

## Notice of Non-Key Executive Decision

<b>Subject Heading:</b>	Approval to Award 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>	Helen Oakerbee, Director of Planning and Public Protection
<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 3 year contract is estimated to cost £142,000 running from 1 <sup>st</sup> December 2025 to 30 <sup>th</sup> November 2028. This is broadly in line with the outgoing contract and the service will ensure it manages this commitment within its financial envelope.
<b>Relevant Overview &amp; Scrutiny Sub Committee:</b>	Place
<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

**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**

<b>DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION</b>
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### **Non-key Executive Decision**

This report seeks approval to award a food premises inspection contract for a period of 3 years at a value of £142,000. The contract is to commence on 1<sup>st</sup> December 2025 and will continue until 30<sup>th</sup> November 2028.

#### **AUTHORITY UNDER WHICH DECISION IS MADE**

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

Contracts

4.2 To award all contracts with a total contract value of below £1,000,000 other than contracts covered by Contract Procedure Rule 16.3. This delegation shall include the ability to extend or vary a contract up to and including a value of £1,000,000 (provided that the extension is in line with the existing contractual provisions.)

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 a statutory duty of the Council. 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 Public Protection 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 Stewart Harris Agnew Partnership which would provide stability in delivering the Food Hygiene Inspection programme.

This contract is significant in ensuring the Council 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 Council will not meet its statutory obligations without a food inspection contract in place.

The Council previously had a contract with Stewart Harris Agnew Partnership which expired on 31<sup>st</sup> March 2025, after which a temporary contract was put in place for four months. This has since expired.

### **Non-key Executive Decision**

Since the Non-Key Executive Decision to approve the procurement of this contract, a tender process via Beeline was carried out. Two bids were submitted, and Stewart Harris Agnew Partnership were the successful bidder.

### **OTHER OPTIONS CONSIDERED AND REJECTED**

#### **Option 1**

Cease the contract – not an option as the Council has a statutory duty to ensure the Food Law Code of Practice is adhered to. Limited resources within the team means it 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 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: 20/11/2025

## **Part B - Assessment of implications and risks**

### **LEGAL IMPLICATIONS AND RISKS**

Competent Authorities such as the Council, have a statutory duty to enforce the requirements of food law. The Food Law Code of Practice (FLCoP) 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 Council 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 to award the Food Safety Inspection contract.

### **FINANCIAL IMPLICATIONS AND RISKS**

This report seeks approval to award a Food Premises Inspection contract for a three-year period, from 1<sup>st</sup> December 2025 to 30<sup>th</sup> November 2028. The cost of the contract will be met from within the existing Public Protection revenue budget allocated for food hygiene inspections.

	2025/26 (P/Y)	2026/27	2027/28	2028/29 (P/Y)
Contract	£28,000	£43,000	£43,000	£28,000
				£142,000

There is a statutory requirement to provide a food inspection programme, and the Food Standards Agency (FSA) is currently monitoring the Council's performance in completing all outstanding food inspections by 31<sup>st</sup> March 2026. Awarding the contract would give the Council a better chance of being successful in meeting this target.

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.

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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**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**

To align with the Council's Climate Change Action Plan and procurement sustainability goals, the food premises inspection contract should include the following provisions:

**Route Optimisation Requirement**

The supplier must use route planning software or logistics tools to ensure the most efficient travel path across the borough, minimising fuel consumption and emissions.

**Fleet Emissions Standards**

The supplier should be encouraged to use electric or low-emission vehicles.

## **Non-key Executive Decision**

### **Monitoring and Reporting**

The supplier should provide quarterly reports on mileage, emissions, and route efficiency.

### **Business Engagement**

Inspectors should be encouraged to leave climate guidance materials with business owners during visits.

## **HEALTH AND WELLBEING IMPLICATIONS AND RISKS**

The recommendations made in this report do not directly give rise to any identifiable Health and Wellbeing risks.

Food inspection through this contract will help support the health and wellbeing of the community as it will prevent food borne sickness and improve the quality of food produced in Havering.

The successful bidder is expected to support local businesses to thrive in the borough by providing advice, education and guidance. This will increase the food hygiene ratings to help businesses in the borough to prosper.

The provider will commit to providing clear, fair and supportive inspections which build trust in the food sector and increase consumer confidence.

All the above will increase the boroughs reputation and also have positive impact on the wider determinants through employment and economy.

## **BACKGROUND PAPERS**

None

**Non-key Executive Decision**

**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 

Name: Helen Oakerbee, Director of Planning and Public Protection

Date: 3 December 2025

**Lodging this notice**

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 \_\_\_\_\_