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| <b>Title of Report</b>      | Business Regulation Service Delivery Plans: Food Safety Law Enforcement Plan 2026/27   |
| <b>For Consideration By</b> | Corporate Committee  |
| <b>Meeting Date</b>         | 2 June 2026  |
| <b>Classification</b>       | Open   |
| <b>Ward(s) Affected</b>     | All  |
| <b>Group Director</b>       | Rickardo Hyatt   |
| <b>Report Author</b>        | Gerry McCarthy, Assistant Director, Community Safety, Enforcement and Business Regulation,<br><a href="mailto:gerry.mccathy@hackney.gov.uk">gerry.mccathy@hackney.gov.uk</a> |

## 1. **Introduction**

- 1.1. This report relates to the service delivery plans for 2026/27 for the Business Regulation Teams that sit within the Community Safety, Enforcement and Business Regulation Service.
- 1.2 The Business Regulation Division consists of the following areas:
  - Environmental Health : Food Safety
  - Environmental Health : Occupational Health & Safety
  - Trading Standards
  - Environmental Protection
- 1.3 This report relates to service delivery plan for one of these areas:
  - Environmental Health Service: Food Safety (Health and Safety at Work Act 1974 is incorporated in this plan).
- 1.4 The Food Law Enforcement Service Plan (FLESP) is a statutory plan which sets out how the Council will undertake enforcement of food safety legislation.
- 1.5 The Plan is prepared in accordance with the Food Standards Agency's (FSA) Framework Agreement template and is an important part of the process to ensure that national food safety priorities and standards are addressed and delivered locally. It also focuses on key deliverables; provides an essential link with financial planning; provides objectives for the future including identifying major issues that cross service boundaries; and provides a means of managing performance and making performance comparisons.

- 1.6 The Food Law Enforcement Service Plan sets out the objectives of the service and demonstrates how they are linked to the Mayor's Priorities and Hackney's Sustainable Community Strategy. It also sets out the key areas of food law enforcement, the management arrangements, the resources that have been allocated for this work by the local authority, and the key targets.
- 1.4 The performance of the Food Safety Service is measured against its fulfilment of the Plan and the percentage of broadly compliant premises within the Borough. The FSA continues to monitor the performance of the Service through the bi-annual returns which have now replaced the annual enforcement data returns made to the FSA via the Local Authority Enforcement Monitoring System (LAEMS).
- 1.8 Hackney is an enforcing authority in its own right, and must make adequate provision for enforcement. The Local Authority National Enforcement Code introduced in May 2013 sets out the principles the Council should follow in a consistent, proportionate and targeted approach to regulation based on risk.

## **2. Recommendations**

- 2.1. The Corporate Committee is recommended to review and agree the contents of the Food Law Enforcement Service Plan for 2026/27.
- 2.2. There are no further recommendations set out in this report, but the Corporate Committee can also note the level and scope of work being carried out to meet the requirements of the plan.

## **3. Reason(s) for decision**

- 3.1. The Food Standards Agency recommends that food service plans are submitted for Member approval to ensure local transparency and accountability.

## **4. Background**

### Policy Context

- 4.1 **Food Safety:** The Food Safety Service Delivery Plan is prepared in accordance with the Food Standards Agency's (FSA) Framework Agreement (2010). The FSA requires all local authorities to produce and approve an annual plan that sets out how it is going to discharge its responsibilities.
- 4.2 The performance of the Food Safety Service is measured against its fulfilment of the Plan.
- 4.3 As of 30th April 2026 there were approximately 2649 food businesses registered within Hackney. The table below shows the number of food businesses by type and FHSR rating. The largest group of businesses, Restaurant/Cafe/Canteen/Caterers amount to 40% of all business in Hackney. These are mainly sole trading micro businesses a number of which

require support, advice and enforcement to ensure that the food they supply is safe to eat. This is reflected in the inspection programme.

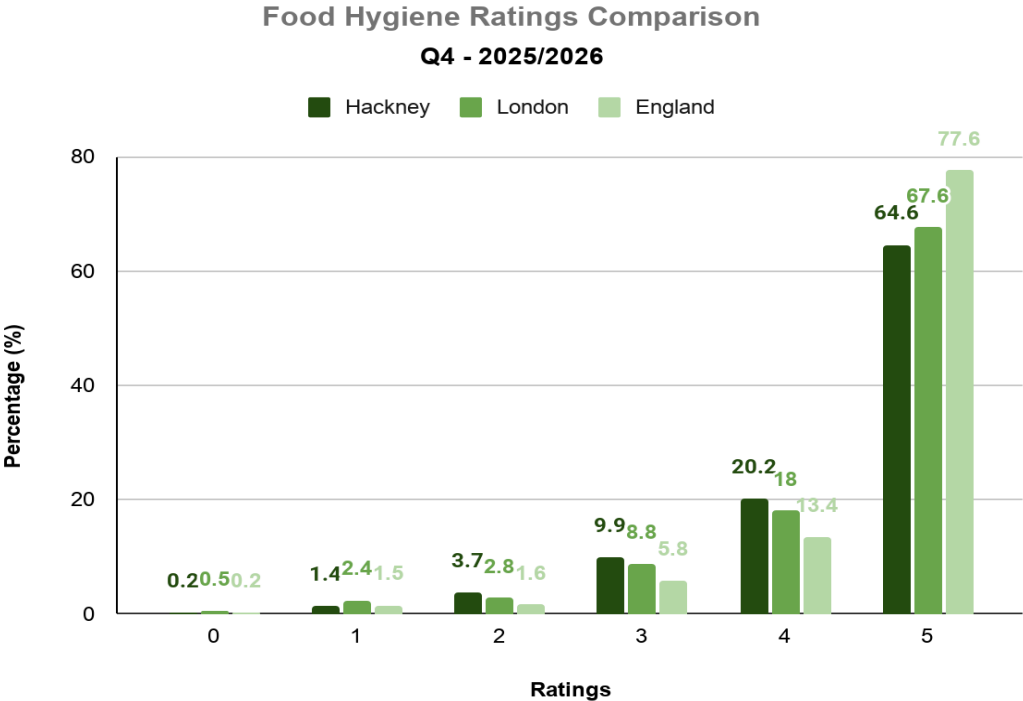
| FHRS rating                                      | Restaurant/<br>Cafe/<br>Canteen | Hotel/<br>Guest<br>House | Small<br>Retailer | Supermarket/<br>Hypermarket | Caring<br>Premises | Restaurants<br>and<br>Caterers -<br>Other | Distributors/<br>Transporters | Pub/<br>Club | Retailer<br>- Other | Take-<br>Away | School/<br>College | Mobile<br>Food<br>Unit | Manufacturers<br>and Packers | Importers/<br>Exporters | Primary<br>Producers | Total       |
|--|---------------------------------|--------------------------|-------------------|-----------------------------|--------------------|---|-------------------------------|--------------|---------------------|---------------|--------------------|------------------------|------------------------------|-------------------------|----------------------|-------------|
| 5 - Very good                                    | 627                             | 11                       | 200               | 26                          | 55                 | 120                                       | 13                            | 83           | 48                  | 148           | 35                 | 37                     | 26                           |                         |                      | 1429        |
| 4 - Good   | 187                             | 2                        | 94                | 1                           | 8                  | 30  | 4                             | 25           | 14                  | 52            | 9                  | 5                      | 8                            | 1                       |                      | 440         |
| 3 - Generally satisfactory                       | 80                              |                          | 61                | 2                           | 1                  | 8   | 3                             | 8            | 6                   | 35            | 5                  | 4                      | 1                            | 3                       |                      | 217         |
| 2 - Improvement required                         | 42                              |                          | 12                |                             | 2                  | 2   | 1                             | 7            | 1                   | 12            |                    |                        |                              |                         |                      | 79          |
| 1 - Major improvement required                   | 17                              |                          | 2                 |                             |                    |   |                               | 3            | 1                   | 3             | 1                  | 2                      |                              |                         |                      | 29          |
| 0 - Urgent improvement required                  | 2                               |                          | 2                 |                             |                    |   |                               |              |                     |               |                    |                        |                              |                         |                      | 4           |
| <b>Total rated establishments</b>                | <b>955</b>                      | <b>13</b>                | <b>371</b>        | <b>29</b>                   | <b>66</b>          | <b>160</b>                                | <b>21</b>                     | <b>126</b>   | <b>70</b>           | <b>250</b>    | <b>50</b>          | <b>48</b>              | <b>35</b>                    | <b>4</b>                |                      | <b>2198</b> |
| <b>Establishments with rating of 3 or better</b> | <b>894</b>                      | <b>13</b>                | <b>355</b>        | <b>29</b>                   | <b>64</b>          | <b>158</b>                                | <b>20</b>                     | <b>116</b>   | <b>68</b>           | <b>235</b>    | <b>49</b>          | <b>46</b>              | <b>35</b>                    | <b>4</b>                |                      | <b>2086</b> |
| Awaiting inspection                              | 134                             | 1                        | 14                | 5                           | 4                  | 63  | 16                            | 5            | 40                  | 38            | 14                 | 29                     | 18                           |                         |                      | 381         |
| Exempt   | 2                               |                          | 18                |                             | 12                 | 1   |                               | 1            | 8                   |               |                    | 1                      | 1                            |                         |                      | 44          |
| Sensitive  |                                 |                          |                   |                             |                    | 1   |                               |              |                     |               |                    |                        |                              |                         |                      | 1           |
| Excluded   | 4                               |                          | 2                 |                             |                    |   | 3                             |              |                     |               |                    | 2                      | 14                           |                         |                      | 25          |
| <b>Total establishments</b>                      | <b>1095</b>                     | <b>14</b>                | <b>405</b>        | <b>34</b>                   | <b>82</b>          | <b>225</b>                                | <b>40</b>                     | <b>132</b>   | <b>118</b>          | <b>288</b>    | <b>64</b>          | <b>80</b>              | <b>68</b>                    | <b>4</b>                |                      | <b>2649</b> |

4.4 Hackney participates in the national Food Hygiene Rating Scheme (FHRS). The scheme is designed to give the public information about local food businesses so that they can make informed choices about where they eat locally (and nationally). As a result the scheme allows for greater transparency for consumers and businesses due to work conducted by Hackney Food Safety Service. It also recognises those businesses that are operating to a good standard and aims to provide an incentive to those businesses that have not made food safety a priority. However, the display of the rating sticker is still not mandatory in England but the Food Standards Agency is supportive of its introduction and additional legislation may be introduced. The table below shows the distribution of FHRS ratings in Hackney over the last 9 months.

| FHRS Rating                                      | Sep - 25    | Oct - 25    | Nov - 25    | Dec - 25    | Jan - 26    | Feb - 26    | Mar - 26    | Apr - 26    | May - 26    |
|--|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| 5 - Very good                                    | 1444        | 1506        | 1508        | 1444        | 1409        | 1405        | 1421        | 1429        | 1429        |
| 4 - Good   | 549         | 554         | 554         | 483         | 478         | 459         | 448         | 440         | 440         |
| 3 - Generally satisfactory                       | 259         | 269         | 269         | 230         | 226         | 220         | 219         | 217         | 217         |
| 2 - Improvement required                         | 68          | 71          | 71          | 75          | 78          | 77          | 81          | 79          | 79          |
| 1 - Major improvement required                   | 28          | 27          | 27          | 27          | 27          | 26          | 31          | 29          | 29          |
| 0 - Urgent improvement required                  | 3           | 5           | 4           | 3           | 3           | 3           | 4           | 4           | 4           |
| <b>Total rated establishments</b>                | <b>2351</b> | <b>2432</b> | <b>2433</b> | <b>2262</b> | <b>2221</b> | <b>2190</b> | <b>2204</b> | <b>2198</b> | <b>2198</b> |
| <b>Establishments with rating of 3 or better</b> | <b>2252</b> | <b>2329</b> | <b>2331</b> | <b>2157</b> | <b>2113</b> | <b>2084</b> | <b>2088</b> | <b>2086</b> | <b>2086</b> |
| Awaiting inspection                              | 984         | 916         | 916         | 430         | 368         | 366         | 355         | 381         | 381         |
| Exempt   | 41          | 40          | 40          | 41          | 40          | 42          | 43          | 44          | 44          |
| Sensitive  | 1           | 1           | 1           | 1           | 1           | 1           | 1           | 1           | 1           |
| Excluded   | 27          | 29          | 29          | 31          | 29          | 26          | 25          | 25          | 25          |
| <b>Total establishments</b>                      | <b>3404</b> | <b>3418</b> | <b>3419</b> | <b>2765</b> | <b>2659</b> | <b>2625</b> | <b>2628</b> | <b>2649</b> | <b>2649</b> |

4.5 Following an inspection, a business can be given one of the following FHRs ratings, 0-5, and uploaded on the National FHRs website at <http://ratings.food.gov.uk> which can be accessed by businesses and consumers.

4.6 Businesses that obtain a rating of 0 to 2 are re-visited to ensure that they are compliant and they are encouraged to request a re-inspection to improve their rating. The current cost of a business requesting a re-rating inspection is £342. The cost of the re-rating inspection allows a business to rectify the issues found at the time of the initial inspection which may have led to a low FHRs score and then apply for a re-rating with a view to the score being improved. A breakdown of FHRs scores for Hackney compared to London and England at 31st March 2026 is shown in the table below.



4.7 The Food Law Enforcement Service Plan (FLESP), sets out the inspection programme for the Borough’s food premises for 2026/27 (see appendix 1).

4.8 The service has prioritised the highest risk category inspection (category A and B), with 100% of category A and B premises due for inspection within 28 days of the due date, along with 95% of service requests and consumer complaints about food and other businesses actioned within 10 working days and 100% of new premises registered with the Council inspected within 28 days excluding those not yet trading.

4.9 The FLESP 2026/27 sets out the resources required to deliver the plan. It is calculated that the service is in deficit of **1.3 FTE**. However, the absence of an operational MIS continues to severely impact the delivery of the service. This omission itself has a greater impact than the 1.3 FTE deficit calculated.

- 4.10 An intervention plan was agreed with the FSA in February 2024 with a projection that the service would return to normal operation by the 1st April 2027. Unfortunately and for the reasons set out in 4.9 above, without an operational MIS, a time period on when the service will return to pre-2020 cyber attack functionality cannot be estimated.
- 4.11 The decision was taken, given the intervention from the Regulator, that the backlog of inspections would be outsourced to a specialist Environmental Health agency. The outsourced project is now complete, as of 31st March 2026. From October 2024 to the 31st 31st March 2026 a total of 1787 inspections were completed by contracted agency providers. This investment in clearing the backlog of inspections has ensured the team are only working with current and newly registered businesses. In addition to this a project was undertaken to reduce the number of unrated businesses. In 2025/26 this number was reduced from 720 to 134. Again, focussed project work within the team has resulted in this reduction.
- 4.12 A further complication of the lack of a MIS is that an accurate number of inspections by risk category cannot be determined. A meeting between the Service, ICT and the Assistant Director for Customer Service, Digital & Data have renewed optimism that a solution can be found.
- 4.13 The total number of registration forms received from 1st April 2024 to 31st March 2025 was 873. It is anticipated that in 2026/27 the Service will receive a similar number of new food business registrations. As part of the workaround solutions the team together with ICT colleagues have made progress on the electronic registration of new food businesses and this is the reason for the anticipated increase in registrations in 2026/27.
- 4.14 The Food Standards Agency implemented the new Food Standards Delivery Model (FSDM) on the 1st April 2025. LBH has asked for a deferment to the end of the year, 31st March 2026, due to the ongoing issues faced by not having a functional (MIS). This situation remains unresolved resulting in the Service not being in compliance with the Food Law Code of Practice. ICT, who provide the solution, have stated that the work on scoping and implementation has moved from Q3 2025/26 to end of Q1 2026/27.
- 4.15 The modernisation of the FHDM includes:
- a modernised food hygiene intervention rating scheme, including a decision matrix, to determine the appropriate frequency of food hygiene controls based on the risk posed by a food business establishment,
  - an updated risk-based approach to the timescales for initial official controls of new food establishments, and for undertaking due official controls,
  - increased flexibility as to the methods and techniques of official controls that can be used to risk rate an establishment, including the appropriate use of remote assessment,

- extending the activities that officers, such as Regulatory Support Officers, who do not hold a 'suitable qualification' for food hygiene can, if competent, undertake.

4.16 The fundamental changes to the delivery model increases the inspection frequency of high risk premises with lower risk premises being inspected, on average, every 5 to 10 years, the use of remote inspections (depending on the nature of the business, confidence in management and previous inspection type) and the use of regulatory/graduate Environmental Health officers to discharge low risk duties (in accordance with the Food Law Code of Practice).

4.17 This is a fundamental change to the way in which EHO's have discharged their statutory duties for over three decades since the current regulatory framework was introduced.

#### 4.18 Strategic Policy Context

4.18.1 None

#### 4.19 Options appraisal

4.19.1 None

#### 4.20 Equality, inclusion, diversity and belonging (including statutory equality impact assessment)

In undertaking any enforcement, all Officers are required to comply with the requirements of the Public Sector Equality Duty, which was created by the Equality Act 2010.

4.21 The equality duty was developed in order to harmonise the equality duties and to extend it across the protected characteristics. It consists of a general equality duty, supported by specific duties which are imposed by secondary legislation. In summary, those subject to the equality duty must, in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

4.22 A service-wide Enforcement Policy was approved by Cabinet on 21st January 2019.

4.23 Officers recognise that whilst businesses want to maximise margins, they also seek in most instances to comply with legal requirements, without incurring excessive expenditure and administrative burdens. In considering

enforcement action, Officers will assist businesses to meet their legal obligations in the first instance, whilst taking firm action that may include prosecution or other formal action, where appropriate, against those who knowingly disregard the law or act irresponsibly.

4.24 Officers are committed to the principles of good enforcement and take account of the principles of the Enforcement Concordat, the Regulator’s Code, and have regard to Crown Prosecution Service guidelines and Equality Impact issues. The service delivery plans allow the use of resources more effectively in assessing high risk activities whilst delivering benefits to low risk and compliant businesses.

4.25 A key element of the activities carried out by the Service is to facilitate and encourage economic growth and wherever possible the service will work in partnership with businesses, particularly small traders and the voluntary/community organisations to assist them with meeting their legal obligations without unnecessary expense.

4.26 Sustainability and climate change

4.26.1 None

4.27 Consultation/engagement

4.27.1 None

4.28 Risk assessment

4.28.1 The Business Regulation service delivery plans set out how its services will take actions that contribute to achieving corporate priorities and desired outcomes. Without these agreed, clearly stated priorities and this plan, the service will be at risk of not effectively focussing its work and efficiently directing limited resources.

| Nature of risk  | Consequences if realised  | Likelihood of occurrence | Control measures                  |
|---|---|--------------------------|-----------------------------------|
| The Service Plan is not reviewed and agreed   | The Council would receive a directive from the Food Standards Agency (FSA)  | Low                      | Review and agree the Service Plan |
| The Service Plan involves the carrying out of statutory duties -failure to deliver the service plan | Increase risks:<br>- to consumer safety and the most vulnerable consumers;<br>- to public health and increased risks of spread of infectious diseases and food poisoning and; | Medium                   | Review and agree the Service Plan |

|   |   |             |                                   |
|---|---|-------------|-----------------------------------|
|   | <ul style="list-style-type: none"> <li>- to employee and public safety with increased risks of incidents and fatal accidents</li> <li>- of failure to administer and regulate licensable activities and premises</li> </ul> |             |                                   |
| Increasing reactive workload or other significant service incidents | The lack of available resource to deliver the plan  | High        | This will be carefully monitored. |
| Poor performance against the plan                                   | Could potentially result in the reputational damage and directions to the Council from the National Measurement Office (NMO), Food Standards Agency and the Health and Safety Executive (HSE)                               | High        | This will be carefully monitored. |
| Lack of resources   | If additional resources are not assigned to the service, this could result in the service plan not being met, resulting in reputational damage and/or potential intervention by the Regulator.                              | Medium/High | This will be carefully monitored. |

## 5. **Financial implications**

- 5.1. This report seeks the Corporate Committee to review and agree the Food Law Enforcement Service Plan (FLESP) for 2026/27. The report notes the level and scope of work being carried out to meet the requirements of the FLESP.
- 5.2. This report is for noting and has no direct financial implications. The aims and objectives described in the FLESP for 2026/27 will be delivered within the approved budget for Business Regulation.

Financial Implications prepared on behalf of the Group Director Finance & Corporate Resources by: Avril Smith, Service Accountant,  
[avril.smith@hackney.gov.uk](mailto:avril.smith@hackney.gov.uk), 13 May 2026

**6. HR/OD implications**

- 6.1. There are no HR OD implications stemming from this report.

HR/OD implications prepared on behalf of the Director of HR/OD by: Steve Swain, HR/OD Business Partner, 13 May 2026

**7. Legal implications**

- 7.1. The Food Law Enforcement Service Plan 2026/27 should contain information in accordance with the Food Standard Agency Codes of Practice and the Feed and Food Law Enforcement standard set out in the Framework Agreement on Official Feed and Food Controls by Local Authorities.
- 7.2. Paragraph 2.1 of this report recommends that Corporate Committee review and agree to the Food Law Enforcement Service Plan (FLESP) for 2026/27. Within the Council's Constitution, the Corporate Committee is responsible for the following:
- 7.3. 'To develop, review, monitor and maintain a strategic overview of the Council's regulatory function.' Corporate committee are able to approve recommendation 2.1 of this report.

Legal implications prepared on behalf of the Director of Legal, Democratic & Electoral Services by: Jo Sterakides, Team Leader 13 May 2026

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**Appendices**

Appendix 1 - Food and Health & Safety Law Enforcement Service Delivery Plan 2026/27