrutiny activity.

2. Recommended actions/decision

- 2.1 Full Council is asked to note the report and endorse the work of scrutiny during 2022-23.
- 2.2 The Overview Select Committee is asked to review the report and provide any comments/recommendations ahead of consideration by Full Council.

3. Scrutiny / stakeholder engagement

- 3.1 The report details a summary of work and outcomes from scrutiny across OSC and the range of commissions during 2022-23.
- 3.2 Although it is a decision of Full Council to approve the scrutiny annual report, given that it covers the work and operation of scrutiny, it is appropriate for it to be subject to consideration by the Overview Select Commission ahead of its submission to Full Council.

4. Background and options with supporting evidence

- 4.1 The main report begins with an introduction by Councillor Ted Cassidy, Chair of the Overview and Select Committee.
- 4.2 It then provides general detail of the scrutiny structure, format and operation during the previous year.
- 4.3 The report includes a separate section for each of the nine scrutiny bodies during 2022-23, setting out the key achievements and highlights for each committee/commission and also refers to some of the ongoing and proposed work.
- 4.4 The report is designed to serve as a summary of activity. Full detail of the activity of each scrutiny body can be found via <https://bit.ly/3P7AOEh>

5. Detailed report

The full 'Scrutiny Annual Report 2022-23' is included on the subsequent pages.

6. Financial, legal, equalities, climate emergency and other implications

6.1 Financial implications

There are no financial implications associated with the preparation of the Annual Scrutiny Report, beyond the use of existing resources.

(Kirsty Cowell, Head of Finance)

6.2 Legal implications

There are no direct legal implications arising from this report

(Kamal Adatia, City Barrister & Head of Standards)

6.3 Equalities implications

Under the Equality Act 2010, public authorities have a Public Sector Equality Duty (PSED) which means that, in carrying out their functions, they have a statutory duty to pay due regard to the need to eliminate unlawful discrimination, harassment and victimisation and any other conduct prohibited by the Act, to advance equality of opportunity between people who share a protected characteristic and those who don't and to foster good relations between people who share a protected characteristic and those who don't.

Protected Characteristics under the Equality Act 2010 are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

There are no direct equalities implications arising from this report and equalities implications would have been considered for each of the areas mentioned when reports

have been presented to the scrutiny commissions throughout the timeframe referred to in the report.

Kalvaran Sandhu, Equalities Manager

6.4 Climate Emergency implications

There are no significant climate emergency implications directly associated with this report.

Aidan Davis, Sustainability Officer, Ext 37 2284

6.5 Other implications (You will need to have considered other implications in preparing this report. Please indicate which ones apply?)

N/A

7. Background information and other papers:

None

8. Summary of appendices:

Scrutiny Annual Report 2022/23

9. Is this a private report (If so, please indicate the reasons and state why it is not in the public interest to be dealt with publicly)?

No

10. Is this a “key decision”? If so, why?

No

Leicester City Council Scrutiny Report 2022-23

Message from the Chair of the Overview Select Committee, 2022-23

Once again, I am delighted to have served as Chair of the Overview Select Committee during 2022-23 and am very pleased to present a report that sets out an extensive range of work by our scrutiny committees and commissions.

This year, there was a greater sense of normality across scrutiny as the programme in recent years had rightfully been largely dominated by examining how the council and the city had responded to the implications brought about by the covid pandemic. Although we ensured that scrutiny continued to examine the major impacts arising from the pandemic, this presented less distraction which allowed a greater focus on policy development and performance monitoring across all commission areas and we ensured that members had more opportunities to scrutinise those issues and services that were subject to significant public interest.

I continue to be impressed with the volume and quality of scrutiny and the number of recommendations by scrutiny to the Council's Executive and to our key partners. I am once again thankful for the involvement and contributions of the City Mayor and his team, along with officers from across the organisation in supporting and equipping our scrutiny function. I am also particularly thankful for the level of engagement from our health sector partners, and I remain committed to engaging with decision-makers beyond the local authority. In addition, I was particularly pleased with the level of involvement of young people representatives who regularly participated in several of our scrutiny bodies.

At Leicester, we take great pride in our scrutiny, and we aim to examine those issues that are central to the lives of the people in our city. We have this year continued to scrutinise the key strategic priorities of the City Council, and have investigated many matters in detail, setting up some separate informal scrutiny work to allow a broader range of evidence to be gained by commissions. Examples of this include some focussed work on the local-level response to the national 'Housing Crisis', an investigation into the barriers preventing women to participate in sport and leisure opportunities and a piece of work to understand the increasing cost of Adult Social Care packages.

I look forward to developing scrutiny throughout 2023/24. It goes without saying that all local authorities continue to face a mounting degree of pressure and challenge, and in a city such as ours, it is essential that my colleagues and I are ready to examine the implications of the circumstances that we face and to help to influence decision-making to support our residents and enhance our city.

Councillor Ted Cassidy MBE – Chair of the Overview Select Committee

CONTENTS

SECTION	PAGE NUMBER
Introduction	4
Overview Select Committee	7
Adult Social Care	8
Children, Young People and Education	9
Economic Development, Transport and Climate Emergency	10
Heritage, Culture, Leisure and Tourism	11
Health and Wellbeing	12
Joint Health Scrutiny Committee	13
Housing	14
Neighbourhood Services	15
Contacting scrutiny	16

Glossary

The following abbreviations are used to describe each scrutiny body:

ASC: Adult Social Care Scrutiny Commission

CYPE: Children, Young People and Education Scrutiny Commission

EDTCE: Economic Development, Transport and Climate Emergency Scrutiny Commission

HCLT: Heritage, Culture, Leisure and Tourism Scrutiny Commission

HSC: Housing Scrutiny Commission

HWB: Health and Wellbeing Scrutiny Commission

JHSC: Joint Health Scrutiny Committee

NS: Neighbourhood Services Scrutiny Commission

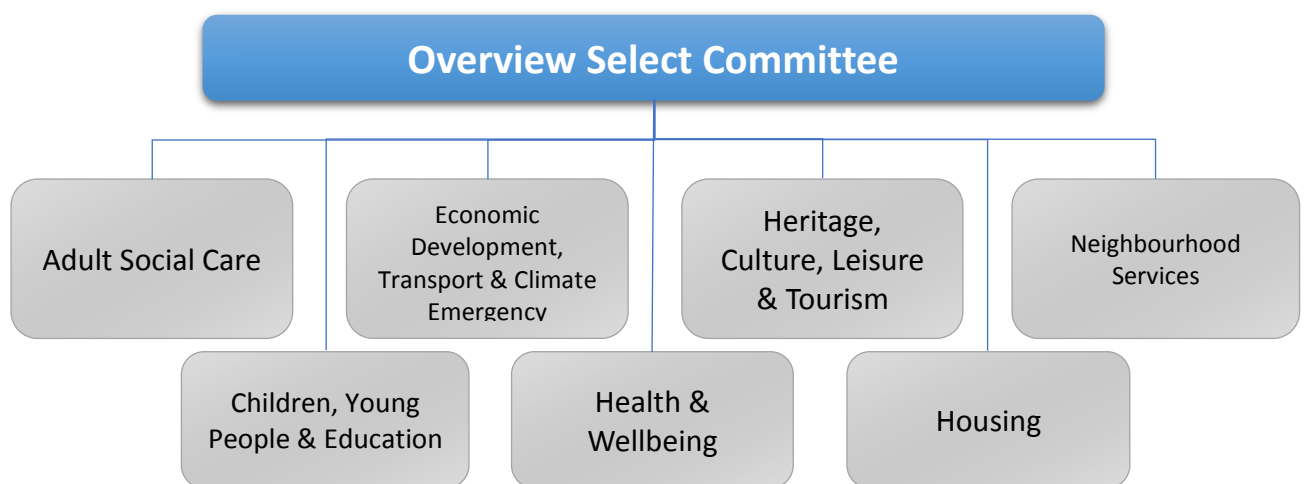
OSC: Overview Select Committee

Introduction

What is Scrutiny?

The Centre for Public Scrutiny defines scrutiny as “the activity by one elected or appointed organisation or office examining and monitoring all or part of the activity of a public sector body with the aim of improving the quality of public services. A public sector body is one that carries out public functions or spends public money. Scrutiny ensures that executives are held accountable for their decisions, that their decision-making process is clear and accessible to the public and that there are opportunities for the public and their representatives to influence and improve public policy.” As such, it is important that scrutiny is an essential part of ensuring that the council and its partners remain effective and accountable.

Leicester City Council’s Scrutiny Structure



As highlighted here, the council continued with the model of an Overview Select Committee supported by seven scrutiny commissions covering all facets of the council’s business. Since May 2021, the City Council has also acquired responsibility for leading the support to the Leicester, Leicestershire and Rutland Joint Health Scrutiny Committee; an arrangement that rotates on a bi-annual basis between Leicester City Council and Leicestershire County Council.

For the 2023/24 municipal year, there will be changes to the scrutiny structure and this will be reflected in future versions of the annual report.

Report Structure

This annual report covers the period between May 2022-May 2023 and summarises some of the key activity and areas of influence by scrutiny throughout the year.

The report provides detail of the work of the Overview Select Commission, and each of the seven City Council scrutiny commissions along with the Leicester, Leicestershire and Rutland Joint Health Scrutiny Committee. The annual report does not intend to draw out a large quantity of detail or highlight each recommendation, and instead sets out some of the key achievements by the scrutiny bodies, examining areas of influence and work undertaken as part of focussed reviews or task and finish work. Full detail of each scrutiny meeting can be found by accessing relevant agendas, and minutes via <https://bit.ly/3P7AOEh>

The report also does not intend to provide full detail of what is covered by each of the scrutiny bodies. Detail of the configuration of scrutiny at Leicester City Council can be accessed via <https://www.leicester.gov.uk/your-council/decisions-meetings-and-minutes/overview-and-scrutiny/our-scrutiny-system/>

By its very nature, scrutiny examines some work over a more considerable period of time, and this report also points to those strands of work that will continue or may emerge throughout 2023/24. This is reflected as part of the commission summary pages throughout the report.

Overview of Scrutiny 2022/23

In total, there were 55 public meetings across the nine scrutiny bodies. This was supplemented by further work performed by members in the form of separate scrutiny task group meetings or additional briefing sessions on topics of significance.

All meetings took place in person at the City Council's committee rooms at City Hall, though a hybrid set-up was initiated to allow some non-voting participants to join remotely. Most meetings were comprised of approximately seven elected members, with some commissions being supplemented by co-opted members or standing invitees. The Chairs of the scrutiny bodies throughout 2022/23 were as follows:

Overview Select Committee – Councillor Ted Cassidy
Adult Social Care – Councillor Rashmikant Joshi
Children, Young People and Education – Councillor Misbah Batool
Economic Development, Transport and Climate Emergency – Cllr Ashiedu Joel
Heritage Culture Leisure and Tourism – Councillor Elaine Halford
Health and Wellbeing – Councillor Elaine Pantling
Joint Health Scrutiny Committee – Councillor Elaine Pantling
Housing – Councillor Paul Westley
Neighbourhood Services – Councillor Aminur Thalukdar

The commissions and committees continued to examine several strands of work that featured previously, particularly in relation to pandemic recovery, but also in respect of

other key strategic priorities and emerging priorities. As in previous years, a significant proportion of scrutiny related to the consideration of executive decisions prior to them being taken, including scrutiny of the annual budget setting process and an in-depth examination of Local Plan proposals ahead of submission of the draft plan to the Planning Inspectorate. This equips scrutiny to challenge, support and influence the City Council's decision-making processes and remains a prime role of the scrutiny function. Scrutiny also strives to examine issues that emerge throughout the year that have significant implications for the people of Leicester. The work overseen by OSC in relation to the cost-of-living crisis is one of many examples where scrutiny has responded quickly in considering the implications and potential solutions for a notable emerging issue.

Many of the scrutiny bodies have also performed an extensive level of work in addition to that taking place as part of formal scrutiny meetings. Several focussed task group reviews continued throughout 2022/23 and others were also initiated during the year. It is commonplace for the suggestion behind this work to originate at a formal meeting, often when it is apparent that the level of scrutiny required is extensive and requires a more detailed process of evidence-gathering. Examples of this work include the Housing Scrutiny Commissions' work in understanding more about the local impacts of the national housing crisis and the Heritage, Culture, Leisure and Tourism Scrutiny Commission's investigation into barriers preventing women participating in sports and leisure opportunities. Upon the completion of all task group work, the relevant decision-maker submits a report back to a commission meeting that details a response to the scrutiny recommendations.

Scrutiny continues to gather the majority of its evidence from City Council service departments, though it has always been necessary for this to be supplemented with input from other organisations and stakeholders. During 2022/23, scrutiny sought evidence from a range of partners, particularly across the health sector and via housing tenant representatives. Moreover, the process of empowering the voice of young people across scrutiny was developed during 2022/23, with representatives regularly participating in OSC, CYPE and HWB.

During the 2023/24 scrutiny year, there are ambitions to expand public and stakeholder engagement as part of the scrutiny process, particularly when performing more in-depth investigations and inquiries. Scrutiny chairs will also be considering a broader range of methodologies when carrying out such informal scrutiny.

The following pages document some of the key achievements and highlights of each of Leicester's nine scrutiny bodies, drawing on areas of significance during the past year and referring to some of the priorities for taking scrutiny forward during 2023/24.

Overview Select Committee

The Overview Select Committee is the City Council's overarching scrutiny body. The committee primarily scrutinises the work overseen by the City Mayor, the council's strategic priorities and cross-cutting issues including equalities, property and the Council's finances. The Committee also engages with leaders and decision makers from key partner organisations across the city.

The major Overview Select Committee scrutiny developments during 2022/23 included:

The Survey of Leicester - the Committee closely examined the findings of the survey to ensure that efficient services were being provided to city residents. Some issues cited that required further investigation were the level of people who experience loneliness and the number of residents who were not digitally literate. It was recommended that the commissions considered relevant information arising from the survey outcomes in more detail.

Council Budget Monitoring - scrutiny continued to carry-out regular monitoring of council budgets. The committee was reassured by officers that accurate budget forecasts would alleviate their concerns relating to Adult Social Care services meeting the increasing demands in the city. The committee was also able to question the financial viability of the major capital developments across the city. OSC also carried influence on the decision surrounding the proposed changes to the district heating charges for council housing residents and requested some alternative proposals to support tenants which were agreed.

Leicester's Marketplace - OSC debated the purchase of property within the vicinity of Leicester Market, which resulted in a withdrawal of a formal proposal to review the decision, as OSC were satisfied that officers and the City Mayor had provided adequate evidence and reasoning for the purchase.

Leicester Draft Local Plan - the committee collated scrutiny comments and recommendations from all the commissions contributing to the final drafting of the local plan. Examples of recommendations included requesting that the council should act to minimise the impact of new developments on existing inequalities, to preserve green spaces as much as possible and for new housing developments to consider increasing the minimum space standards.

Cost of Living Crisis - The Cost-of-Living Crisis was of great concern to members across the commissions and OSC received regular updates concerning initiatives and financial assistance available to help people and families. Scrutiny was given a greater understanding of the plethora of support schemes established by officers and volunteers, with particular praise being given to the Pop-Up-Pantries initiative to provide meals for children. There was also great interest in the work between the council and schools in supporting those families with the greatest level of need and members developed enhanced knowledge of the avenues of support that they could promote to constituents.

Possible Overview Select Committee Scrutiny plans for 2023/24 include:

- **Council Budget monitoring** – Scrutiny to continue to examine council budgets on an ongoing basis.
- **Cost of Living Crisis**– to continue to receive updates on the council's response to the crisis at appropriate points.
- **Key Strategic Priorities** – to receive a report that outlines the priorities set out for the new electoral term.
- **Customer Services** – to understand more about the channels of customer service and how the city council is transforming the overall customer experience.
- **Corporate Estate Annual report** – to receive a further report on corporate estate management.

Adult Social Care Scrutiny Commission

This commission focuses on matters relating to the delivery of statutory adult social care functions, such as care services to allow independence in own homes, care services for those that require care away from home and policies that underpin a broad range of social care issues.

The key Adult Social Care scrutiny developments during 2022/23 included:

Health and Social Care Reforms - Commission members were keen to hear about the latest developments and the implications of the reforms on city residents. This included the implementation plans and the ongoing funding challenges for councils providing adult social care services.

Scrutiny Review into ‘Cost of Care and Budget Impacts’ - Members completed an investigation that examined the implications of increased care package costs and the ways of managing budget pressures, with particular focus on the impact on service users. The commission produced its own report that detailed several recommendations for consideration. Also related to this work, members welcomed separate briefings on several complex key topics to better understand the issues and impacts regarding market stability plans and fair cost of care.

Draft Carers Strategy - Scrutiny influenced the consultation outcomes of the strategy by raising issues relating to community engagement behind the strategy and probed into the reasoning behind barriers to engagement. As a result, further work was undertaken with scrutiny throughout the year, and there was also a general recommendation for the council to review the corporate consultation / public engagement processes with a view to exploring different approaches in the future.

Leicester Local Plan and Extra Care Accommodation Needs – when examining the Leicester draft local plan, members raised issues relating to future planning of adult social care and developments in the city e.g.: the future requirement for extra care accommodation as per the council’s adopted strategy on this matter.

Performance and Monitoring and Assurance Plans - Scrutiny continued to monitor the performance of major areas of service delivery. Members praised the social care service for the well-prepared assurance plans for adult social care.

Cost of Living Crisis Impacting on Adult Social Care Services- The commission scrutinised key topics in the media such as the ‘cost of living crisis’ impacting on adult social care services in the city and the care homes inspection processes. Members keenly carried out joint scrutiny for cross-cutting topics (with the Health & Wellbeing scrutiny commission), such as Winter Care planning and understanding more clearly the new integrated care structures for Leicester.

Possible Adult Social Care Scrutiny plans for 2023/24 include:

- **Recommissioning of Homecare**– scrutiny is keen to play a part in the process of establishing new contracts for future service provision.
- **ASC Service Assessments/Inspections** – the commission intends to continue to have oversight of external service assessments and inspections.
- **Joint Scrutiny work** – to examine a number of issues alongside the Public Health and Health Integration Scrutiny Commission including mental health service provision, substance misuse, winter planning and safeguarding adults.

Children, Young People and Education Scrutiny Commission

The Children, Young People and Education Scrutiny Commission is responsible for examining children's social care, education & attainment and support provision for children and young people and families. Diocesan, trade union and school governor representatives work with elected members on this Commission.

Key scrutiny developments during 2022/23 included:

Children out of School - the commission examined this matter and were informed there had been a significant increase in the number of children classified as home-educated, with the impact of COVID being considered as a significant factor in the increase.

Continued Response to the Covid Pandemic – a Public Health-led report was presented to the commission that set out the impact of the pandemic on children and young people in the East Midlands.

Education Performance Report 2022 - The commission considered a strategic view of the performance of schools across the city in the context of the economic background of communities in the city, and the continuing impact of the effects of COVID on schools and communities. This included examining key data sets relating to performance across various key stages, between different demographics and in comparison with other local authorities.

Children with Special Educational Needs and Disabilities (SEND) – a number of key policies in relation to SEND support were examined throughout the year, including SEND school transportation arrangements.

Youth Justice Plan 2022-23 – members inspected the annual plan which highlighted the positive impact of the council's work with young people in the criminal justice system.

Possible CYPE scrutiny plans for 2023/24 include:

Family Hubs – to understand more about the programme for developing hubs across the city and how they will serve to extend early-years provision into communities.

Implications from the Pandemic – to develop an understanding of the outcomes of studies into the wider impacts of the pandemic, particular in relation to children and young people.

Provision of Taxi Framework for Vulnerable People – to consider further scrutiny in relation to the support provided to children and families.

Children's Safeguarding – to continue to have the opportunity to examine the current arrangements to ensure that children and young people in Leicester are safe and protected.

Economic Development, Transport and Climate Emergency Scrutiny Commission

This commission reviews a range of matters which include regeneration, public transport and cycling provision, adult learning and job provision and climate emergency policy.

The key scrutiny developments during 2022/23 included:

Traffic Regulation Orders – scrutiny of TROs has become standard practice and has served as a method for increasing public engagement by examining relevant schemes and issuing comments to be taken into account in the decision-making process. Scrutiny influenced the delivery of the Lutterworth bus lane extension scheme as well as a transport development along Beauville Drive.

Leicester’s Draft Local Plan – this commission made a number of recommendations that related to ensuring that that climate change, carbon neutral and air quality issues were appropriately considered for future planning and new developments in the city.

Transport and Connecting Leicester Projects – scrutiny praised the Leicester Bus Partnership’s work in the city concerning the improvements to the bus services network and the launch of the new Green Hopper free city centre bus service. Scrutiny examined major future transport plans and development projects such as the railway station improvement plans and the continuing development of the waterside area.

Energy Costs and Cost of Living - scrutiny of the council budget raised concerns surrounding the impact of rising inflation, a surge in energy costs and the rising cost of living that will affect businesses and families across the city.

Employment Hubs and Construction - members were interested in the progress of employment hubs and work relating to the enhancement of construction skills that had been carried out to help younger people. Future updates on the outcomes were requested.

Place Marketing and Inward investment – scrutiny praised and congratulated officers for achieving a major award for its place marketing work.

Possible EDTCE scrutiny plans for 2023/24 include:

- **Transport and Connecting Leicester** – to receive further reports on the transport plans and major development projects.
- **Carbon Neutral Roadmap** – to develop understanding in relation to achieving targets relating to the council’s climate emergency and zero carbon plans.
- **Employment, Adult Skills & Learning** – to understand more about the provision of services across the city.
- **Flood Protection** – to learn more about how the council and its partners are working to protect the city against major flooding.

Heritage, Culture, Leisure and Tourism

Scrutiny Commission

This commission is responsible for scrutinising a range of service areas which include parks and play areas, museums & heritage interpretation, festivals & events and sports services.

The key scrutiny developments during 2022/23 included:

Review into ‘Encouraging Women to participate in Sports and Physical Activities in the city’ – scrutiny undertook investigatory work on this matter which involved sports and leisure activities and sought views from the public. A series of recommendations were agreed that related to combining fitness activities with other activities such as health promotion and family events, engaging local people as mentors and community champions to support and empower women, and exploring a range of new initiatives with providers.

Heritage & Museums – Scrutiny praised the expansion of the heritage panels project to include a greater provision within neighbourhoods. Members carried out a site visit of the Jewry Wall museum development project to help monitor progress and also contributed ideas for when the project is complete, such as exploring more ways in integrating learning opportunities with schools and educational establishments.

Tourism and Hotel Industry – the commission made inquiries relating to post-pandemic recovery of the industry, particularly in relation to hotel occupancy.

Sports and Physical Activities Strategy – members influenced the development of this strategy with comments and suggestions and by dovetailing valuable evidence from the ‘women in sports’ review findings. There was particular keenness in enhancing the awareness of opportunities available to different communities across the city.

Sports Capital Programme - scrutiny expressed concerns about the impact of the rising energy costs on the running of sports and leisure facilities. Members welcomed the programme of improvements and refurbishments across leisure centres across the city, particularly the steps undertaken to source renewable energy.

Possible scrutiny plans for 2023/24 include:

- **Women in Sport review report** – to receive a report back from Executive on progress on actions and recommendations made by scrutiny.
- **Arts Council National Portfolio funding 2023-26** - following the good news of securing the Arts Council funding, this area of work to come back to scrutiny for a progress report during 2023/24.
- **Tourism and Hotel industry** – further examination of the latest position regarding the overall tourism offer in Leicester.

Health & Wellbeing Scrutiny Commission

This commission is responsible for examining the health services received by all Leicester residents, which includes the services provided by the local authority's public health team along with those delivered by the NHS and health sector partners.

The key Health and Wellbeing scrutiny developments during 2022/23 included:

Covid and the Vaccination Programme - commission members monitored the latest position and challenges, including substantial datasets and the take-up of the vaccines across the city.

Rough sleepers Drug and Alcohol Treatment Programme - joint work with Housing scrutiny was carried out, including a site visit to fully understand how the new grant funded programme supported homeless and vulnerable people.

Leicester Care, Health and Wellbeing Strategy 2022 – 2027 - Members praised the development of the strategy and were interested in exploring alternatives to take forward the work e.g. advocating young people as leaders in the community and supporting schools to promote healthy lives.

Task Group Review Report - 'The Experiences of Black People Working in Health Services in Leicester and Leicestershire' – local leaders thanked scrutiny for an extensive report that was considered very important for making future progress. At the centre of this work were recommendations around improving workforce monitoring systems, considering alternative delivery mechanisms for mandatory training and for organisations to consider how development opportunities are better facilitated.

School Nursing Provision – members contributed views and suggestions in terms improvements to future provision and suggested that the best way to promote school nursing and the services provided was through greater face-to-face provision at schools.

NHS Winter Urgent and Emergency Care Provision - Scrutiny acknowledged that Leicester currently had one of the highest 999 core rates in the country, along with one of the smallest conversion rates. Members praised NHS health sector staff and welcomed new initiatives. However, scrutiny raised concerns about the lack of community engagement and suggested there was more that could be done to improve people's perceptions about health services.

Possible Health & Wellbeing Scrutiny plans for 2023/24 include:

- **Health Inequalities update – Impact on the cost-of-living crisis** – to closely examine health inequality implications arising from the cost-of-living crisis.
- **Leicester Care, Health and Wellbeing Strategy 2022 to 2027** – the commission to continue to monitor progress annually.
- **Task Group review report into 'The experiences of Black People working in Health Services in Leicester and Leicestershire'** – response report required from health partners on progress on actions / recommendations.
- **Mental Health Strategy** – to examine the services and support available alongside the Adult Social Care Scrutiny Commission.

Housing Scrutiny Commission

The Housing Scrutiny Commission examines a wide range of issues relating to Housing and Homelessness. This covers council services as well as issues affecting private sector housing and housing associations. The commission actively engages with tenants and residents when conducting its business and it is common for reports to reflect the views of tenant participation groups.

Key housing scrutiny developments during 2022/23 included:

Housing Crisis in Leicester - The Commission reported its task group findings following an investigation into the impact that the national housing crisis has had in the city. The work of the commission and witnesses helped to inform the basis of a decision taken by the council in November 2022 to declare a housing emergency in the city. The right to buy policy, coupled with the lack of an adequate social housing new-build programme, were highlighted as two of several key factors behind the crisis.

Continued Pandemic Recovery – The members of the commission continued to be concerned that the lockdown and its aftermath, including inflation, poverty and a continuing shortage of affordable social housing would present huge problems for tenants. The council continued to demonstrate to scrutiny a range of effective measures to helping tenants manage debt.

Damp and Mould – Members became aware of the issues of health of tenants being affected by damp and mould. Specialist work was being undertaken to tackle the issues, which included some fresh investment and an enhanced referral process.

Anti-social Behaviour Team - The structure for how the department worked with other departments across the council to provide a team which was able to deal with cases of anti-social behaviour was devised and developed following a commission working party which reported last year.

Council Tenant Involvement - Tenant representatives continued to be involved in consultations on many matters presented to scrutiny including the proposals for annual rent-setting. When considering policy in other areas such as housing repairs and empty homes in the city, the commission considered the views of and implications on tenants and leaseholders.

Possible scrutiny plans for 2023/24 include:

Damp and Mould – further work is likely to be carried out in relation to the impact of damp and mould in homes and the solutions in response to the problems.

District Heating – to understand how the new district heating metering programme is being carried out and the implications on tenants and residents.

Housing Allocation Policy – to examine in greater detail the policies and processes behind allocating council homes to tenants.

Previous Task Group Work – a continued focus on the response to recommendations arising from the Housing Crisis and Anti-Social Behaviour Team review work.

Leicester, Leicestershire and Rutland Joint Health Scrutiny Committee

In addition to Leicester City Council's Health Scrutiny Commission, health services are also scrutinised on a regional basis with elected members from Leicestershire County Council and Rutland County Council.

The major Joint Health scrutiny developments during 2022/23 included:

Integrated Care System – The Committee sought assurance that following legislative changes outlined in the Health & Care Act 2022, elected members and relevant health organisations be represented on the Integrated Care Board that was established on 1 July 2022 for the delivery of NHS care.

University Hospitals Leicester – The Committee examined numerous matters regarding Leicester's hospitals, including their financial accounts, service performance (with a particular focus towards maternity services), complaints process, CQC well-led inspection, and proposals for site reconfiguration. Members sought assurance that the proposed reconfiguration programme was still progressing and that a critical pathway be scrutinised in the future.

Transforming Care Plans for Learning Disabilities Services – The Committee considered updates in relation to improving performance in services for those with learning disabilities or autism and agreed to champion the importance of supporting all people across the region. The committee made a number of recommendations including enhancing links with GP practices.

Access to Primary Care – The Committee heard about the implications for residents across the region in accessing primary care. Members raised issues about telephone contracts, private practice and travel to hubs.

Pandemic Recovery & Vaccination Programme – The Committee considered various updates in relation to the vaccination programme for the region. It was agreed that it was important for focused work to be undertaken locally to fill the communication gap to promote vaccine uptake and ensure vaccines were available where needed.

Continued Partnership Working – The Committee continued to engage with other health providers serving the region including the new operating model and specialist practitioners at East Midlands Ambulance Service, the re-procurement of the Non-Emergency Patient Transport Service and those within Dentistry.

Possible scrutiny plans for 2023/24 include:

- **UHL Developments** - To seek further clarity and understanding of the processes at UHL in terms of reconfiguration, structures, financial position and reviewing complaints.
- **ICS 5-year Forward View** - To monitor the Leicester, Leicestershire, and Rutland Integrated Care System and consider the 5-year forward view plan.
- **Inspection Outcomes** - to further examine required improvements in relation to the LPT CQC inspection.
- **Access to GP Practices** - To develop a greater understanding of access to GP surgeries and dental services.

Neighbourhood Services Scrutiny Commission

The Neighbourhood Services Scrutiny Commission is responsible for examining many of the everyday services that people access within their own communities, including the provision of libraries, community centres, environmental and enforcement services. This commission also holds responsibility for looking at voluntary and community sector support and issues relating to community safety and community cohesion.

The major scrutiny developments during 2022/23 included:

Selective Licensing Scheme - The Commission was involved in the development of a new selective licensing scheme for private sector rented housing covering parts of the city, which aims to improve standards and safety of homes, thereby also improving the health and wellbeing of tenants.

Textile Factories –Scrutiny continued its interest in examining the extent of pollution from particular factory outlets in the city. Members learnt about the action that had been taken by the city council and made a series of recommendations in terms of future monitoring activity.

Community Safety Partnership - The Commission gained insight into the work of the Crime and Anti-Social Behaviour Team (CrASBU), both in terms of the work within the range of communities across the city, but also the way in which its work had become embedded in the work of the council's housing management. Setting up a unit with the help of the housing and neighbourhood services scrutiny commissions had been one of the recommendations from a previous task group drawn from the commissions which looked at how the issue sat not just within housing estates run by the council but across the various communities in the city. The commission also examined the new partnership strategy for tackling knife crime in Leicester.

Domestic abuse – Safe Accommodation Strategy - The commission received a report on the setting up of a safe housing strategy for victims of domestic abuse. The work was as a result of the passing of the 2021 Domestic Abuse Act, though it was noted that the council already had more far-reaching and supportive programmes in place. Members praised the work done in helping to protect domestic abuse victims.

Possible scrutiny plans for 2023/24 include:

- **Voluntary and Community Sector Engagement Strategy** – to examine the new strategy for the city and to understand it's objectives.
- **Ward Community Engagement** – to undertake scrutiny in relation to future ways of conducting ward member engagement across Leicester.
- **Leicester's Tree Strategy** – to review progress and future work relating to the city's tree strategy.
- **Regulatory Services** – to continue to examine and monitor a series of key enforcement services operated by the City Council and its partners.

Contacting Scrutiny

For more information please contact the Scrutiny Team via **scrutiny@leicester.gov.uk**.

Leicester City Council
City Hall
115 Charles Street
Leicester
LE1 1FZ

<https://www.leicester.gov.uk/your-council/decisions-meetings-and-minutes/overview-and-scrutiny/>

Report of the Audit and Risk Committee to Council Covering 2022/23

Decision to be taken by: Council

Audit & Risk Committee: 15 March 2023

Date of Council meeting: 28 September 2023

Lead director: Amy Oliver, Director of Finance

Useful information

- Ward(s) affected: All
- Report author: Colin Sharpe
- Author contact details: colin.sharpe@leicester.gov.uk
- Report version number: 1.0

1. Purpose of Report

- 1.1 To present to the Council the report of the Audit and Risk Committee setting out the Committee's work and achievements over the municipal year 2022/23.
- 1.2 This report was presented to Committee for approval at its meeting on 15 March 2023.

2. Recommendations

- 2.1. The Audit and Risk Committee is recommended to approve this report for submission to the Council, subject to any amendments that may be required at the meeting.
- 2.2. Council is recommended to receive this report.

3. Summary

- 3.1. The Committee's terms of reference approved by Council require the submission of an annual report on its activities, conduct, business and effectiveness. Moreover, the CIPFA* guidance on Audit Committees states that the audit committee should be held to account on a regular basis by Council, and that the preparation of an annual report can be helpful in this regard. (* CIPFA – the Chartered Institute of Public Finance and Accountancy).
- 3.2. Following the Committee's approval, this report will proceed to Council.
- 3.3. The Audit and Risk Committee considered a wide range of business in fulfilment of its central role as part of the Council's system of corporate governance, risk management, fraud and internal control. It conducted its business in an appropriate manner through a programme of meetings and fulfilled the expectations placed upon it. Its membership was expanded to include an external independent member and it benefited from formal training.

4. Report

- 4.1 The Committee's terms of reference are regularly reviewed. They formally confer upon it the role of 'the board' for the purposes of the *Public Sector Internal Audit Standards*, as the recognised professional standards for local authority internal audit. The Standards are the mandatory elements of the Institute of Internal Auditors' International Professional Practices Framework, interpreted and adopted for local government by CIPFA. Updated terms of reference were implemented for the

2021/22 municipal year and continued into 2022/23 with the added provision for an external independent member to join the Committee.

- 4.2 During the municipal year 2022/23, the Committee met on five occasions. All meetings were properly constituted and quorate. The Committee's terms of reference required it to meet at least four times during the year. The Director of Finance or the Deputy Director of Finance and Leicestershire County Council's Head of Internal Audit and Assurance Service attended meetings of the Committee. In addition, and in the interests of providing the full range of legal, constitutional and financial advice and expertise, the Committee was supported by the City Barrister & Head of Standards or their representatives.
- 4.3 The new external independent member has attended meetings since September 2022. He brings a fresh perspective and focus, drawing on his skills and experience as a finance professional and his links with the City. The appointment pre-empted expected future national requirements and addressed an external audit recommendation in the 2021/22 value for money assessment. The independent member is however not permitted to vote, by law.
- 4.4 Members will recall the CIPFA publication *Audit Committees – Practical Guidance for Local Authorities*, providing guidance on function and operation of audit committees. The position statement within the guidance notes "*audit committees are a key component of an authority's governance framework. Their function is to provide an independent and high-level resource to support good governance and strong public financial management.*"
- 4.5 Further to this, it notes the purpose of the governance committee is to provide those charged with governance independent assurance of the adequacy of the risk management framework, the internal control environment and the integrity of the financial reporting and governance processes.
- 4.6 It is considered that Audit and Risk Committee continued to meet the requirements for an effective Audit Committee. In summary the reasons for this are:
- The Committee meets regularly, and its chair and membership are sufficiently independent of other functions in the Council. Meetings are conducted constructively and are free and open and are not subject to political influences;
 - The Committee's terms of reference provide a sufficient spread of responsibilities covering internal and external audit, risk management and governance;
 - The Committee plays a sufficient role in the management of Internal Audit, including approval of the audit plan, review of Internal Audit's performance and the outcomes of audit work and management's responses;
 - The Committee received reports from Grant Thornton as the Council's external auditor and maintains an overview of the external audit process, including the fees charged; and
 - The Committee was updated on changes in governance and local authority finances during the year.
- 4.7 It is of course recognised that Committee members need suitable training. Arrangements continue to be made to provide training on relevant topics. Members

received a bespoke evening training session in November, facilitated by a specialist from CIPFA. The Committee may also request informal briefings on key topics, for example cyber security and the annual statutory statement of accounts.

4.8 The Committee has also benefited from the Chair becoming the Chair of the recently formed East Midlands Regional Audit Chairs' Forum. She presides over Forum meetings, including an all-day workshop in November 2022 which included presentations by CIPFA, an external auditor and a treasury management specialist around Audit Committee best practice, knowledge and skills.

4.9 In the aforementioned 2021/22 value for money assessment, the external auditor also recommended that the Council undertake a skills and knowledge assessment of the Committee. Officers propose to do this in the first half of 2023/24, alongside a fresh review of the Committee's terms of reference and associated impact metrics. The assessment will recognise the training and development that has taken place and identify areas where members' skills and knowledge could be further improved, be that collectively and/or individually. A skills and training plan will then be developed.

4.10 It is of course inevitable that the Committee experiences some turnover of membership each municipal year, a consequence of the political environment in a local authority. Should this happen, training for new members is offered. The appointment of the independent member for a longer term of office is intended to provide some continuity in this context.

4.11 Taking all the above into account, the Committee has continued to make an important contribution to the effectiveness of the City Council's internal control and corporate governance frameworks. It is a central component of the Council's system of internal control.

4.12 The key outcomes from the Committee's work included:

4.12.1 Internal Audit

- The Committee considered the Internal Audit annual plans and monitored delivery and outcomes during the year. The Committee also received the Internal Audit annual reports and opinion on the adequacy and effectiveness of the Council's framework of governance, risk management and control.
- The Committee reserves the right to summon relevant officers to attend its meetings to discuss in more depth specific issues raised by Internal Audit reports. This has helped to maintain the profile of the Committee and its role in promoting adherence to procedures and improved internal control.

4.12.2 Counter-Fraud

- The Committee maintained an effective overview of the Council's measures to combat fraud and financial irregularity. Specifically, the Committee:
 - Considered counter-fraud reports, which brought together the various strands of counter-fraud work with data on the various types of work carried out by the teams involved.

- Reviewed and supported the Council's participation in the National Fraud Initiative.

4.12.3 External Audit

- The Committee considered the external auditor's plans and progress and the outcomes of this work, with particular reference to the annual audit of the Council's statutory financial statements and value for money arrangements.
- The Committee was kept updated on the national issues with local authority accounts and audit, which delayed the finalisation of the Council's statutory statement of accounts. The Committee monitored progress and asked questions about the impact.
- The Committee kept abreast of the progress of the national scheme for appointing the external auditor from 2023/24 to 2027/28, together with the associated audit fee increases. The Committee sought explanations for the much higher fees being proposed.

4.12.4 Risk Management

- The Committee maintained a regular overview of the risk management arrangements. This included the Council's strategic and operational risk registers, identifying potential emerging risks to the Council and its services, together with the Risk Management Strategy and Policy and the Corporate Business Continuity Management Strategy.

4.12.5 Corporate Governance

- The Committee fulfilled the responsibilities of 'the board' for the purposes of the City Council's conformance to the *Public Sector Internal Audit Standards* in terms of overseeing the Council's arrangements for audit, the management of risk and the corporate governance assurance framework.
- The Committee maintained its oversight of the Council's corporate governance arrangements. The Council's updated assurance framework, which maps out the process for collating the various sources of assurance and preparing the Council's statutory Annual Governance Statement, was reviewed and approved by the Committee.
- The Committee approved the Annual Governance Statement for 2021/22.
- This annual report to Council is part of the governance arrangements, through giving a summary of the Committee's work and contribution to the good governance of the City Council and demonstrating the associated accountability.

4.12.6 Financial reporting

- The Committee received and approved the Council's statutory Statement of Accounts for 2021/22 and associated external audit reports. It approved the Council's letters of representation, by means of which the City Council gives assurance to the external auditor; there were no significant items that were not reflected in the Council's accounting statements. As noted above, the Committee was kept updated on the delays in finalising the accounts and audit.

- The external auditor’s Annual Governance Reports were issued to the Committee as ‘those charged with governance’ and considered accordingly. In these reports, the auditor confirmed that his audit opinion on the Council’s financial statements would be expected to be ‘unqualified’.

4.12.7 Other Work

- During the year the Committee also received updates and reports on the following areas:
 - Insurance
 - Corporate complaints
 - Procurement
 - Developments in local government finance, audit and governance

5. **Conclusions**

- 5.1 The Committee fulfilled all of the requirements of its terms of reference and the good practice guidance issued by CIPFA.
- 5.2 It is the view of the Director of Finance (the s151 officer) that the Audit and Risk Committee made a significant contribution to the good governance of the City Council. Through its work, it has reinforced the Council’s systems of internal control and internal audit and has given valuable support to the arrangements for corporate governance, legal compliance and the management of risk.

6. **Financial, legal, equalities, climate emergency and other implications**

6.1 Financial implications

An adequate and effective Audit and Risk Committee is a central component in the governance and assurance processes intended to help ensure that the Council operates efficiently, cost effectively and with integrity. Its support for the processes of audit and internal control will help the Council as it continues to face the financially challenging times.

Colin Sharpe, Deputy Director of Finance

6.2 Legal implications

The Audit and Risk Committee aids the fulfilment by the Council of its statutory responsibilities under the Accounts and Audit Regulations 2015 by considering the findings of a review of the effectiveness of the Council’s system of internal control. It is an important part of the way in which the duties of the responsible financial officer under s151 of the Local Government Act 1972 are met.

Kamal Adatia, City Barrister & Head of Standards, x37 1401

6.3 Equalities implications

N/A

6.4 Climate Emergency implications

N/A

6.5 Other implications (You will need to have considered other implications in preparing this report. Please indicate which ones apply?)

N/A

7. Other Implications

<u>OTHER IMPLICATIONS</u>	<u>YES/NO</u>	<u>PARAGRAPH REFERRED</u>
Equal Opportunities	No	
Policy	No	
Sustainable and Environmental	No	
Crime and Disorder	No	
Human Rights / People on low incomes	No	
Corporate Parenting	No	
Health Inequalities Impact	No	

8. Background papers:

Agendas and Minutes of the Audit and Risk Committee meetings in 2022/23

9. Summary of Appendices:

N/A

10. Consultations

11. Is this a private report (If so, please indicate the reasons and state why it is not in the public interest to be dealt with publicly)? No

12. Is this a “key decision”? If so, why? No

