

## Notice of Non-Key Executive Decision

**Notice of Non-key Executive Decision containing exempt information**  
 This Executive Decision Report is part exempt and Appendix A is not available for public inspection as it contains or relates to exempt information within the meaning of paragraph 3 of Schedule 12A to the Local Government Act 1972. It is exempt because it refers to information relating to the financial or business affairs of any particular person, and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

<b>Subject Heading:</b>	Approval to procure a Food premises inspection contract
<b>Decision Maker:</b>	Helen Oakerbee, Director of Planning and Public Protection
<b>Cabinet Member:</b>	Councillor Barry Mugglestone, Cabinet Member for Environment
<b>ELT Lead:</b>	Neil Stubbings, Strategic Director of Place
<b>Report Author and contact details:</b>	Tina Nelan, Team Leader Food and Health & Safety Team <a href="mailto:tina.nelan@havering.gov.uk">tina.nelan@havering.gov.uk</a> 01708 431904
<b>Policy context:</b>	It is a statutory requirement for the Council to provide a food inspection programme under the Food Law Code of Practice.
<b>Financial summary:</b>	The current budget for the food contract is £0.057m per annum, held within Public Protection. If the new food contract exceeds this value, it will be contained within Public Protection itself.
<b>Relevant Overview &amp; Scrutiny Sub Committee:</b>	Place

**Non-key Executive Decision**

<b>Is this decision exempt from being called-in?</b>	The decision will be exempt from call in as it is a Non key Decision
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**Non-key Executive Decision**

**The subject matter of this report deals with the following Council Objectives**

People - Supporting our residents to stay safe and well

X Place - A great place to live, work and enjoy

Resources - Enabling a resident-focused and resilient Council

## Part A – Report seeking decision

### DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

This report seeks approval to proceed to procure food premises inspection contract via a tender process in Matrix for a period of 3 years. The contract is anticipated to commence on 1<sup>st</sup> September 2025 and will continue until 31<sup>st</sup> August 2028.

### AUTHORITY UNDER WHICH DECISION IS MADE

Part 3.3.3 Powers common to all Strategic Directors of the Council's Constitution

Contracts

4.1 To approve commencement of a tendering process for all contracts below a total contract value £1,000,000.

Functions 3.3.3 sub-delegated from Strategic Director of Place to Director of Planning and Public Protection on 3 April 2024.

### STATEMENT OF THE REASONS FOR THE DECISION

Food Hygiene Inspections are the Statutory duty of the authority. An external contract to carry out inspections has been in place within Havering for many years. The Public Protection Service would like to continue to outsource these inspections as it is proven to be an effective and efficient way to carry out these visits as the cost per visit is less than employing extra staff.

The contract would be required to solely carry out Food Hygiene inspections that are due to premises within the borough. All follow up work arising after the initial inspection is completed by the 'in house officers', this may include serving notices or revisiting premises due to non-compliance with the legislation. This ensures that officer time is effectively spent on visits which may require further interventions.

The request is to award a three year contract to the winning Tender which would provide stability in delivering the Food Hygiene Inspection programme.

This contract is significant in ensuring the local authority meets its obligations in the Food Law Code of Practice which is monitored by the Food Standards Agency.

Due to the demand of new food businesses during the pandemic and limited resources, the Local Authority will not meet its statutory obligations without a food inspection contract in place.

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**OTHER OPTIONS CONSIDERED AND REJECTED**

**Option 1**

Cease the contract – not an option as the local authority has a statutory duty to ensure the Food law code of practice is adhered to. Limited resources within the team means this is not possible to fulfil our legal obligations without additional support.

**Option 2**

Implement a direct award to the current contractor for a longer period. This is not recommended as a tender ensures best value for the council and ensures the Council is compliant with the Public Contract Regulations 2015.

**Option 3**

Employ extra staff to carry out this work. Not an option as the cost of extra resources to cover the duties required would exceed the salary budget envelope.


**PRE-DECISION CONSULTATION**

N/A

**NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER**

Name: Tina Nelan

Designation: Team Leader Food and Health & Safety Team

Signature: 

Date: 01/07/2025

## Part B - Assessment of implications and risks

### LEGAL IMPLICATIONS AND RISKS

Competent Authorities such as the Local Authority, have a statutory duty to enforce the requirements of food law. The Food Law Code of Practice (FLCP) is written by the Food Standards Agency and issued by the Secretary of State. This document directs competent authorities on how the requirements of EU 2017/625 applies to Competent Authorities and describes the approach to be taken to ensure efficient and effective coordination of official food controls.

The Food Law Code of Practice (FLCoP) is issued under section 40 (1) of The Food Safety Act 1990, Regulation 6 (1) of The Official Feed and Food Controls (England) Regulations 2009 and Regulation 26 (1) of The Food Safety and Hygiene (England) Regulations 2013.

Should the Local Authority not carry out its duties in line with the FLCoP the Food Standards Agency can escalate its concerns to the Chief Executive and Government Ministers with the ultimate step to implement powers of direction and default.

The Council is obliged to comply with its Constitution and particular its Contract Procedure Rules therein, in carrying out the procurement for the contract. Subject to the above, the Council can proceed with the procurement exercise for the Food Safety Inspection contract.

### FINANCIAL IMPLICATIONS AND RISKS

This report seeks approval to procure a Food Premises Inspection contract through a competitive tender process for a three-year period, from 1<sup>st</sup> September 2025 to 31<sup>st</sup> August 2028. The cost of the contract will be met from within the existing Public Protection revenue budget allocated for food hygiene inspections.

There is a statutory requirement to provide a food inspection programme. The Food Standards Agency (FSA) is currently applying pressure to the Council to complete all outstanding food inspections by 31<sup>st</sup> March 2026. The Council currently has an extension with the current provider until 31<sup>st</sup> August 2025.

Outsourcing inspections through this contract has historically proven to be more cost-effective than recruiting additional permanent or agency staff. Continuing with this model ensures the service remains within its financial envelope while fulfilling statutory obligations.

Benchmarking (details in exempt Appendix A) using last year's costs indicate there is sufficient budget held within the service to cover for this contract over the three years. Failure to procure this contract would pose a significant risk to the Council's ability to meet its legal duties under the Food Law Code of Practice, potentially resulting in non-compliance with Food Standards Agency requirements.

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The tender process will be managed in accordance with the Council's procurement rules to ensure transparency, competitiveness, and best value.

### **HUMAN RESOURCES IMPLICATIONS AND RISKS (AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)**

The recommendations made in this report do not give rise to any identifiable HR risks or implications that would affect either the Council or its workforce as the contract will be provided by the successful bidder.

### **EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS**

The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have 'due regard' to:

- (i) the need to eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by or under the Equality Act 2010;
- (ii) the need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- (iii) foster good relations between those who have protected characteristics and those who do not.

Note: 'Protected characteristics' are age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race, religion or belief, sex/gender, and sexual orientation.

The Council is committed to all the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socioeconomics and health determinants.

An Equalities Impact Assessment has been undertaken please see appendix B.

### **ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS**

There are no environmental or climate implications and risks with going out to tender.

### **BACKGROUND PAPERS**

None

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APPENDICES

Appendix A    **Exempt**

Appendix B    **Equalities Impact Assessment**

**Part C – Record of decision**

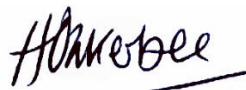
I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

**Decision**

Proposal agreed

**Details of decision maker**

Signed

A handwritten signature in black ink, appearing to read 'H Oakerbee', with a horizontal line underneath the name.

Name: Helen Oakerbee, Director of Planning and Public Protection

Date: 7 August 2025

**Lodging this notice**

**Non-key Executive Decision**

The signed decision notice must be delivered to Committee Services, in the Town Hall.

**For use by Committee Administration**

This notice was lodged with me on \_\_\_\_\_

Signed \_\_\_\_\_