



**Cynulliad Cenedlaethol Cymru  
The National Assembly for Wales**

**Y Pwyllgor Iechyd, Lles a Llywodraeth Leol  
The Health, Wellbeing and Local Government Committee**

**Dydd Iau, 24 Mehefin 2010  
Thursday, 24 June 2010**

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Cofnodir y trafodion hyn yn yr iaith y llefarwyd hwy ynddi yn y pwyllgor. Yn ogystal,  
cynhwysir cyfieithiad Saesneg o gyfraniadau yn y Gymraeg.

These proceedings are reported in the language in which they were spoken in the committee.  
In addition, an English translation of Welsh speeches is included.

**Aelodau'r pwyllgor yn bresennol**  
**Committee members in attendance**

Lorraine Barrett	Llafur Labour
Peter Black	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats
Andrew R.T. Davies	Ceidwadwyr Cymreig Welsh Conservatives
Irene James	Llafur Labour
Ann Jones	Llafur Labour
David Lloyd	Plaid Cymru The Party of Wales
Val Lloyd	Llafur Labour
Darren Millar	Ceidwadwyr Cymreig (Cadeirydd y Pwyllgor) Welsh Conservatives (Committee Chair)

**Eraill yn bresennol**  
**Others in attendance**

Maria Battle	Uwch Gyfarwyddwr, Llais Defnyddwyr Cymru Senior Director, Consumer Focus Wales
Jennie Bibbings	Uwch Eiriolwr Polisi, Llais Defnyddwyr Cymru Senior Policy Advocate, Consumer Focus Wales
Reg Kilpatrick	Pennaeth yr Is-adran Polisi Llywodraeth Leol Head of Local Government Policy Division
Yr Athro/Professor Hugh Pennington	Cadeirydd, Ymchwiliad Cyhoeddus E.coli Chair, E. coli Public Inquiry
David Powell	Pennaeth yr Is-adran Cyllid Llywodraeth Leol Head of Local Government Finance Division
Carl Sargeant	Aelod Cynulliad, Llafur (Y Gweinidog dros Gyfiawnder Cymdeithasol a Llywodraeth Leol) Assembly Member, Labour (The Minister for Social Justice and Local Government)

**Swyddogion Cynulliad Cenedlaethol Cymru yn bresennol**  
**National Assembly for Wales officials in attendance**

Marc Wyn Jones	Clerc Clerk
Sarita Marshall	Dirprwy Glerc Deputy Clerk

*Dechreuodd y cyfarfod am 12.47 p.m.*  
*The meeting began at 12.47 p.m.*

**Cyflwyniad, Ymddiheuriadau a Dirprwyon**  
**Introduction, Apologies and Substitutions**

[1] **Darren Millar:** Good afternoon, everyone. I welcome Members and members of the public to the meeting. I remind members of the public that headsets for simultaneous

translation and sound amplification are available in the public gallery. If anyone has problems using these, the ushers will be able to assist. The simultaneous translation feed is available on channel 1 and the language being spoken is on channel 0. Please ensure that all mobile phones, BlackBerrys and pagers are switched off, so that they do not interfere with the broadcasting equipment. If it is necessary to evacuate the room or the public gallery in the event of an emergency, everyone should follow the instructions of the ushers, who will be able to guide you to the nearest appropriate exit. Finally, I remind everyone that the microphones are operated remotely and that you do not need to touch any buttons to activate them.

[2] We have received apologies from Helen Mary Jones today. I am not aware of any substitutes, although I am advised that one Member needs to shoot off early. Are there any other apologies for absence or do any Members wish to make any declarations of interest under Standing Order No. 31.6? I see that you do not.

12.49 p.m.

**Y Gweinidog dros Gyfiawnder Cymdeithasol a Llywodraeth Leol—Sesiwn  
Graffu Gyffredinol  
Minister for Social Justice and Local Government—General Scrutiny Session**

[3] **Darren Millar:** I welcome the Minister and his officials, Reg Kilpatrick, head of local government policy division, and David Powell, head of local government finance division. You have kindly provided us with a paper, so we will go straight into questions.

[4] One issue that you do not address in the paper, but which has been subject of much speculation over the past 12 months, and is likely to be subject to more speculation in the coming years as a result of the public spending squeeze, is the issue of possible reorganisation. We have seen reorganisation take place in the national health service, and many people have suggested that reorganisation along similar boundaries might be something that you would wish to consider. What are your views on local government reorganisation, and is it something that you are actively considering?

12.50 p.m.

[5] **The Minister for Social Justice and Local Government (Carl Sargeant):** First, thank you for the invitation to come to committee today. You went straight in there for the kill with the killer question. [*Laughter.*] I had to wait until the end for that at the Welsh Local Government Association conference that I attended last week.

[6] You are quite right to say that the financial implications of the budgets that we are receiving now for the future will be extremely difficult for local government. In terms of pre-empting that, we have been consistent with the message. I have met with the 22 chief executives and local authority leaders across Wales over the last six months, saying that there is a need to do business differently. As I said at the conference, reorganisation was not on my agenda. I believe it to be costly. I am unsighted on the actual figures and numbers but, historically, it has always been very costly. The last time that it was done, there was a huge cost and it was very disruptive to process. I am not currently in favour of reorganisation, but on work around that in terms of collaboration, we have a long way to go to instruct local authorities and organisations across the public sector, through the efficiency and innovation board, to consider more collaboration work. That is where we are at present, and it seems that local authorities are moving in that direction so that they can work more closely together.

[7] **Darren Millar:** At the end of the day, all Members of the National Assembly—and, no doubt, all members of the Welsh Local Government Association and you, Minister—want

to see improved services to citizens. That is what we are all focused on achieving. Given the big squeeze that we know will come on public spending over the next few years, and although I appreciate that you say that you feel that reorganisation will be costly, what evidence do you have to suggest that it would be costly if you were reducing the number of local authorities? The last reorganisation effectively created many local authorities rather than reduce the number.

[8] **Carl Sargeant:** Our evidence is based purely on historic data. We do not have much current data in terms of the actual costs. I would be interested in listening to the committee, taking some advice on that as to whether you would want me to do some more exploratory work in terms of moving forward, so that I can get a better understanding to inform you about what the future of local government means, other than collaboration. I would be interested to hear the views of Members.

[9] **Darren Millar:** Let us take some views on reorganisation.

[10] **Val Lloyd:** My question was going to be on collaboration. I wonder whether I could ask that question now, as the Minister has mentioned it.

[11] **Darren Millar:** Is it a question on reorganisation?

[12] **Val Lloyd:** No; it is about collaboration.

[13] **Darren Millar:** I will call Lorraine first.

[14] **Lorraine Barrett:** I wish to come in again afterwards on a different subject, when we have finished with this. I suppose that collaboration comes under reorganisation. Some of us remember the last reorganisation when, as you said, Chair, we went from eight county councils and however many district councils to 22 unitary authorities. There was a cost in the physicality of doing that, and I think that there was also a cost in terms of its impact on staff and the uncertainty that went on for a long time. I am not sure whether we will ever get the right model.

[15] However, Minister, when you talk about saying to local government, ‘You must do business differently’, or ‘You will do business differently’, I wonder what words you used. Did you say, ‘You will do it differently’, ‘You must do it differently’, or ‘I would like to ask you whether you would consider doing it differently’? The message that they get is very important. I think that they get the message, but would you consider coming up with a model that might not be around full-scale reorganisation, but looking at some neighbouring councils that could share a big element of their education service, share senior directors and chief executives, and pool their resources? I can think of some smaller neighbouring councils that could easily do that—I say ‘easily’, but there would still be some grief in doing that. I would be comfortable with that; I am not sure whether there is an appetite for full-scale reorganisation, because there are many changes with regard to constituency boundaries with the Boundary Commission. So, I do not think that we need change for change’s sake, but I would like to see something positive from this. It is a message stating that we cannot go on like this. That is the end of my contribution for now.

[16] **Carl Sargeant:** You raise some really interesting points, Lorraine. With regard to the language used, I would say that I have probably used the whole spectrum—from the softly, softly approach to the more robust language. It may be useful for me to share my speech from the WLGA conference with the committee for reference; we will send that to you. Through the Local Government (Wales) Measure 2009, we already have the powers, which came across in April, with regard to direction. It is about driving improvements in local authorities and about specific duties, such as education and social services. So, improvements could be

driven with a neighbouring authority or regionally. I have been pretty relaxed with regard to what regional working means—it is about whatever suits best for the service delivery and the citizen-centred approach. We currently hold those powers, which are based on driving improvement.

[17] What is the intermediate step? I think that reorganisation would be at the end, but we can get some figures on that, so that the committee can understand more clearly what that means. There is a mid-way point with regard to having the power to direct authorities to collaborate or merge. The Local Government (Wales) Measure 2009 is coming through and we could take advice from officials with regard to the future and whether we could consider adding on to that Measure, if that is what the committee is thinking of. We need to do a piece of work around that to understand the benefits, because what I do not want to do as a Minister is to give directions to local authorities saying that they will collaborate for collaboration's sake, because that does nothing for the citizen-centred approach. We must know whether it will drive improvement through service delivery and cost-effectiveness—they are the two tests. Where there is resistance in some areas to doing that, then it may be useful to have the powers to say that it must be done and that that is the future. Is that doable, Reg?

[18] **Mr Kilpatrick:** The proposed Measure that we are going to introduce in July is a legislative opportunity. It is already very large, but we could look at that.

[19] **Darren Millar:** I get the impression that the committee would welcome a piece of work on whether this would be appropriate with regard to moving forward with reorganisation and the types of reorganisation that may be possible. Val, you wanted to come in.

[20] **Val Lloyd:** I just wanted to elaborate a little, because the Minister has taken the discussion forward. Reorganisation takes many forms, and it is very difficult; you cannot even carry out a pilot study, because you must look at the whole issue and a pilot study would not be typical of the whole issue. Reorganisation leads on well to collaboration, because collaboration is on the way to reorganisation. So, could you elaborate on any collaborative options within local government—for example, is it moving fast enough, too slowly or just about right? That would give us some flavour as to how local government would react to reorganisation.

1.00 p.m.

[21] **Carl Sargeant:** There are many examples of collaboration across Wales. We visited a good example in Gwent the other week, that is pan-public-sector, where the police, the health board and local authorities are involved in an information and communications technology project and are working very well together. A lot is built around trust. Once the senior managers or senior chief executives trust each other and begin to remove the boundaries of the silo mentality in terms of, 'We should do this' and start to think 'Perhaps we can let a bit of that work go their way', it works well and there are examples of that. Across north Wales, there are some things going on around education service provision.

[22] In terms of pace, my view is that things are not moving quickly enough, but this is about picking the right projects; it is not about wholesale change for the sake of it. You have to back the right horse and get the right project. Some projects have fallen because we did not do that. So, there is a lot of work to do on this. The pace of change will be forced by the financial pressures that we face. My duty, as Minister, is to ensure that our citizens are getting good public services. That is why the powers that are afforded to me are important, because some areas of the sector push back from change. Change is difficult; you need to take people with you, but it is sometimes difficult to move people along a bit quicker. One instance of that can sometimes stop a whole project. That is where the powers to improve are important, but

when we have the right project, there may be some advantage in the powers to direct that.

[23] **Mr Powell:** On collaboration and where we are now, the Minister has said that things have to accelerate, but there has been a noticeable acceleration over the last year. As part of the expenditure sub-group exercise that we do every year, this year, there is a compendium that the Welsh Local Government Association has produced of around 70 projects; there is a variety of projects within individual authorities and across authority and across sectoral boundaries. There are linkages in Gwent, as the Minister said, between health and local government. That is a marked shift in acceleration and pace from where we were last year. That compendium is available on the WLGA website and it sets out those 70 ongoing projects.

[24] **Darren Millar:** Often, that is just an example of people working together rather than delivering savings as well as improvements in services, is it not? That is the issue here: how will the big public sector spending squeeze be tackled and how will collaboration or reorganisation or working differently help to achieve the savings that we need to make while still maintaining or improving the quality of public services?

[25] **Peter Black:** I am conscious Minister that we are meant to be scrutinising you rather than answering your questions to us. I am a bit puzzled about a reluctance to look at reorganisation from a Government that, effectively, reorganised the health service twice within 10 years with a joint budget of more than all of the local authorities put together. So, I do not accept that the financial issues are the barrier to reorganisation.

[26] I also think, as David Powell has just said, that there are more than 70 projects. There are issues around directing collaboration simply because if you start to direct a collaboration, you start to get very hands-on in terms of looking at the details of each project from a Welsh Assembly Government view. So, you are effectively taking over the financial running of authorities because you have to evaluate each project yourself before you direct them to do them. So that is an issue.

[27] I have published my views on reorganisation, which are summed up by saying that we can have fewer councils, with fewer councillors, elected by proportional representation, but the quid pro quo is to give them more responsibilities, possibly including health services. I am happy to send that article to you, but, on collaboration, there is an issue with cross-sectoral collaboration. As David said, there are some examples of that. However, the Assembly Government, as a whole, as opposed to just your ministerial brief, holds the levers of health and education. Local authorities are meant to be community leaders, so is it not natural that that leadership role includes driving forward collaboration? I will take Swansea as an example: why do we not have a single back-office function for the health trust, the two universities, the further education college and the local council? That would take the Assembly Government to push it forward. Are you also looking at those sorts of initiatives?

[28] **Carl Sargeant:** There were a couple of questions there. On your first question, around the costs of reorganisation, perhaps you are privy to some information that I am not on how much it would cost, because I do not know what our current situation is. So, the argument that it would not be too costly—

[29] **Peter Black:** I did not say that. You have used cost as a reason for not doing it.

[30] **Carl Sargeant:** Yes, but I am basing that upon historic figures. It would be helpful if we did more work around the potential costs. On joint working and the 70 projects that Dave mentioned, the Welsh Assembly Government is involved in the funding and organisation of a lot of them. While local government leads on that, a lot of it is stimulated by Welsh Assembly Government money. That step change was inspired by the Assembly Government pushing it,

so in terms of the micromanagement comment, there is involvement already. I agree with you on the leadership role. It has to be driven at chief executive level and politically through the structures, but that is not easy. When you have two authorities that are different politically, it is difficult to bring them together. On your example of Swansea and back-office services, Gwent is an example of pan-public sector IT provision working. However, that is not happening in Swansea. I am not being critical of Swansea, but the issue is how to get the best practice that is working in Gwent into areas such as Swansea, north Wales or wherever.

[31] **Peter Black:** What are the Ministers for health and education doing in terms of saying to other institutions, 'We would like you to actively seek collaboration'? It is not just down to local government, which is already collaborating, as has been evidenced. What are the other Ministers doing to drive that agenda forward?

[32] **Carl Sargeant:** We are all speaking the same language. The Minister for health, the Minister for Business and Budget and I will be at the public sector summit in two weeks' time at which we will all be saying exactly the same things about collaboration. Where local service boards are effective, across the 22 authorities, we are seeing a marked shift towards working together. To return to what I said earlier, it is about the element of trust. We found that where there are good examples of collaboration moving quickly, they are driven by people who have been working together for many years and who trust each other. It is about taking the important step of allowing someone else to do some of your business. Our challenge as a Government is to pick up the best practice in one area and say to another, 'You will do this'.

[33] **Peter Black:** Every local council is potentially facing a 25 per cent cut in its budget over the next four years or so. Most local councils have already projected tens of millions of pounds of cuts each, and, in some instances, hundreds of jobs will have to go. I do not know of any instances where the leaders of those councils are trying to buck hard decisions; in fact, it is evident that they are sometimes more prepared to take hard decisions than the Assembly Government is. What evidence do you have that, in pursuing those particular cuts in services and trying to protect front-line services, councils are not looking at every avenue in order to make savings from collaboration?

[34] **Carl Sargeant:** Collaboration is not the be-all and end-all of this, but it will make a big difference. That is where small instructions from me will have major impacts. What I am saying, and I said it at the Welsh Local Government Association conference, is that joint appointment should be the default position. That is important, because it is not about the position, but service change, whereby we have a managerial structure that spans one, two, three, or four authorities. That is a step change that will make major financial savings across the board. So, the instruction from the Assembly Government is, 'Get on with it, and do it quickly'. It has been clear to us that there are pressures in the system, for whatever reason, whereby some will do it more quickly than others. That is where legislation is helpful to say 'Get on with the job, or we'll do it for you'. I do not want to be the one who says to a council 'You should be doing this', because we are working together on this, we all want better public services, and so they should be doing it anyway.

1.10 p.m.

[35] **Peter Black:** Do they understand that? They are facing these huge pressures. Are you saying that they are not taking that responsibility seriously?

[36] **Carl Sargeant:** I would say that the majority are.

[37] **Ann Jones:** I have a few points on reorganisation and collaboration, and then I have other questions.



[38] **Darren Millar:** We will come back to those.

[39] **Ann Jones:** Okay—I was just making sure that you had me down to speak twice.

[40] People do not live their lives within local authority boundaries. All this talk of collaboration is great, and it is all good in theory, but it has to improve service delivery for the individual. Collaboration also has to happen within authorities, because some departments do not collaborate on plans, for example—you will not be surprised which authority I am talking about. In delivering that collaboration, if you cannot get the buy-in within local authority departments, how do you then go outside of the local government family to the police and the health service and the fire service? To give you a classic example, the police and the fire service have used buildings within 100 yards of each other in the St Asaph business park. Heaven forbid that one should be asked to join the other. However, it was all right for the control room staff, the lower-waged staff, to join together. That was seen as wonderful.

[41] People tend to protect their own interests. Who will be responsible for all this, and to whom will that person be accountable? Will it be authority A, because that is where they come from? If they are collaborating with authority B, what responsibility do members of authority B have? Who is responsible? Down the line, the people who will suffer are the service users, because they will not know whom to complain to. They will not have anyone to help them access services. It is bad enough now.

[42] My second point is on reorganisation. The service user has to be at the centre of this before we start talking about reorganisation. I have been shouting about reorganisation for some time, but to look at it now could be seen as shifting deckchairs on the Titanic. If people think, 'Oh well, they are just doing it now', and there are no real terms of reference behind it, then I think that we would be accused of it almost like being the 1995 reorganisation, when we suddenly went from one director of education in an area to six in the same area. That really was creating jobs for the boys.

[43] **Carl Sargeant:** First, on the responsible person, this is already happening. There are already joint appointments between Conwy and Denbighshire, and the organisational structure reflects who that appointed person is responsible to. There are good examples across Wales of that happening, but is it happening quickly enough, or is it broad enough? Probably not. There needs to be a step change there.

[44] In terms of reorganisation, I suppose it goes right back to the very beginning. My point is that I believe that it would be costly, although we need to do some work around that; I accept that we need more evidence. I do not want to reorganise because it seems to be the popular thing to suggest; I want to change service provision to make things better for our service users. That is the key to all of this. We have to do things differently, and more effectively and cheaply. That is the key. Do I want reorganisation for reorganisation's sake? Absolutely not. Let us be clear about that. However, do I want a better service, with whatever that structure may involve, including regional working, and the merger of functions and councils? That may be somewhere that we need to get to.

[45] **Ann Jones:** However, there are departments within authorities that do not collaborate—on an authority single plan, for example.

[46] **Carl Sargeant:** I would be disappointed in local authorities if departments do not collaborate. Another aspect of this is that we have developed outcome agreements, which are about driving improvement through. Again, in some areas people have been worried about the emphasis that I have placed on outcome agreements, but this is about driving improvement for the citizen, and I have been robust in the scoring mechanism that I have used, because I

am not giving money to councils that tell me that they will improve, but do not. I stand by that. The scoring system is very robust. I do not want to set councils up to fail either; I want them, genuinely, with me, to go down the path of improving services.

[47] **Darren Miller:** Do you accept the premise of Ann's point, which is that there is, for want of a better description, empire protection within and between authorities, particularly among those in senior posts who perhaps want to protect their roles, their departments, or their pay grades? Do you accept that this is a major barrier, not only to collaboration, but to the possibility of any future local authority reorganisation that might deliver improved services to citizens?

[48] **Carl Sargeant:** That is the nature of human beings, is it not? People like to protect what they have. The reality, however, is that the outcome agreements, which I see as key, are about driving improvement, and that is something that we will measure. That goes back to the 2009 legislation in which we said that, should an authority fail to improve, the Assembly Government can step in. It is a really important trigger; it is a key to driving improvement in outcome agreements.

[49] **Andrew R.T. Davies:** Coming back to Peter Black's questions, Minister, you said, 'I will do it for you'. The language you use is proactive; it speaks of collaboration. Since becoming an Assembly Member in 2007, I have heard that language time and again, but when you look at what is happening on the ground, you see that vested interest creeps in, and that is human nature, as you rightly pointed out. At what point do you as a Minister deem it necessary to do it for them? Can you give us an example that you have come across since taking on the ministerial portfolio that would substantiate the point you made, that you would do it for them?

[50] **Carl Sargeant:** We are, and have been, in discussions with various local authority departments where we have seen the potential for joint services and joint appointments. They are currently being considered. We will also work with the Wales Audit Office to obtain the evidence for driving improvement through. If we are convinced by the audit office's deliberations that this approach would provide a better service, and a local authority fails to act on that conclusion, I will use my powers.

[51] **Andrew R.T. Davies:** So, you are going to departments and activating that co-operative model. I think the phrase that you used at the beginning was that you—by which I mean your officials—are in certain departments. So, it is from you, in some or many instances, that the nudge or the push has to come to achieve collaboration rather than the authority or authorities coming to you.

[52] **Carl Sargeant:** Reg will follow this up in a second, if he can. The nudge should not be coming from me at all. What I am telling local authorities is, if this makes sense, they should do it. Let us proceed with this. We have seen it in some areas, with joint appointments or joint departmental working, across the public sector. It has already happened, because it makes sense to do so.

[53] Going back to your point about protectionism and not wanting to move forward for whatever reason, if it fails to drive improvement, and we can demonstrate that with evidence, then I will step in and give instructions to move the agenda on, bearing in mind that I have only had the power since April. We are looking at the matter now. That is what I mean about the pace of change—the step change—because we can all see the pain coming, and some people can see it a bit more closely than others and want to do something about it. Reg might just want to come in on this point.

[54] **Mr Kilpatrick:** It is worth saying that the Local Government (Wales) Measure 2009

included, for the first time, a duty on authorities to collaborate and, first of all, to consider collaboration. Taking the point about Swansea and the joint back-office services, the next time that the IT services of one of those organisations comes up for renewal, local authorities are now under a duty to consider how they might carry out that function in collaboration with others. We have that now; we did not have that last year.

[55] The second point to make is that it is quite clear from our ongoing discussions with individual local authorities, and in the Minister's discussions with local authorities, that we can see opportunities for collaboration, which just emerge. They may emerge from a group of authorities or from just one. Some of the initiatives and projects need encouragement. That is what the Minister is talking about, namely to provide that political leadership and determination to make sure that these projects go through.

1.20 p.m.

[56] There is another set of projects where one partner will be more enthusiastic than others. That is an area where we need to be more determinist than we have been in the past. The provisions of the 2009 Measure will enable the Minister to direct collaboration where it will lead to improvement. As you said, in order to be able to do that, we need some evidence about improvement. That is where the work of the auditor general and the Wales Audit Office comes in. We work closely with them to make sure that, before taking any major decisions, we are confident that the outcome will be positive for all of those involved.

[57] **Darren Millar:** I am very conscious of the time that we have spent looking at reorganisation, because there are other issues in the Minister's paper that we need to discuss. Minister, you indicated that you would be happy to ask your officials to look at this in more detail, and to report back to the Assembly in the future. As a committee, we would also like to write to the auditor general to ask her to look at the potential financial implications of any cost savings or benefits that might be incurred from reorganisation.

[58] **Carl Sargeant:** I am happy to ask officials to do that. We could do a brief review similar to that undertaken by the Minister for education. I do not know what the outcome of that will be, but it will give us more information on the costs of driving improvement forward. The endgame is the key to all of this; it is not about structures, but providing better services.

[59] **Lorraine Barrett:** I am interested in Communities First, because there are funding issues in many areas. People are asking me what is coming next: where is communities second? Tied to that, I am interested in how funding is spent in the voluntary sector, what the outcomes are, and whether there is duplication in the voluntary sector. That ties in with Communities First funding, because a piece of work needs to be done to look at where public funding comes from to support voluntary groups. The funding at the moment comes from the Welsh Assembly Government, the lottery, local authorities and Communities First, but I am concerned—maybe wrongly—that there is duplication out there. I would like to see a community house model within areas where community groups and voluntary groups could share resources. Can you say something about that? I am also keen to know what is coming next with Communities First.

[60] **Darren Millar:** Before you answer that, I remind Members that the clock is against us and I want to include as many people as possible. So, I ask Members to be brief in their questions and the Minister to be brief in his answers. I also ask Members to confine their questions to the committee's responsible areas, rather than on areas in which other committees would normally scrutinise the Minister. For example, Communities First would be more of a social justice issue, but we also have an interest in this as a committee that looks at local government.

[61] **Ann Jones:** West Rhyl Communities First did not deliver what we expected it to deliver for the most disadvantaged and deprived community in Wales. It remains at the top of the league table, although I wish that it was at the bottom. What can we do to make sure that those people get the same chance as those who have had successful Communities First schemes, such as those living in places such as Pentre Broughton, Llandudno, and, to a lesser extent, Kinmel Bay? How can we ensure that those people in west Rhyl, who through no fault of their own, but through the fault of the local authority that could not get its head around what Communities First was supposed to be—as well as a lack of capacity among the community as there was no-one there to help it to take it through—get the chance that we should have given them years ago with their Communities First project?

[62] **Carl Sargeant:** I will try to be very brief. The arguments around Communities First have been well rehearsed, and we have had many debates in the Chamber where people have expressed differing views about it. My aim is to take Communities First forward. Communities First has been a 10-year project. I have asked some of my officials to start looking at the edges of Communities First to see what the next stage of Communities First might look like. I am taken with some of the work that Huw Lewis is doing on having a wraparound service and bringing all organisations to a family or a person. There is more work to be done in that respect. I can see ‘Communities First—something’ going forward, but I am not yet sure about exactly what that will be.

[63] On the specific points that you mentioned, Ann, I am more than happy to write to you in detail in relation to Rhyl, but it is important that we do not walk away from the residents there; we have to build something in. I have allocated money through the regeneration area project, but residents in Rhyl can still access some of the grants that are attached to that.

[64] On the voluntary sector, briefly, I have some concerns about duplication, and I have asked officials to look across the Assembly Government—because we, too, have to change the way in which we do business—at who gives what, and where. That means that the directors general of every department, such as the health and transport departments, understand what they give the voluntary or third sector and what we give it, so that we can bring things together to see if there is a duplication of funding and if organisations have submitted two bids to different departments. So, we are getting a better understanding of that. No one will be able to duck the difficult financial times that we face. That includes local authorities, the fire service, the police and the third sector. Again, I have had some interesting discussions with the voluntary sector about how we change service provision and how it can adapt to change now.

[65] **Darren Millar:** Irene James has the next question.

[66] **Irene James:** I wanted to talk about community safety. Do you want me to move on to that now, Chair?

[67] **Darren Millar:** Yes, that is fine.

[68] **Irene James:** Minister, does your department have any evidence regarding community safety in relation to local authorities switching off streetlights?

[69] **Carl Sargeant:** I am not aware of any specific cases. There is a logical argument for switching them off as there is a cost saving. The community safety-related aspect of this is the fact that, if you are going to turn off lights, you have to do so in the right places, because there can be consequences for traffic, and there is a social element in that people may not want to go out in the dark and will therefore be trapped in their homes. So, there are big implications. I am not sure whether we have any evidence in that respect, but there is a big community safety aspect to that.

[70] **Mr Powell:** To reinforce that, the expenditure sub-group takes an interest in street lighting. We are not aware of switching off streetlights having a negative effect, and we have checked with our community safety colleagues at official level. So, it does not appear to be a big issue at the level of the community safety partnership.

[71] **Irene James:** Following on from that, a number of streetlights are next to CCTV cameras. People are concerned about that, because it has been suggested that the number of CCTV cameras could be cut. Rightly or wrongly—I would not like to say—they are perceived by people as a means of reducing crime, anti-social behaviour and so on. We know that, all too often, the issue is the perceived level of crime. What views do you have on whether reducing the number of CCTV cameras would have a detrimental effect?

[72] **Carl Sargeant:** These are matters for local authorities, but I would not want to see a reduction in the number of cameras or the removal of lighting having a direct impact on a family or a person in the community. These are very difficult decisions, and the fact that there are financial pressures means that there are even more difficult decisions to be made. We have to ensure that there are impact assessments of all the decisions that we make. We do that in the Assembly Government, and I would expect local authorities to do that as well. It is only right.

[73] **Peter Black:** I note from your report that the new local government Measure will be bigger than the proposed Welsh Language (Wales) Measure and the proposed Mental Health (Wales) Measure, and I look forward to it. I also note that your predecessor pledged to the Assembly that he would introduce legislation when the appropriate powers had been transferred to us to reduce council tax for serving members of the armed forces. If the draft LCO on housing, which I think contains those powers, is passed in time—and please work on that assumption—will that be in this proposed Measure on local government or are you proposing a separate proposed Measure before the Assembly elections?

1.30 p.m.

[74] **Mr Powell:** Regulations came in on 1 April, which gave effect to the 50 per cent reduction in council tax for the second homes of members of the armed forces.

[75] **Peter Black:** I got the impression from the previous Minister that he did not have the powers to do it yet.

[76] **Mr Powell:** From my recollection, this is an issue about council tax for civilians' second homes, which was tied up with—

[77] **Peter Black:** I understand that, but I thought that servicemen were part of that.

[78] **Mr Powell:** No. The regulations came into force on 1 April.

[79] **Peter Black:** Are all local authorities required to do that or do they have a choice?

[80] **Mr Powell:** They are all required to do it. Previously, they had the discretion to do it and a number of them did it, but not all of them.

[81] **Peter Black:** However, that relates only to servicemen. Is that correct?

[82] **Mr Powell:** That relates to service personnel, yes. The issue of civilian second homes is separate.

[83] **Peter Black:** I understand that.

[84] **Darren Millar:** Okay, we have two more minutes on this.

[85] **Val Lloyd:** My question is on social enterprises, which I think is probably more relevant to the remit of another committee, so, in the interests of saving time, I will write to the Minister on that.

[86] **Darren Millar:** Thank you for that, Val.

[87] **Andrew R.T. Davies:** Minister, I received a written answer from you this week about environmental health officers. Your letter indicated that your department has no input on this, although it is responsible for local government in Wales. I think that your answer was that your officials have had no discussions at all in connection with the demands and constraints placed on environmental health officers. I appreciate that you do not divide the responsibilities within Cabinet—that is the First Minister’s responsibility—but do you not find it slightly odd that, considering that your officials are responsible for local government, of which environmental health is an important part, they have no discussions at all on this issue? Do you have an understanding of where that responsibility lies, because I have yet to find that out?

[88] **Carl Sargeant:** Yes, it is a matter of public health, so it lies with the Minister for Health and Social Services. Although I have overall responsibility for local government, specific elements, such as education and social services, come under the directorates-general of the relevant Ministers. So, I understand your question, but I think that you would get a fuller, more detailed answer from the Minister for health.

[89] **Darren Millar:** That brings us to the end of this part of the meeting. Thank you, Minister, Mr Powell and Mr Kilpatrick for your attendance today. I look forward to receiving further information on the reorganisation issue. I know that some Members will take up individual issues with you as well.

[90] **Carl Sargeant:** I thank the committee for that. I know that time is of the essence, and so if there are any questions that you have been unable to ask me and you want to write to me about, I am sure that we will be able to provide you with detailed responses.

[91] **Darren Millar:** Thank you, Minister.

1.33 p.m.

**Hynt Gweithredu Argymhellion Adroddiad Pennington ar E. coli: Yr Athro  
Hugh Pennington  
Implementation of the Recommendations of the Pennington Report on E. coli:  
Professor Hugh Pennington**

[92] **Darren Millar:** This is the first of our sessions looking at the implementation of the recommendations of the Pennington report on E. coli. Members will be aware that, in September 2005, there was the largest ever outbreak of E. coli O157 in Wales, the second largest in the UK. The outbreak had a devastating impact, and its effects are still being felt by many families in Wales. There were more than 150 cases of E. coli, most of which were children. Tragically, one of those children, five-year-old Mason Jones, died from the infection. The committee is seeking an update on the progress made to protect the public from such an event happening again in future.

[93] Sharon Mills, Mason Jones's mother, and her family are present in the public gallery today, along with Julie Price, whose son became seriously ill as a result of the infection. The families have written to the committee to tell us about the devastating impact that the E. coli outbreak had on them, and their e-mails have been circulated to committee members as papers 6 and 7. I am sure that many of you have read those powerful e-mails. I thank the families for assisting the committee in undertaking this important work. I am very pleased to welcome Professor Hugh Pennington, the chairman of the E. coli public inquiry, here today. He has kindly agreed to come to us today, which we appreciate. We would like to go straight into questions, if that is okay with you, Professor Pennington.

[94] First of all, can you outline the main positive achievements that have taken place in response to your recommendations, and the impact that these have had on food hygiene in Wales to date?

[95] **Professor Pennington:** Chair, the unfortunate position that I am in is that, once a public inquiry has departed office, as it were—once the inquiry has been published—that is the end of it. I find out what happens by chance or by people telling me, sometimes through the back channels and sometimes overtly. I am in touch with lots of people because I feel that I have a role, so I am in touch with the families and with the Food Standards Agency and so on. It is therefore quite difficult for me to give a precise answer to that question, and it would be an incomplete answer. I know, for example, that many local authorities in Wales took action before the report was published. I am pleased to see the sorts of actions that they have been taking, and, sometimes, they have gone even further than my recommendations, so there has been a positive response. I cannot say whether there has been a positive response from all local authorities in Wales, but certainly there has been a good, strong response from some. I will follow that up with particular local authorities, because they would like to discuss with me how they are approaching the implementation of my recommendations.

[96] I have talked to the Food Standards Agency, which I suppose is indirectly connected with the Welsh Government in relation to funding issues and the Welsh Government's political influence on it and so on. It is engaged in a fairly long-term programme in response to my recommendations across the piece, from abattoirs through to environmental health audits of local authorities and so on. I await the progress of those recommendations with great interest, and I will be speaking with the Food Standards Agency in its meeting in Scotland in September to find out exactly how far things have gone, and for it to have the courtesy of asking me questions, as you are today—and I welcome this opportunity, because it keeps me in the loop.

[97] As background, E. coli O157 has not gone away. We do not know how common it is in cattle because we do not do regular surveys. They are not necessary; we assume that all cattle and sheep carry this organism at some time in their lives. The large outbreak last year in England, in Godstone farm—which was not to do with food, but with the environment—showed how common this organism still is and how nasty it is. Lots of children developed hemolytic-uremic syndrome. By the grace of God, rather than anything else, nobody died, so the challenge is still there.

[98] I am still, in a sense, obsessed with getting these recommendations implemented—not just to prevent E. coli, nasty bug that it is, but also because we still cannot treat it adequately once, for example, a child has hemolytic-uremic syndrome; we just have to rely on good, sound medicine and keeping our fingers crossed. So, prevention is the aim but hazard analysis, for example, will prevent many other kinds of food poisoning too, which are much more common than E. coli O157 in Wales, and sometimes have very serious health impacts. My recommendations, although focused on E. coli O157, are not limited in their impact to that. They would have a positive effect on reducing food poisoning as a whole, which has a lot of economic impacts as well as a lot of health impacts.

[99] **Darren Millar:** You will be pleased to know, professor, that you are in good company today because we are also obsessed with getting these recommendations fully implemented.

[100] **David Lloyd:** As you say, although some positive achievements have taken place since your report, do you consider that enough is being done, or has been done, to reduce sufficiently the risk of any further outbreak of E. coli O157? The risks are well known and have not really changed and, theoretically—well, more than theoretically—we know what to do about E. coli O157, so it is not a strange, newfangled disease. So, where are we in the management of this condition? If it is well known to practitioners, environmental health officers and local authorities, how come it is still a risky venture?

1.40 p.m.

[101] **Professor Pennington:** My obsession is with the hazard analysis critical control point, or HACCP as it is called. It is the cornerstone of food hygiene in any business. It is also a cornerstone in the home, but perhaps we will come back to that later, as that is a more difficult issue. For any business not to be doing what it is legally obliged to do, which is to have a HACCP approach up and running, or something along HACCP principles, is a disgrace, essentially. There has been a long gestation period to get this up and running. There is a problem with small and medium-sized businesses, because they do not have the resources or the technical facilities of a big food company. The big food companies take HACCP as read, and implement it, and have done for many years. I will not mention any names, but in fast-food outlets, large supermarkets and so on, it goes without saying that they will have good HACCPs implemented and so, generally speaking, they are not the source of problems. The difficulty is with smaller businesses. We seem to have an inordinate amount of difficulty getting those businesses to accept that this is not some bureaucratic exercise or red tape but sound common sense. It is about them working out for themselves, with technical advice if necessary, what the issues are for them to deliver safe food to their customers. It is also down to environmental health officers to ensure that they are doing that. In the 2005 outbreak here, sadly, those things were not done, or they were done poorly. I do not have the full evidence, but I am not yet convinced that we have got to the point of saying that all small businesses have a HACCP scheme running that an environmental health officer should be satisfied with. The statistics show that a substantial minority of businesses still has to get to grips with it. Until we get that sorted out, we still run the risk of having a large outbreak of E. coli O157.

[102] **David Lloyd:** Just to drill down on that, the issue is with hygiene, as you say with the HACCPs: hand hygiene and keeping cooked meat and raw meat apart. Those are the basic essentials, which have been known for a long time. How can we move this agenda forward, in your view?

[103] **Professor Pennington:** We have to keep bearing down on all the people who are responsible for ensuring that this happens, and the Food Standards Agency has an important role here. I hope that the Assembly Government uses all the political force that is available to it to ensure that the Food Standards Agency is on top of the job and is doing it properly. Local authorities are crucial, because they are at the coal face, and we need the appropriate structure of enforcement. Environmental health officers do a lot more than enforce; they give a lot of advice. In fact, a lot of their work with a business that is teetering on the edge of being a little bit unsatisfactory is giving out advice and encouragement, rather than punishment. They come in and, one hopes, rectify the situation before it comes to the point at which you have to take legal action.

[104] We need a solid corpus of environmental health officers in Wales who have the right expertise. It boils down to judgment at the end of the day. That means that we have to have



the right people in senior posts and the right people coming through in training posts. We have to have the right number of posts and the right amount of advice available to environmental health officers. A particular issue in 2005 was that relatively junior officers did not have a senior officer to whom they could talk, because of how the local authority had been restructured. This was not deliberate; it was just coincidental that senior people did not have that food experience. I do not see any reason why Wales could not do that as a model for the rest of the UK, being the size it is and having an excellent public health infrastructure. That would ensure that environmental health has that quality emphasis to it, even in the face of hard financial times, which raise issues with funding posts and senior people leaving and so on, which I am extremely concerned about.

[105] **Darren Millar:** That leads us nicely on to the next area of questioning. I now call on Val Lloyd.

[106] **Val Lloyd:** I have several questions to ask, but I think that Professor Pennington has answered one further down the line than my first question. You prophesied the budget cuts. When you wrote your paper for us, it predated the cuts, but the cuts have started. Following on from that, you say that it is unlikely that any significant sums of new money to pay for work to implement your recommendations will not be allocated to local authorities. What impact will this lack of additional funding and any possible budget cuts have on food hygiene services in Wales?

[107] **Professor Pennington:** My fear is that we will not have enough environmental health staff with the experience and judgment to be able to cope with a situation similar to that faced in 2005, where there was a business that was manifestly unsatisfactory and one had to drill down to find out what the unsatisfactory nature was that was putting public health very seriously at risk. My fear is that local authorities may well have a human-resources-driven policy towards their staffing reductions rather than one based on public health needs. In the case of environmental health departments, they are really at the front line. They are also slightly back from the front line, because they have to determine their own policy; they have to determine how they will react to a situation, and so forth. Unless we have that corpus of staff across Wales, local authorities might have to do a lot more sharing of expertise. Again, I am worried that, unless we get the management of any restructuring right, we may run into difficulties in having not enough expertise in place when a situation arises. One cannot say when a situation will arise, because that is down to individual businesses. They will also be under financial pressure because people will have less money to spend and so forth. I will not make any predictions, as that would be foolish. Fortunately, E. coli O157 outbreaks are uncommon. However, my expectations that we might have another E. coli O157 outbreak would be raised if we do not have the right regulatory system in place with the right experience to cope with the sort of businesses that will be with us for the foreseeable future, because of human nature, or to cope with E. coli O157, which, as I have said, has not gone away.

[108] **Val Lloyd:** You have touched upon it, but how could the Welsh Government ensure that food hygiene services are given sufficient priority?

[109] **Professor Pennington:** That is a difficult question to give a straight answer to. I heard, just as I came in, that, in a sense, it is for local authorities to decide how they manage their services and how they apportion their funds. I would hope that the Government takes a very sharp interest in how this is done, and gives the appropriate advice. I do not know what political powers you have to induce local authorities to optimise services, short of giving them ring-fenced funding and so forth. I went through the ring-fenced funding issue in 1996 and came away from it, because it was not an option that we could follow even in Scotland in 1996, when we had an enormous E. coli outbreak. Whether it is a matter of political influence or exhortation, I do not know; it is over to you, I am afraid. The local authorities are the masters

of their houses in terms of how they structure themselves and how they use their funds. As I said in my paper, I do not think that the prospect of Pennington money being allocated to encouraging food safety in butchers, for example, is very likely within the next five years.

[110] **Darren Millar:** You say that you backed off from recommendations around ring-fencing budgets. Can you explain why?

[111] **Professor Pennington:** We made some inquiries into local authority views on that. We had a senior local authority person on the committee that did my investigation in 1996-97. We felt that, politically, we just could not drive that through. Again, my recommendations at that time were, basically, to the Scottish Executive. Therefore, we had to have recommendations that would be implemented by the body that would be presented with them.

1.50 p.m.

[112] **Darren Millar:** It is interesting that, in Wales, we ring-fence all sorts of budgets to local authorities, including the provision of cycle paths and all sorts of things. In many respects, we would like to see less hypothecation—well, many of us around the table would. This is clearly about protecting the public and human life. We have seen a life lost needlessly in Wales. That could have been prevented had proper procedures and protocols been in place and had people done their job properly. Would you like this committee to make a recommendation to Ministers about ring-fencing?

[113] **Professor Pennington:** Yes.

[114] **Darren Millar:** I wanted to get that on the record.

[115] **Peter Black:** Should we have direct grants?

[116] **Darren Millar:** That is, effectively, hypothecation.

[117] **Peter Black:** It is different.

[118] **Professor Pennington:** The Pennington money in 1996 was of that ilk; it was not ring-fenced money, but it was money directed towards a particular issue that was basically to do with safe food and meat being produced by butchers who handle raw and cooked foods.

[119] **Ann Jones:** On ring-fencing, you know that I take the view that with rights come responsibilities. If councils cannot deliver then why should they have a right to all of the cake? We should tell them what part of the cake they should spend on environmental health and scrutinise how they have spent it. To follow on from what the Chair was saying, we should make a recommendation that the money needs to be ring-fenced, because local authorities clearly have not been doing the work that they should have been doing prior to 2005. So, they have lost the right to have all the cake and to decide how to eat it.

[120] **Darren Millar:** We must be careful here, Ann, because a failure was identified, but not all local authorities failed in their duty.

[121] **Ann Jones:** No, but I think that you will find that, in most local authorities, environmental health is never very high on the agenda, and, as you mentioned, it can be seen as a back-room job or it is merged with another job. So, in my view, authorities have lost this right and have not demonstrated that they have spent budgets effectively. Therefore, I think that we should ring-fence this money. I would ring fence every budget head, as you know, until such time as we know that authorities are spending money in the direction intended.

[122] **Darren Millar:** Do you want to respond to that, Professor Pennington?

[123] **Professor Pennington:** The analogy to draw here is with the health service, which everyone says should be protected. This area very much impacts on the health service, as the tragic events in 2005 illustrated dramatically and painfully. E. coli O157 is an expensive disease, both in human suffering and in the cost to the health service, and it is preventable by public health measures. So, I do not see any fundamental difference between what we are talking about here and protecting the health budget.

[124] **Andrew R.T. Davies:** To pick up on my colleague Val Lloyd's point about budgets and the point that you just made, Professor, about this being preventable, the figures that I sourced this week from the Minister indicated local authority spend on environmental health measures within Wales, and 17 of the 22 local authorities are failing to meet the standard assessment duty, and, even after your recommendations, eight of them are spending less on food hygiene in the last accountable year than when the outbreak occurred. So, I want to get from you an understanding of whether you believe that there is a corporate mindset that has problems realising the importance of food hygiene and environmental health, particularly when allocating resources. These figures are quite telling to say the least: 17 out of 22 authorities are failing to meet the standard assessment duty and eight are spending less, even though they know the implications. You clearly point out that it is preventable.

[125] **Professor Pennington:** It is a scandal when we—

[126] **Andrew R.T. Davies:** Sorry, I would just like to point out that those figures are for 2008-09. The budget constraints that we will face have been trailed in the media this week, but those figures indicate that there were problems when those constraints were not in place.

[127] **Professor Pennington:** I cannot speak for Wales, but I know that in other parts of the UK where I have spoken to environmental health officers these are issues that are already very well advanced with regard to job losses and a decline in expenditure. It would be wrong to say that there is a direct correlation between expenditure and the delivery of safety, but when you get to a certain point in not spending money, then that does mean that you probably have fewer staff. I think that there is a prima facie case that you would have fewer staff to do the sort of work that you really should be doing in preventative work.

[128] In the case of E. coli, it is rare and outbreaks are relatively rare and usually there are a series of circumstances that have to go wrong before one occurs, but we are living in cloud-cuckoo-land if we think that because there has not been a recent outbreak, we are safe. That mistake is often made in risk analysis—you kid yourself that you have got a grip on it. That, sadly, was shown in 2005 when there was a repeat of what happened in 1996 because perhaps a little bit of complacency had crept in. I think that that applies to local authorities. I am not blaming environmental health departments here, but I think that environmental health staff have a problem getting the message across to the rest of the local authority and to elected members that what they do is work of first-line importance and preventative work. If they are successful, they have nothing to show for it because there are no outbreaks, so they have a difficult case to make, because when they are successful, nothing is happening. Politically, that can be quite a difficult case to make.

[129] **Andrew R.T. Davies:** So there is a deficit in corporate ideology?

[130] **Professor Pennington:** Yes, I think so. Many departments are not called 'environment health', but 'public protection', for example. They have other names that perhaps conceal some of the important functions going on within those departments.

[131] **Lorraine Barrett:** Could any actions be taken to improve food hygiene services and

to make them more effective that do not require any additional funding? Is it more or less a case of more funding being needed or are there basic things—or anything—that could be done without extra funding?

[132] **Professor Pennington:** That is a difficult question to give a simple answer to. There has been a lot of discussion about scores on the doors, for example, as a public manifestation to the consumer that someone is running a safe business. There must be a funding implication in rolling that out, but not a large one, because it is based on what is already happening. It is basically a question of bringing together information that is already gathered and then putting it out into the public domain. That sort of initiative has the power behind it to significantly improve food safety in terms of businesses such as restaurants and so on and shops selling food, because the public can see what it is getting. That is still in development, but the sooner we get on with it the better. We need a really good, solid system that the public understands and that does not just depend on someone going on the web. That information would be visible when you went into a shop, and that would not be an expensive way of driving quite significant improvements in food safety.

[133] **Peter Black:** Before I ask you my prepared questions, I want to explore the issue of how we get local authorities to concentrate better on the risks involved in food hygiene and to put the necessary resources into it. There is a danger that we are confusing ring-fencing with direct grants, because if you start to ring-fence a specific budget for food hygiene and that money is already insufficient and you have to put more in, then that may take money from other areas. In terms of environmental health, local authorities manage their budget on the basis of risk, so they put the resources where the greatest risks are. So, do you think that local authorities recognise the risks behind not financing properly the food hygiene aspects of their work?

[134] Secondly, do you think that the main point is for the Assembly Government to look at the overall resources available for this and to evaluate whether or not additional resource needs to be put in as a direct hypothecated grant as opposed to authorities trying to use already inadequate resources? Thirdly—sorry, this is a three-part question—do you think that there are other mechanisms that should be available to the Assembly Government in terms of inspection, for example, either through the Wales Audit Office or through other auditing arrangements or inspection regimes, which can ensure that the standards of food hygiene inspection are driven up?

[135] **Professor Pennington:** I will start with your last question. That would be a matter for the Food Standards Agency, which audits local authorities, but there is obviously a role for the Welsh Government in the sense that it has a relationship with the Food Standards Agency. So, it is a question of keeping a sharp eye on the Food Standards Agency. There are recommendations in my report about the audit of local authorities, and I know that they are addressing that. They may also have a resource problem, because everyone has one. What was your second question?

2.00 p.m.

[136] **Peter Black:** It was about the need to direct extra resources through direct grants.

[137] **Professor Pennington:** I am relaxed about how it is done, as long as it is done in a way that people are happy with, or the way that people are least unhappy with. Local authorities may not like being given a lump of money and told what to do with it, but, in this instance, that would be a sensible thing to do. I would certainly go along with your view that, rather than ring-fencing money for environmental health in general, money should be focused on a particular issue, as a hypothecated grant, for example. I am very concerned, as I said at the beginning, about the implementation of the hazard analysis critical care point. One needs

to work on something along those lines to improve that. My report in 1997 basically said that we were focusing on getting HACCP implemented in a better way, in more businesses. We have not finished that, and it would have an enormous benefit. If that is a route that one can go down, I would strongly support it.

[138] **Darren Millar:** That leads on nicely to the next question. I want to make a statement at this point that there are local authorities in Wales that are not able to generate the revenue to meet their standard spending assessment. For example, Conwy in north Wales receives funding through the revenue support grant and generates income from council tax, but it would be capped if it were to increase its council tax to a level that would make up what it needed to spend according to its SSA. So, we need to bear that in mind as a committee when we talk about hypothecation and ring-fencing.

[139] **Peter Black:** That is why I was emphasising the need for a hypothecated grant—

[140] **Professor Pennington:** I did not answer your first question.

[141] **Peter Black:** The first and second questions were two parts of the same question. To move on to the hazard analysis critical control point, you have already outlined to us the importance of its role in delivering food safety, but you also say in your written evidence that a fundamental problem is:

[142] ‘that the absolutely central role played by HACCP in delivering food safety is not yet accepted by all.’

[143] Why do you think that is and what could be done to promote the role of HACCP in delivering food safety?

[144] **Professor Pennington:** I do not understand why this problem exists. I have included in my paper two of the illustrations that made me suspicious. The arguments that are given, that it is too expensive and that it takes up too much room to keep copies of the HACCP documents may be the true reasons, but I am left with a feeling that there is still affection for the old-fashioned system of inspecting walls and ceilings. You would go into a business and you would see some cobwebs on the wall or cracked tiles, and you would focus on that because it was easy to focus on, rather than spending a little more time in the premises and finding out whether the HACCP that the person had was sound. It does not take hours to do that because the core of the HACCP is two pages containing the critical control points. It should not be beyond the wit of any person to read that quickly and decide whether that meets the needs of that particular business to deliver food safety. That is, as long as they are telling the truth and so on.

[145] I do not fully accept that the arguments that have been given in the two rather negative responses to those two recommendations are valid. I am left with a feeling that there are still people who prefer the old style of inspection, which is not good; it is a waste of effort and time. This comes back to what I was saying about having environmental health officers with the judgment and experience to see through that and bear down on the important food safety issues rather than carrying on with the traditional ways of doing it.

[146] **Peter Black:** Essentially, HACCP is systems control and risk assessment.

[147] **Professor Pennington:** Yes.

[148] **Peter Black:** Is there sufficient direction and action from the Welsh Assembly Government in driving that forward?

[149] **Professor Pennington:** I am not aware that a lot is going on in that area. I have not heard a lot about any emphasis on that. It has endorsed my report, or at least it has received it, and I would hope that it speaks for itself. The core of my report was about HACCP—having proper HACCP implementation and ensuring that businesses have it, and that the environmental health officers and enforcement people are up to speed on it as well. If my report is read and accepted, with those caveats about the excuses for some of the recommendations being parked slightly, then we should just get on with it—that is my view.

[150] **Andrew R.T. Davies:** Thank you, Professor Pennington, for your evidence and supporting papers. You state:

[151] ‘I consider that the Welsh Assembly Government has a duty to use all the powers and influence at its disposal’.

[152] Is it your opinion that the Welsh Assembly Government is using all the powers that it has available to mitigate a future outbreak, such as the one that we had in 2005?

[153] **Professor Pennington:** That is a difficult question to answer because I do not have any substantial evidence that that is so, however, neither do I have any substantial evidence that it is not so. If I can sit on the fence on that one, I still think that it is an important role, because many of the things that we have been discussing are not under the direct control of the Welsh Assembly Government. However, it has enormous influence over all these bodies in the sense of political influence, sometimes funding, and so on. That is where the duty comes from. Also, because of the history of Wales, its excellent public health systems, and its size, Wales should be setting itself up as a model of the gold standard for food safety—certainly in the UK, but why not Europe, or anywhere? You have a fantastic advantage. As I say in my paper, the comparison between what happened here in 2005 and what happened in England last year, with that big E. coli outbreak, in the way that the outbreak was identified and controlled, the public health side of it was quite remarkable, in Wales’s favour, of course.

[154] **Andrew R.T. Davies:** That is the second time that you have used the word ‘excellent’ about the public health service in Wales, and that is heartening to hear. Might it be fair to say that, although it would be wrong to be overly critical of the Welsh Assembly Government, there could be some areas where greater emphasis or energy would be beneficial, given the powers that we have in Wales? Could you give us an idea of which areas those might be? One thing that I have discovered this week, for example, is that we can encourage scores on the doors, but we cannot legislate for it. We would have to apply for the powers via an LCO. In some areas, we may have an aspiration, but we do not have the power to do it.

[155] **Professor Pennington:** If I may speak out of turn here, I have been impressed by how you have used your powers more substantially than others might have expected—in contrast, perhaps, with other devolved administrations, you have seized upon things. I am giving you some praise here, but you have shown in the past that you can do things that, perhaps on paper, you were not supposed to be able to do. I would hope that you continue to do that, because the benefits would be so great for the population of Wales, to begin with, but also for the population of the rest of the UK. You have it within your power, for the reasons that I have just given, to be the best in the UK by a long way. If we go back, for example, to driving HACCP forward, you might have only a relatively small role in doing it directly, because it would be down to people in local authorities, the Food Standards Agency, and other bodies, such as the Chartered Institute of Environmental Health, but you could play a co-ordinating, leading, directing, kicking role in getting those bodies to really push this.

2.10 p.m.

[156] **Andrew R.T. Davies:** You touched on a whole host of other organisations there, and obviously there are other organisations involved in delivering the right solution. Would it be fair to say that they are fulfilling their obligations? We have spent a lot of time talking about local authorities, but is it time for one or two other organisations in the equation to step up, and go up a gear or two, or are they moving forward, just not at the speed that we would like to see, on a unified basis?

[157] **Professor Pennington:** They are all moving forward, and I know that personally because I speak to them. However, I think that they could all do better by moving a little bit faster than they currently are. I do not want to go into any particular details, but I have been slightly disappointed in the last year, not by the lack of progress so much as the rate and urgency of that progress. We went to great lengths in writing this report to ensure that it was accessible in its language and so on and hard-hitting in terms of the facts that it demonstrates, and one of the reasons for doing that was to ensure that it would drive the urgency itself. I am slightly disappointed that that has not happened, but that is my personal view.

[158] **Andrew R.T. Davies:** To inject the urgency, a corporate lead is required, which would be the Government, would it not?

[159] **Professor Pennington:** Yes.

[160] **Andrew R.T. Davies:** If there is a ‘to do’ task, it is that the Welsh Assembly Government should re-energise the urgency of the direction of the report.

[161] **Professor Pennington:** If I can go back into history—I am sorry to be constantly going back to Scotland in 1996—there was a big political push in 1997, when my quite small report came out, to get it all done. There was quite a bit of infighting between different parts of the UK Government and the Scottish Executive and so on, but the political initiative was seized. It played a role in the establishment of the Food Standards Agency, for example. Most of that was driven by BSE, but E. coli played a role in that. So, there was major Government action across the piece; it was not restricted to that part of the UK where the outbreak happened. Okay, it is different for Wales, in that it would be a devolved administration driving it, but I do not see why it should not, because you have had the bad experience, and I think that you have some big advantages in terms of implementation that could then shame the other parts of the UK into following your lead.

[162] **Darren Millar:** I remind Members of the time; the clock is against us. This is a very important issue, however, and we do need to ensure that we explore all the questions that we want to put to Professor Pennington. I ask that you all be brief and to the point in your questions and responses.

[163] **Irene James:** Good afternoon, Professor Pennington. What are the challenges and barriers to ensuring that businesses comply with food safety regulations, and could any improvements be made to the role of environmental health officers?

[164] **Professor Pennington:** The barrier is ignorance—let us put it like that. A lot of food businesses come and go, and there are people who have no particular background in food safety. The role of the environmental health officer is to ensure that those people deliver safe food, to provide them with advice and encouragement, and to push them towards getting themselves qualified in food safety and so on, but they do not have very much time to do that. It is a big challenge for the smaller food businesses to get the technical expertise they need and then deliver safe food. Environmental health has a very important role to play because it has this advisory role, which is very often an unofficial role, but of crucial importance nonetheless. The environmental health officers have to build up relationships with the businesses on their patch and they are the people who know which are the dodgy businesses

and which ones need help, and so on. There is an enormous amount of flux in the business, because food businesses are coming and going all the time. It is a difficult exercise, but it is one that clearly has to be undertaken.

[165] **Darren Millar:** Was it not one of the problems in 2005 and in the case in Scotland that the food suppliers were respected and were not identified as being dodgy? Deception was involved, in fact. How can environmental health officers deal with deception like that?

[166] **Professor Pennington:** As part of the training, they have to learn to detect the 5 to 10 per cent of businesses that are on the verge of legality or are not even legal. That is an issue addressed in my report. There were problems with communication throughout the local authority, in that some environmental officers had spotted that things were not as they should be, but that had not been registered in the system, and so on. That comes back to what I was saying about judgment, in that you must have a nose for when something is not quite right or when someone is not telling you the whole truth. You then have to spend a little more time with that business to probe into that, to substantiate your feeling that there is a problem and do something about it. So, there are two issues: one is judgment and the other is having the time to do the inspection.

[167] **Ann Jones:** Regarding the impact on public trust, has sufficient action been taken to restore public confidence in food hygiene in Wales? How are we keeping people informed of progress concerning the improvements that were made from the implementation of your recommendations?

[168] **Professor Pennington:** Others are probably better qualified to talk about public opinion and so on. All that I can say is that I think that my report was received as evidence that this was being taken seriously, and that the Assembly had ordered a public inquiry. The first round of the Inquiries Act 2005 did not come cheap. The public would now like to see it all being implemented. That is where I am left a little bit hanging at the moment.

[169] **Ann Jones:** So, the cost of the inquiry is nothing unless we put in the money to implement the recommendations. Is that what you are saying?

[170] **Professor Pennington:** That is right. The cost of the inquiry is about the same as the cost of an average large E. coli outbreak, but it will be wasted if action is not taken on the basis of my recommendations.

[171] **Ann Jones:** Could you outline the importance of keeping the families affected by the 2005 outbreak engaged in the work carried out as a result of your inquiry, and what role can these families play in future developments?

[172] **Professor Pennington:** I am very happy to say that they are playing a very important role. For example, Sharon Mills has spoken to environmental health officers in Scotland and was extremely well received. She was telling the story and bringing home to the professionals what their work was all about, rather than their seeing it as just a day-to-day job. Here they were, doing something that would stop something terrible from happening again, and there was someone telling them about the nitty-gritty of it. So, it was very important. I am pleased that the families are still involved and are spending a lot of their time on this. That is important, because it brings home to everyone concerned in an official or routine regulatory capacity that this is not a routine regulatory business. It is like being a surgeon: you see your patient and then they get better. It is exactly the same when you see the people who, unfortunately, suffer because of problems with food safety. It brings it home in a vivid way, and it is very powerful. It is 'politically' powerful in the best sense of the word.

[173] **Darren Millar:** If there are no further questions, Professor Pennington, do you want



to leave the committee with any closing remarks before we close this part of this meeting?

[174] **Professor Pennington:** No, but I just want to thank the committee for giving me this opportunity to answer your questions. I am pleased that the committee has taken it upon itself to do this, because one of the recommendations in my report was to have a review after five years. That was made because of the phenomenon of a report being published and going to the library, and then just sitting there on the shelf, which was the last thing I wanted to see happen with this.

[175] **Darren Millar:** Thank you very much for your time, Professor Pennington. We will take a three-minute break before we invite the next set of witnesses to the table.

*Gohiriwyd y cyfarfod rhwng 2.19 p.m. a 2.22 p.m.  
The meeting adjourned between 2.19. p.m. and 2.22 p.m.*

**Hynt Gweithredu Argymhellion Adroddiad Pennington ar E. coli: Llais  
Defnyddwyr Cymru  
Implementation of the Recommendations of the Pennington Report on E. coli:  
Consumer Focus Wales**

[176] **Darren Millar:** I am pleased to welcome the witnesses from Consumer Focus Wales, namely Maria Battle, who is its senior director, and Jennie Bibbings, who is a senior policy advocate. You have produced an excellent report as a follow-up to Professor Pennington's recommendations in the inquiry, and we have all had an opportunity to look at it. It is quite hard-hitting in parts, so thank you for that. Rather than ask for an opening statement, I would like to go straight into questions, if that is okay with you.

[177] What led Consumer Focus Wales to produce this report? You had no obligation to do that, so why did you make that decision?

[178] **Ms Battle:** We were contacted originally by the Food Standards Agency. The reason it contacted us was because we had produced a report called 'Rating the Regulators', which scrutinised how regulators did their job. We found that the Food Standards Agency used industry self-regulation with some success, but some felt that the agency was too hesitant to call on the UK Government to introduce mandatory approaches where necessary.

[179] It asked us to consider doing a joint piece of work to look at the implementation of the Pennington report. We then went away and talked to a lot of other people. We talked to the Welsh Local Government Association and officials from the Welsh Assembly Government, and we met Sharon Mills and some of the other families affected. We drew together a consumer food safety group, on which were all the organisations that had a responsibility in this area. So, it included Public Health Wales, the WLGA, the Food Standards Agency, the Federation of Small Businesses, and the Local Better Regulation Office. We also invited an organisation that represents people who have been affected by E. coli. At the first meeting, Sharon Mills addressed the group, to bring home how important this was, as Professor Pennington said. Sharon had a huge impact on the group.

[180] It became apparent at the first meeting that no agency had taken on the responsibility of monitoring the implementation of Professor Pennington's recommendations. There was an internal document that Welsh Assembly Government officials had and shared with us, which collated information on the progress. In our opinion, the actions had not been proactively scrutinised or monitored. The document was jargonistic and, in parts, inaccurate. There were few timelines and insufficient detail.

[181] As almost every agency in that group had had recommendations made to it, I took the decision that, as we are an independent statutory agency set up to represent consumers, with powers to investigate and get information, we would take on the role of scrutinising and bringing together the information in one place. Everyone on the group, together with the families, acted as advisers throughout the process. In the end, we published the report to give the people who were affected in 2005—and, by that stage, in 2009—the ability to find out for themselves what had happened. They had no access to that information before. It also brought all the information together in one place in plain Welsh and plain English, and highlighted what further action was necessary.

[182] **Darren Millar:** Do you think that there was reluctance on the part of other agencies to take the lead because they did not want to bite the hand that fed them? Was there such an attitude towards the Assembly Government?

[183] **Ms Battle:** I think that there was confusion.

[184] **Darren Millar:** There was just confusion.

[185] **Ms Battle:** The WLGA told us that it was waiting for the Welsh Assembly Government. There was confusion about the role of the FSA. The Welsh Assembly Government did not take on the role of monitoring, and so it kind of fell between two stools. There was a great deal of good work going on, as we have said in the report, as well as work on implementation, but nobody was drawing it all together or scrutinising it.

[186] **Andrew R.T. Davies:** Bearing in mind the fact that the report was commissioned by the Welsh Assembly Government and that the recommendations were submitted to it, would it not be logical for it to drive the implementation of those recommendations? Ultimately, it is its report and it has ownership of it. Am I right in saying that?

[187] **Ms Battle:** Again, the Welsh Local Government Association would totally agree with you, but the Welsh Assembly Government would say that that was the role of the FSA.

[188] **Andrew R.T. Davies:** However, surely, as the commissioner, and therefore the owner, of the report, it is the ultimate guarantor of the implementation of the actions set out in the report.

[189] **Ms Battle:** Yes, it should have been monitored. Collation of information without scrutiny was not acceptable.

[190] **Val Lloyd:** The Consumer Focus full report tells us among many other things that much positive work has been achieved and that there is some promising activity in progress. Can you outline the main positive achievements made in response to the inquiry? What do you feel has been their impact?

[191] **Ms Battle:** Local authorities fired ahead with this. Each of them drew up individual action plans and appointed senior managers to co-ordinate the work. That was really good, but the problem was that it was not being communicated to people. Action plans were hidden on websites in language that was difficult to understand. There has been great improvement on the procurement of food for schools. Now, authorities consult trading standards and environmental health before contracts are awarded. Complaints are recorded and looked at. As you know, before the outbreak, many complaints were made but were not looked into. We know from a survey done in 2006-07 that school meals are now safer than what is available to the general public. However, that survey should not be a one-off, but should happen regularly. The Food Standards Agency has given out 'Safer Food, Better Business' packs to almost all food businesses in Wales. It has commenced the food hygiene delivery programme. However,

again, as you can see in our report, there is not enough detail on that, there are insufficient timescales and we have not seen the action plans.

[192] Since the report, the Food Standards Agency has said that it will issue guidance on cross-contamination and separation. It said that it hopes that that will be issued shortly. We welcome that. We also note from its evidence that it has now said that it will review enforcement and agreed that the Local Better Regulation Office will address recommendation 7 on better regulation. Again, we really welcome that. However, we would like to see more about what Wales's role could be in the reviews.

[193] **Val Lloyd:** So there has been considerable progress, but there is more to be done.

[194] **Ms Battle:** Yes, a lot more.

[195] **Val Lloyd:** The report was published in March. Have there been any particular developments since then?

[196] **Ms Battle:** The last three developments that I mentioned have taken place since the publication of our report.

[197] **Ms Bibbings:** On the impact of that work, I just wish to say that the number of incidents of food poisoning has remained largely unchanged since 2005. In 2009, there was an E. coli outbreak in Wrexham in north Wales. Consumers want to see lower incidence of foodborne diseases, and we are not there yet.

2.30 p.m.

[198] **Ms Battle:** One of the positive achievements of the report, and one of the main reasons that we did it, was to give the families who are sitting behind us access to that information, which they had a right to from the beginning.

[199] **David Lloyd:** In your summary report, you state that additional money should be given by the Welsh Government and the Food Standards Agency,

[200] 'to ensure that all food businesses understand and use HACCP correctly.'

[201] We have heard a lot about HACCP from Professor Pennington. Is this funding sufficient to carry out the extra work necessary as a result of Professor Pennington's recommendations—the Pennington money, as he likes to call it—or what impact would additional funding have?

[202] **Ms Battle:** We took advice during this process from all of the bodies responsible for implementation. The Welsh Local Government Association feels that the funding has been inadequate, lacking an estimated £2.5 million to £3 million per annum, which we put in the report. We know that the WLGA has done extra work since then and has said that it will seek a meeting with the First Minister to discuss the funding. As an organisation, we think that the WLGA and the Welsh Assembly Government should get together to discuss that, and they should agree whether the funding is adequate or not. From the money that was given, Jennie has undertaken some scrutiny of the figures, and perhaps we could share those with you.

[203] **Ms Bibbings:** In March 2010, when we published our report, the Assembly Government told us that it had taken account of the extra pressures on food hygiene in the allocation of the revenue support grant and unhypothecated funding. We have looked at the standard spending assessment levels over the last five years, and compared them to expenditure over the last five years. The latest figures, for 2008-09, show that there is a 12 per

cent difference between the SSA amount and the amount that is being spent by local authorities. In the year following the outbreak, we found that many authorities increased their food hygiene spending, and there was an increase of around 5 per cent on the previous year.

[204] The SSA has been rising since then, so the Assembly Government has done what it said it would in relation to the SSA, but local authorities have not been keeping pace with that change, so we now have a 12 per cent gap between the SSA and spending levels.

[205] **Ms Battle:** This leads us into how this money is being given. We included ring-fencing in our report. We have heard about direct grants. As an organisation, we would like the money to be protected for the public so that this service can be prioritised, and for those people who have the expertise to decide how that should be done. It is complicated by the fact that we know that it is a cinderella service, there is no high representation on the senior management teams who can fight for the budgets and so on. More strategic leadership is needed on how we protect spending in this sector. As Professor Pennington said, the financial cost of the E. coli outbreak—let alone the human cost—was the same as for the inquiry itself, which was millions of pounds.

[206] Karen in Wrexham had plasma transfusions twice a day for three weeks. It costs hundreds of thousands of pounds to treat one patient, so prevention is paramount. We rely on the expertise of the Assembly Government and local government and their coming together to find the best way to protect this service.

[207] **Peter Black:** You talked about the standard spending assessment, which is the assessment of how much local authorities should spend. Of course, it is not broken down to what they should spend on a particular item. Have you made the comparison with the increase in the revenue support grant, which is the money that is given to local authorities as opposed to what they should spend? Has that also increased, and what is the disparity between the two?

[208] **Ms Bibbings:** That would be an interesting exercise. We accept that the SSA is not a spending benchmark; it is a useful indicator.

[209] **Peter Black:** It is not even money.

[210] **Ms Bibbings:** No, it is an assessment.

[211] **Peter Black:** The important thing is to look at the money that they get.

[212] **Darren Millar:** We were discussing this at some length with Professor Pennington earlier. Some local authorities, even when you take the revenue support grant and the amount of money that they would be able to raise in council tax—given that a cap on council tax would be imposed by the Minister if he or she felt that it was excessive—would still not equate to the total SSA in many local government areas; for example, Conwy, which is part of my constituency. There are many other local authorities in the same boat. One of the issues that was discussed earlier was the possibility of additional resources being given on top of the revenue support grant to say, ‘We want this specifically to be spent on this particular area’. Do you have a view on that?

[213] **Ms Battle:** We support what Professor Pennington said on that, and we want to see the Welsh Assembly Government and the Welsh Local Government Association looking at this in the whole to come up with a way that it can be protected, and also take into account the amount that would be saved in prevention for the health budget, which as professor Pennington said, is ring-fenced.

[214] **Darren Millar:** I think that answers the next part of your question, Dai.

[215] **David Lloyd:** Yes, it has been taken care of.

[216] **Irene James:** Your summary report notes that recommendation 8, which states that the inspection of HACCP plans must be audit based, is not being fully put into action but that the Food Standards Agency intends to review this issue. Have there been any further developments concerning this intended review and do you consider that sufficient importance and priority has been given to implementing this recommendation?

[217] **Ms Battle:** On this recommendation, as we said in our report, we have put the views of all sides in there, and we also sought advice from Professor Pennington when we were writing it. We were hoping to organise a meeting today with Welsh Assembly Government officials, the FSA, the Directors of Public Protection Wales and the WLGA to look at how this can be implemented, to get more guidance from Professor Pennington, and to look at who is responsible for issuing the guidance, which we understand to be the FSA. Unfortunately, because of the timing of flights and trains from Aberdeen and the time of the committee, it has not taken place today, so we will facilitate that meeting to get all the people who can assist in moving this forward around the table. There has been a lot of delay.

[218] **Ms Bibbings:** It is an issue that there has not been any dialogue with Professor Pennington since the inquiry finished, and he has useful insights on how to implement the recommendations, but nobody has consulted him.

[219] **Darren Millar:** That is outrageous.

[220] **Ms Bibbings:** There has been a very literal interpretation of some of those recommendations, particularly recommendation 8, where you do not have to audit every single CCP on the plan; you can take a risk-based approach, depending on the business that you are looking at. It is a shame that it has taken a while for this to come to light, but we are facilitating that discussion and hopefully we will make some progress.

[221] **Irene James:** Recommendation 10, concerning copies of a business's HACCP plan being kept on its inspection file, is also not being fully implemented but local authorities are taking detailed notes of the HACCP plan as part of the inspection. Do you believe that this is sufficient and what actions could be taken to overcome any barriers to this recommendation being fully implemented?

[222] **Ms Battle:** That recommendation will be part of the discussions that we are facilitating. Professor Pennington's view is that the whole plan does not have to be kept on file, only the critical control points and the schedule at the centre of the plan. As Jennie has just said, there has been a literal interpretation here, so it is about getting everyone together and then for guidance to be published so that it can be followed consistently in Wales.

[223] **Irene James:** When do you expect that guidance to be published?

[224] **Ms Battle:** Professor Pennington will be checking for video facilities tomorrow with the University of Aberdeen; the meeting will take place as soon as possible. The guidance is not within our control; that is something that I would expect the FSA to be held to account about.

[225] **Irene James:** I assume that we will get a report on that later.

[226] **Darren Millar:** Yes, we can chase that up. Do you want to continue, Irene?

[227] **Irene James:** Yes. Do you consider that the Welsh Government is playing a sufficient role in ensuring the implementation of the inquiry's recommendations?

[228] **Ms Battle:** The Welsh Government can do more. One issue that we want to share with you today, and give you some of the statistics on, is the mandatory display of the scores on the doors at food businesses. We had a survey last September and we found that nine out of 10 people in Wales thought that this food hygiene information should be made available publicly.

2.40 p.m.

[229] The FSA did its own consumer survey a few weeks ago, in which the scheme had unanimous support. We have looked at international examples where there are food hygiene information schemes. We found that it is mandatory in Denmark, Toronto, Los Angeles and New York. We found that, in Los Angeles, it has led to a 20 per cent reduction in food-borne illness hospitalisations, according to one study. We have also seen research in Denmark, where, in 2007, a survey found that 97 per cent of consumers, and 88 per cent of businesses—and it is businesses that are objecting to this, according to the FSA—felt that the scheme was a good or a very good idea. A study in Los Angeles in 2003 found that it gave an economic incentive in the form of increased revenue for businesses that have higher scores. We also found that 84 per cent of the people in Los Angeles said that they had heard of the scheme; 77 per cent noticed the grades; and 65 per cent were influenced in the selection of places to eat. It is about giving people the information that they have a right to in order to empower them to make safe choices.

[230] We can make a difference in Wales and we can do it differently. In Wales, all 22 local authorities have signed up to scores on the doors. That is not happening in England. They do not have that sign-up. Therefore, we can go forward in Wales. We have the research. We also know that 31 per cent of people in Wales do not use the internet. The information may be available on a website, but 31 per cent of people in Wales do not use the internet. Almost three quarters of older people, who are more vulnerable to food poisoning, do not use the internet.

[231] We have taken legal advice from Clive Lewis QC, who says that, legally, in Wales, we can do this through a legislative competence Order since food safety is specified under Schedule 5 to the Government of Wales Act 2006. Therefore, it is possible to get an LCO into this timetable now so that we can make a difference. As Professor Pennington has said, we can lead in Wales; we can be the gold standard in Wales. If it is done post-referendum, and if the referendum is positive, it will be under Part 4 of the Government of Wales Act. I urge you, please, to put pressure on the Government to get an LCO now. I am sure that that will raise public trust and people will be able to make those choices themselves.

[232] **Darren Millar:** Have you had any explanation, Maria, about why the Assembly Government has not already pursued an LCO in this particular area? Clearly, the message from you, Professor Pennington, and pretty much everyone else is that we want this information. We want scores on the doors in every establishment across Wales that is producing food so that consumers know exactly where they stand when they enter those premises. Why has the Assembly Government not followed up on this?

[233] **Ms Battle:** We met the First Minister two weeks ago, after we took the legal opinion, and we shared that information with him. He said that he would seek a meeting with the FSA. We also shared the legal opinion with the Presiding Officer only yesterday; we shared it with one of the committee members; we have shared it with the Counsel General; and we will share it with other Assembly Members. We will be lobbying to get it into the legislative timetable as soon as possible.

[234] **Darren Millar:** It seems that this could be a very swift and easy thing to do, given the political consensus on the issue.

[235] **Ms Battle:** Absolutely.

[236] **Irene James:** To conclude my questions, are all organisations meeting their obligations in terms of implementing the recommendations, and is there sufficient partnership working?

[237] **Ms Battle:** Many organisations are working hard, particularly local authorities. However, it is patchy. It is fair to say that there are inconsistencies. I also think that it is fair to say that this has kind of motivated things to happen a bit quicker. There is nothing like a bit of scrutiny to give you the impetus.

[238] I think that there needs to be more strategic direction to help partnership working. As I said before, we found a confusion of roles, and there needed to be someone to take that forward and we had hoped to see that happen.

[239] The consumer food safety group will be meeting again in July to look at how we can assist in raising public confidence, and to see what role there is for us. There are clear roles for the Government, the FSA, the Assembly, the Welsh Local Government Association, and the DPPW.

[240] **Val Lloyd:** That leads nicely into my question on the role of the Food Standards Agency, because you tell us that it

[241] 'needs to develop a clear action plan with timescales to ensure that the findings from this research result in practical improvements in the way Environmental Health Officers work with food businesses.'

[242] That is clearly the crux of the issue. What are the challenges and barriers to ensuring that businesses comply with food safety regulations and could any practical steps be taken to ensure better communication between EHOs and food businesses?

[243] **Ms Battle:** We rested our report on Professor Pennington's work, so I bow to his superior knowledge. He has proven that HACCP is at the heart of food safety. So, it is about implementing his recommendations in full, ensuring that they are funded adequately in whatever way the experts think appropriate and ensuring that the environmental health service is given the status that it should have in prioritising public safety and health. Those are the main messages in our report.

[244] **Ms Bibbings:** When we were developing our report, we spoke about these issues with local authorities and environmental health officers, and the point that they stressed to us was that it is the responsibility of the food business to ensure that it is operating safely. It is businesses' responsibility and not the responsibility of the EHO to do all their work for them. While we might have some sympathy with that view, most food businesses state that they rely on the environmental health inspector to let them know about the standards and to guide them through the process. As Professor Pennington said earlier, it is largely a collaborative exercise, and food businesses need that help, because the point at which they learn about food safety is when they are talking to the food hygiene inspector. So, it is about supporting their roles and ensuring that we have good people and enough people to do the job properly.

[245] **Ms Battle:** There is perhaps one area where we could do better in Wales. The FSA, in its evidence to you, said that it will review the powers available and how they are used in

enforcement activities. That review is important, because we have been told by some environmental health staff that there is a reluctance to use some enforcement orders. People in Wales are asking why a business that is not compliant is still able to remain open and to trade. For instance, there was that fish and chip shop in Wrexham that had the lowest possible rating, a zero rating, and yet remained open.

[246] Environmental health staff have told us that there is a very high standard of proof to meet before using some of the orders, for example, the emergency prohibition order or the emergency prohibition notice—there must be an imminent risk. There is a feeling that if it was a significant risk of harm, as opposed to an imminent risk of harm, there might be more willingness to use those orders. There is also a concern about costs. If you take proceedings against a business and you lose, then you are liable to pay their costs. In 2008-09, only 16 prohibition notices were served in Wales, and only six of those were upheld by the Magistrates' court.

[247] It is important to see what comes out of the Food Standards Agency review. It is also important that Wales has a strong voice within that review and that environmental health officers' opinions are in it. If the review states that the standard of proof is too high and that that is inhibiting environmental health officers, you have the power to change the regulations here, and you do not need a legislative competence Order to change the standard of proof. We have taken legal advice on that. So, again, I make a plea to you to scrutinise this review, to find out what the timelines are and to ensure that Wales has a voice in it. If it concludes that we need to change the standard of proof in Wales, then change it so that we can do things better in Wales; you have the power to do that.

[248] **Darren Millar:** Thank you for that. Andrew R.T. Davies, did you have a question on this?

[249] **Andrew R.T. Davies:** My point has been covered, Chair.

[250] **Darren Millar:** We will move on to Peter Black.

[251] **Peter Black:** You have already answered most of my questions. My first question relates to a specific issue that you raised in your summary report. You state that:

[252] 'The law is not clear on whether Environmental Health Officers should be requiring food businesses to use separate machinery for raw meat and ready-to-eat foods.'

[253] You suggest that the Food Standard Agency should issue guidance as a matter of urgency

[254] 'on this issue to make it clear that complex, hard-to-clean equipment should never be used for raw and ready-to-eat meats.'

2.50 p.m.

[255] What is the current situation on that? Could further improvements be made and what impact would you expect those improvements to have?

[256] **Ms Battle:** We had a meeting with the Food Standards Agency around two or three weeks ago, with Sharon Mills, and it said that it would issue that guidance and it has also stated that in its evidence. So, we will await that guidance and scrutinise it, and we hope that it will make it very clear what is safest for the people of Wales.

[257] **Peter Black:** Did the FSA give a timeline for that?



[258] **Ms Battle:** It hoped that it would be this month.

[259] **Andrew R.T. Davies:** I commend you on your work. You have a very broad remit of consumer issues. This has focused many people's minds, but your organisation has taken the torch and run with it and our inquiry is a result of the report that you kindly presented to the Assembly back in March. That work will, hopefully, help to move this issue on and restore public trust and confidence, and my questions are on public trust and confidence. How damaged is people's trust and confidence by the perceived inaction outlined in the report? As the Chair commented in his opening remarks, your report is hard-hitting, and rightly so, and people need to have confidence that measures are being taken. You are dealing with the families daily and with the organisations that have a responsibility to implement the recommendations. How damaging do you think is the inaction that you highlight in your report in terms of the confidence that the families and the wider public have in the system?

[260] **Ms Battle:** Before we started this piece of work, we did a survey to establish the level of public trust in food safety in Wales. The survey showed that 24 per cent of people in Wales did not have confidence in the current food safety measures. That was in December 2009, and compares with a figure of 17 per cent for the whole of the UK. So, there was a higher level of distrust in Wales at that stage.

[261] It is fair to say that one problem was communication about what has been implemented. You can see from the report that many positive things have been done, but it was so difficult to access that information. I hope that the report has at least given the families the knowledge that some things have been done and that it will have restored some trust in that regard. However, it also shows the shortcomings, as it should. The way to restore trust is for all of the agencies that have responsibility—and we are all, collectively, responsible—to ensure that all of the recommendations are implemented. One of those is a quick, mandatory scores on the doors scheme. That would send out a clear message to the people of Wales that, 'This is Wales and this is what we think should happen, no matter what anywhere else says. We have got the evidence and this is what we should do here.'

[262] There have been some very good examples of communication. Sharon, in Caerphilly, has been invited in to inspect how the food contracts are awarded and so on. There have been good examples of communication in Rhondda Cynon Taf. However, there have also been some awful examples of communication, where things have been hidden in legal letters and so on. All agencies—and this is something that we might be working on with the consumer food safety group—need to learn the lessons about how to communicate what has been done so that people are aware of it. Communication is crucial.

[263] **Andrew R.T. Davies:** I fully support you on the scores on the doors scheme, as a Member who has been pushing for that scheme for quite some time. I cannot comprehend why it has not moved forward. I have travelled to the United States on numerous occasions and I have seen the benefits of such a scheme. You mentioned Los Angeles; I had the good fortune to visit there, and in every premises that you walk into that information is there and you can see it straight away. It does not seem to be rocket science.

[264] However, on your point on communication—your paper covers this in some detail—you mention several organisations. For some organisations, you can understand why the information is quite legalistic, because there could be action pending in the courts. Are there examples of organisations that have been overly protective and overly unhelpful, say, particularly public bodies, because they are accountable to this institution? Communication in any scenario, but in this one in particular, is crucial. Can you enlarge on that communication issue and give an example or two of organisations that you think have failed to relay confidently what they are finding in their part of this inquiry and their part in the

implementation of this report?

[265] **Ms Battle:** It is such a shame when work has been done, for example, by environmental health officers and in the action plans of local authorities—a lot of work has been going on—that that is not made public in a way that people can understand. When we first picked this up, it was like learning a different language, but it is not rocket science to give people the information in a way that is accessible. Yes, it should be put on the website, but it can be difficult to find these things on a website, and once you do find them, they can be difficult to understand, because they are really internal-facing documents. It is about agencies realising that they have a responsibility to communicate clearly to the public. I would not single one body out; all have lessons to learn on that.

[266] **Andrew R.T. Davies:** Would it be fair to say that the public sector ideology is, regrettably, not in tune with using the most appropriate communication tools when dealing with such sensitive issues and that the public sector, in general, should look at the way that it reacts to such events?

[267] **Ms Battle:** To such events, yes. The picture is inconsistent. There are good examples in Wales, but it needs to be consistent and to be supported. People need to learn how to do it and that is a job for an organisation such as ours, in that we are meant to be the consumer's voice and to make it heard. We can share better methods of communication, but those methods exist in Wales now. It is about bringing everything together and learning those lessons. I hope that this report helps to do that.

[268] **Darren Millar:** Thank you very much for the evidence that you have presented to us. It has given us food for thought and we will pick up on some of the issues that you have raised in your report and in your oral evidence when we have the Ministers for health and local government before us on 8 July at a follow-up session on these particular issues. Thank you for your attendance today, Maria and Jennie. We will keep you informed as best we can about the progress of our mini inquiry into this issue.

2.57 p.m.

### **Cynnig Trefniadol Procedural Motion**

[269] **Darren Millar:** I move that

*the committee resolves to exclude the public from the remainder of the meeting in accordance with Standing Order No. 10.37.*

[270] Are there any objections? I see that there are none, so I ask the ushers to clear the gallery.

*Derbyniwyd y cynnig.  
Motion agreed.*

*Daeth rhan gyhoeddus y cyfarfod i ben am 2.58 p.m.  
The public part of the meeting ended at 2.58 p.m.*