

Public
Key Decision - No*

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter: Service Plan Food Law Enforcement 2020-21

Meeting/Date: Licensing & Protection Committee 11 March 2020

Executive Portfolio: Executive Councillor for Communities – Cllr K Prentice

Report by: Acting Operational Manager – M Bebbington

Ward(s) affected: All

Executive Summary:

Huntingdonshire District Council has responsibility for most food safety and hygiene enforcement functions within the district. The Food Standards Agency (FSA) is the Central Competent Authority and National Regulator for food safety and hygiene issues within England and it requires every local authority (food authority) to outline how it will fulfil its duty to deliver official food controls within the district. The arrangements detailing how and at what level the official controls will be delivered must be laid down in the form of a Service Plan for Food Law Enforcement ('Service Plan') and approved by the Council.

Guidance on the content of the Food Enforcement Service Plan is contained within the FSA's 'Framework Agreement on Official Controls by Local Authorities', which was developed in consultation with local authorities, the LGA and other professional organisations.

The food safety and hygiene enforcement function within the Council is delivered by the Business Team of the Community Division and the purpose of the Service Plan is to explain how that enforcement function will be delivered. It also details the resources required to deliver it, together with a review of the previous year's performance.

Recommendation(s):

Members are asked to :-

- 1. Comment on, and if in agreement approve the "service plan for food law enforcement 2020-21 in accordance with the Council's constitution**

- 2. If in agreement with the approval of the service plan, delegate to the Operational Manager the ability to update the 2019-20 performance data within the service plan prior to publication**

1. PURPOSE OF THE REPORT

- 1.1 The report formally presents the Food Law Enforcement Service Plan 2020-21 (Appendix 1) to the Licensing and Protection Committee. It invites their comments and their approval of the plan. This enables the Council to discharge its duty as an enforcing authority for food safety and hygiene.
- 1.2 The Council's Constitution allows the Licensing and Protection Committee to consider and approve Service Plans.

2. WHY IS THIS REPORT NECESSARY/BACKGROUND

- 2.1 Huntingdonshire District Council has responsibility for most food safety and hygiene enforcement within the district. The Food Standards Agency (FSA), as England's Central Competent Authority and National Regulator for food safety and hygiene requires every local authority to outline how it will fulfil its duty to deliver official food controls within the district. The FSA requires local authorities to lay down details of the arrangements in the form of a Service Plan, specifying how and at what level the official controls will be delivered. This requirement is formalised within the FSA's 'Framework Agreement on Official Controls by Local Authorities', which was developed in consultation with local authorities, the LGA and other professional organisations.
- 2.2 The food safety and hygiene function within the Council is delivered by the Business Team of the Community Division and the purpose of the Service Plan is to explain how that service will be delivered. It also details the resources required to deliver the service, together with a review of the previous year's performance.
- 2.3 The Business Team is a part of the Community Division, delivering the Council's statutory functions for food law, health and safety, licensing and infectious disease control. The team aims to support business to comply with the legislation by using a range of enforcement tools including advice, training, promotional campaigns and social media.

3. OPTIONS CONSIDERED/ANALYSIS

- 3.1 The service has considered the requirements of the FSA Framework Agreement, the Corporate Plan 2018-22 and the predicted 2019-20 figures based upon work delivered since 1 April 2019.
- 3.2 Figures predicted for 2019-20 are generated from the premises database held by the service and are all rated according to the risk presented by activities undertaken by the business. The plan highlights the number of interventions required and the flexibility available in how these might be approached.
- 3.3 Key Priorities for the coming year include:-

- Procurement of a new Environmental Health Management system and development of a project plan to migrate and cleanse data ready for migration, including training and development of new operating procedures.
- Building on the communicating for compliance approach, we will provide training for regulators to improve their skills in influencing and supporting business with confidence.
- Better Business for All, we will work with business support colleagues to promote Primary Authority to small businesses and improve their regulatory knowledge, making it easier for them to speak to the person who can best support their needs.
- The food Standards Agency are moving to a national online registration system for all food businesses. It is anticipated that this will be implemented during 2020-21.
- Continuing to prepare for transition of legislation from Eu to UK law in the lead up to and beyond exit from EU.
- Continue to promote the Healthier Options initiative to help local businesses make healthier changes to their menu and food preparation methods.

4. KEY IMPACTS / RISKS

- 4.1 The failure to monitor the delivery of the approved Service Plans could invite criticism from the Food Standards Agency and the Health and Safety Executive in their capacities as the national regulators.
- 4.2 The continuing vacancies in the team have significantly impacted on the delivery of the service and delivery of training. This is accentuated by the lack of suitable and qualified EHO`s nationally.
- 4.3 The now imminent departure for the EU is likely to have as of yet a largely unknown impact on how we deliver the service, however, it is widely anticipated that there will be a significant impact on Local Authorities around inspections of food export and import companies which are currently not required.
- 4.4 The implementation of a new EH software package that will allow more agile working and streamline current processes is underway, data cleansing and Data migration and cleansing as part of the implementation will have a resource implication for the team over the coming year.

5. TIMETABLE FOR IMPLEMENTATION

- 5.1 The service plan will be delivered during the 2020-21 financial year

6. LINK TO THE CORPORATE PLAN, STRATEGIC PRIORITIES AND/OR CORPORATE OBJECTIVES

- 6.1 Service plan promotes the Council`s Corporate Plan and the strategic priorities.

7. CONSULTATION

- 7.1 No consultations required as part of this report.

8. LEGAL IMPLICATIONS

- 8.1 the FSA has a key role in overseeing official food controls undertaken by local authorities. Powers enabling the Agency to monitor and audit local authorities are contained in the Food Standards Act 1999 and the Official Feed and Food Controls Regulations.
- 8.2 The Framework Agreement on Official Feed and Food Controls by Local Authorities issued by the FSA recognises that Service Plans are an important part of the process to ensure that national priorities and standards are addressed and delivered locally.
- 8.3 This This Plan replaces the 2019-20 Service Plan and builds upon the aim of providing support for local business. Service Plans must include a review of performance in order to consider any variances from meeting the requirements of the previous service plan and to identify areas for improvement.
- 8.4 The authority has a duty to comply with the Framework Agreement. These duties include requirements for the planning, management and delivery of the local food law enforcement service.

9. RESOURCE IMPLICATIONS

- 9.1 The budget for 2020-21 remains largely the same as that for 2019-20 although there is growth of 1% in the salary allocation. Achievement of income targets will depend on the successful recruitment, requests for export certificates and the number of FHRS rescore visits coming through from business. The number of formal training sessions delivered will also impact on income generated.

10. OTHER IMPLICATIONS

- 10.1 The FSA expects local authorities to carry out official controls in an effective, risk based, proportionate and consistent way. The production and delivery of the Service Plan sets out how we meet those expectations.

11. REASONS FOR THE RECOMMENDED DECISIONS

- 11.1 Huntingdonshire District Council is required to produce and approve a Food Law Enforcement Service Plan. This Provisional Plan gives the Committee an opportunity to comment on the priorities identified and shape delivery of the service to ensure that the Council can deliver its

statutory function according to local circumstances and within approved resources.

12. LIST OF APPENDICES INCLUDED

Appendix 1 – Draft Food Safety Service Plan

13. BACKGROUND PAPERS

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