Response to the E.coli Public Inquiry

1. Purpose of Report

   1.1 The purpose of the report is to provide Members with an update on the additional work that has taken place regarding the Council’s response to the E.coli Public Inquiry.

2. Connection to Corporate Improvement Plan / Other Corporate Priority

   2.1 The key Corporate aims and priorities identified in the Corporate Plan 2008 have been embodied in the Overview & Scrutiny Forward Work Programmes. The Overview & Scrutiny Committees engage in review and development of plans, policy and strategies that support Corporate priorities.

3. Background

   3.1 In response to the recommendations of the Public Inquiry, Officers have drawn up an action plan to address the issues raised by Professor Pennington who chaired the Inquiry.

   3.2 At its meeting on 1st July 2009, the Committee considered the Authority’s initial response to the Public Inquiry and it resolved that, in addition to monitoring the action plan, it would invite a Procurement Officer to attend in order to further explore the recommendations regarding procurement of meat for schools.

   3.3 In addition the Committee resolved to consider the response of the Food Standards Agency to the Public Inquiry, when this was published.

   3.4 The Committee also resolved that it would send a letter to the First Minister to regarding legislation to prevent the use of equipment to produce both raw and cooked meats. The First Minister’s response has been previously distributed to the Committee and is attached at Appendix D

4. Current Situation / Proposal

   BCBC Action Plan

   4.1 Further to the initial response considered by the Committee referred to earlier, officers have drawn up a detailed Action Plan (attached at Appendix A) which lists each recommendation of the Public Inquiry and the action by BCBC officers in response. Timescales for the completion of each action are also included.
4.2 The Wales Audit Office (WAO) have recently undertaken some work reviewing the Council’s action in this matter. It is anticipated that this report will be considered by the Committee once finalised and published.

4.3 In order to assist Members in their consideration of this issue, the Assistant Chief Executive – Legal and Regulatory Services has been invited to attend the meeting. He will provide Members with a verbal update on the current position as it relates to each recommendation. Members will then be able to explore the extent to which the observations of the Assistant Chief Executive give the Committee confidence that the recommendations are being addressed.

4.4 The Public Inquiry examined the actions of a number of organisations, and the lead role in implementing many of its recommendations will fall to agencies other than this Authority. It is important for Members to recognise that, whilst the Authority will have an interest in seeing that all the recommendations are implemented effectively, primary responsibility for many of these will fall upon other agencies. Members may wish to clarify with officers which recommendations it is appropriate for the Authority to lead on and which recommendations it is acting on in conjunction with other agencies.

4.5 For example, the responses to recommendations 5, 6, 15, 20, 21, 22 and 23 of the Public Inquiry refer to the Council’s role within the Directors of Public Protection Wales. Members may wish to explore further with Officers the nature and extent of BCBC’s role and influence on this issue, as BCBC is not able to implement these recommendations directly, and the importance therefore of partnership working in implementing the Inquiry’s recommendations.

4.6 In considering the extent to which the specified actions address the Inquiry’s recommendations, Members may wish to bear in mind issues such as how the Local Authority engages with Food Business Operators (FBOs), especially given that inspections may only take place annually. The Action Plan outlines that the Authority has written to businesses to advise them of their responsibilities as food business operators (Recommendation 1). However, the Committee may wish to explore the impact of these actions, as well as the extent to which the provision of advice to FBOs is a role for the Authority or for other agencies.

4.7 As part of its monitoring role, the Committee may also wish to explore further the impact of the Authority’s inspection regime with Officers to assess whether the known risks are being managed effectively.

4.8 Recommendation 4 deals with the key issue of businesses using the same equipment for processing both raw and cooked meats. The Authority’s response is set out in Appendix A and Members may wish to explore whether there is any more that the Authority can feasibly or appropriately do with regard to this issue.

4.9 The response to Recommendation 2 states the Council will provide training to FBOs on food safety management based on key HACCP principles. During its previous consideration of this issue, Members were informed that this training would be targeted at those businesses that did not meet the legal requirements. The Committee may wish to explore how this will be managed in practice; for example, what incentives and/or sanctions are in place or available to ensure that FBOs are taking up the training opportunities offered to them? Members may wish
to further consider the methods by which the impact of training courses that have already been delivered (those on the 12th, 17th and 18th November, for example), are evaluated.

4.10 Following on from this, Members may wish to consider how the Council engages with the Food Standards Agency (FSA), given the important role of the FSA in providing guidance and training to enforcement officers and providing the broader context and framework that officers work within.

4.11 During its previous consideration of this issue, the Committee were informed that further guidance was awaited in respect of Recommendation 8; “The inspection of HACCP plans must be audit based”. Officers at the meeting communicated the necessity of giving prior notification when an audit of HACCP is to be undertaken, which would be in clear conflict with the guidance that all inspections should be unannounced. In light of this, guidance was being sought in order to further clarify the definition of “audit based”. Members may wish to establish with Officers whether these definitions have now been clarified and what impact (if any) this will have on unannounced inspections.

4.12 Many of the timescales specified in the action plan have already passed. Members may wish to clarify the extent to which the actions referred to require a single and finite task to be carried out, or whether there is a role for ongoing action and therefore ongoing monitoring once the initial action has been accomplished. Other timescales within the action plan extend to mid – 2010, and the Committee may wish to consider whether there is a role for the Committee in continuing its monitoring much beyond this date, and if so, what form that monitoring is likely to take.

**Procurement**

4.13 At the time of the outbreak, BCBC was part of a consortium for the procurement of food for school meals, of which Rhondda Cynon Taff County Borough Council was the lead Authority.

4.14 The report of the Public Inquiry was critical of the procurement process and whilst this criticism did not relate specifically and directly to BCBC, clearly there is a role for all consortium members in ensuring as far as possible that the procurement process provides safe food.

4.15 The report at Appendix B outlines the changes that have taken place since the 2005 outbreak and the way in which these changes have improved the safeguards in place. Procurement Officers will be attending the meeting in order to assist Members with their consideration of this issue.

**The Impact of the Food Standards Agency’s Response to the Public Inquiry Report upon BCBC**

4.16 The Food Standards Agency (FSA) response to the Public Inquiry report is attached at Appendix C. The FSA has conducted reviews into key areas criticised by the Public Inquiry and has also established a Food Hygiene Delivery Programme Board, which will consider the issues raised by the Public Inquiry and its recommendations on a UK wide basis.
4.17 In order to achieve the Programme’s desired outcome of reducing the level of food borne disease, the FSA recognises:

- the necessity of ensuring a culture change in order to boost compliance and encourage enforcement action;
- the importance of partnership working between all interested public and private sector organisations;
- the value of accurate and meaningful data collection and analysis in monitoring compliance, as well as establishing which actions are most effective in improving public health.

4.18 The actions taken by the FSA are outlined in paragraph 10 of Appendix C.

4.19 The FSA acknowledges the need for it “to clarify what it considers to be an appropriate approach to food safety management systems in relation to the size, complexity and level of risk of operations in food businesses” (Paragraph 28, Appendix C). Members may wish to seek the views of BCBC Officers regarding the extent to which the FSA clarification has been provided and how successful it is in providing guidance.

4.20 In paragraph 35 of Appendix C, the FSA makes clear its view that the legal framework as it stands is adequate to deal with issues of non-compliance, but notes the need to consider whether further guidance on implementation of the legislation would “help achieve more consistent, risk-based enforcement”. The FSA, in conjunction with others, is currently examining the existing powers and penalties available to officers and the associated guidance. Following this, the FSA will consider what changes, if any, may be necessary to support Local Authorities with their regulatory role.

4.21 Throughout the document, the FSA makes reference to the additional training that will be made available to food enforcement officers. Members may wish to ask Officers if they have been offered any such training from the FSA, if they have undertaken any and if so, how valuable they have found it to be.

5. Effect upon Policy Framework & Procedure Rules

5.1 The work of the Community Safety and Governance Overview and Scrutiny Committee relates to the review and development of plans, policy or strategy that form part of the Policy Framework and consideration of plans, policy or strategy relating to the power to promote or improve economic, social or environmental well being in the County Borough of Bridgend.

6. Legal Implications

None.

7. Financial Implications

None.
8. Recommendation

The Committee is asked to consider the content of the reports and Appendices and:

(i) Note the response of the First Minister to the Committee's letter;

(ii) Decide how it wishes to progress its performance monitoring role of this issue;

(iii) Decide whether or not it wishes to make recommendations to Cabinet.

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