8.6 Amended Food Inspection Program 2019/20

REPORT BY THE MANAGER, HEALTH AND BUILDING
TO 20 MAY 2020 ORDINARY MEETING
GOV400087, A0830004

RECOMMENDATION

That Council:

1. receive the report by the Manager, Health and Building on the Amended Food Inspection Program 2019/20;

2. suspend the 2019/20 food inspection program due to COVID-19; and

3. waive associated fees for fixed food premises inspections under the 2019/20 food inspection program up to 30 June 2020.

Executive summary

The current COVID-19 pandemic has had a significant financial and operational impact on local food businesses due to government trading restrictions and social distancing requirements.

Under Council’s partnership with the NSW Food Authority, Council has an inspection target of 80% of fixed food premises. The purpose of this report is to consider proposed amendments to the 2019/20 food inspection program, which will help ease the burden on local businesses in the current difficult environment.

It is recommended that the 2019/20 food inspection program be suspended, and any associated fees for fixed food premise inspections up to 30 June 2020 be waived.

Disclosure of Interest

Nil

Detailed report

The NSW Food Authority places an expectation that Local Governments conduct inspections of 80% of fixed food premises while undertaking their annual food inspection program. Council’s Authorised Officers have historically inspected more than 95% of fixed food premises each year. Council’s annual food inspection program is generally conducted between April and June each year and last year comprised 124 registered fixed food premises.

Prior to the COVID-19 government trading restrictions and social distancing requirements coming into effect, Council had commenced the annual food inspection program with 24 re-inspections in March which were a follow up on past inspections. As the majority of local food businesses have either severely reduced capacity or have closed their doors completely, Council has not proceeded with any further inspections under the 2019/20 food inspection program in the last 6 weeks.

The Manager of the Local Government Unit within the NSW Food Authority has acknowledged the current environment and challenges that are presented for both Council’s inspectors and the Food
Businesses themselves in continuing with a food inspection program which is normally mandatory. In light of the current situation, the NSW Food Authority has confirmed they will support the varied approaches that Councils may choose for the 2019/20 program and do not expect Council’s to achieve the normal rate of inspections specified under the current partnership.

Therefore, the recommendation of staff is to formally suspend the remainder of the 2019/20 food inspection program. A letter will be sent to all food businesses advising that the 2019/20 program will not be mandatory, but also noting that an inspection can be requested should the individual business wish to do so to meet their operational needs. Investigation of food related complaints will continue to be facilitated by Council’s Authorised Officers.

In acknowledging the financial impact that the COVID-19 pandemic has had on local food businesses, it is also recommended that should a local business request a fixed food premises inspection in May or June 2020, Council will not charge the associated food inspection fee for 2019/20.

The primary inspection fee in Council’s adopted Fees and Charges for 2019/20 for both medium and high risk premises is $205, with reinspection fees charged at 50% of the primary inspection fee.

Community Plan implications

<table>
<thead>
<tr>
<th>Theme</th>
<th>Building a Strong Local Economy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Goal</td>
<td>A prosperous and diversified economy</td>
</tr>
<tr>
<td>Strategy</td>
<td>Support the attraction and retention of a diverse range of businesses and industries</td>
</tr>
</tbody>
</table>

Strategic implications

Council Strategies
Mid-Western Region Community Plan Towards 2030
Delivery Program 2017/21 and Operational Plan 2019/20

Council Policies
Not applicable

Legislation
NSW Food Act 2003
NSW Public Health Act 2010

Financial implications

Council’s annual budget for 2019/20 includes projected income of $20,000 for the food inspection program. Suspending the 2019/20 will result in a loss of this income.

<table>
<thead>
<tr>
<th>Budget Year</th>
<th>Operating Performance Ratio</th>
<th>Own Source Revenue</th>
<th>Building &amp; Infrastructure Renewal</th>
</tr>
</thead>
<tbody>
<tr>
<td>2019/20</td>
<td>✗</td>
<td>–</td>
<td>–</td>
</tr>
<tr>
<td>Future Years</td>
<td>✗</td>
<td>–</td>
<td>–</td>
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</tbody>
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Associated Risks

The food inspection program is designed to encourage compliance with NSW Food Authority practices and relevant legislation in the NSW Public Health Act 2010. Suspending the program will mean there is a risk that instances of non-compliance will not be identified. However, this risk is considered low given the high compliance rates of fixed food premises participating in the program historically and given there will be no change to the investigation of food related complaints.

JOSH BAKER
MANAGER, HEALTH AND BUILDING

JULIE ROBERTSON
DIRECTOR DEVELOPMENT

23 April 2020

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER