

**Public**  
**Key Decision - No**

## **HUNTINGDONSHIRE DISTRICT COUNCIL**

**Title/Subject Matter:** Service Plan Food Law Enforcement 2023-24

**Meeting/Date:** Licensing and Protection Committee – 28 June 2023

**Executive Portfolio:** Executive Councillor for Customer Services – Cllr S Ferguson

**Report by:** Kate Penn – Environmental Health Service Manager

**Ward(s) affected:** All

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### **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 and the FSA's Food Law Practice Guidance (England).

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.

The food safety and hygiene enforcement function is one of the services provided by specialist officers in the Environmental Health team within the Community service area.

### **Recommendation(s):**

The Committee is asked to:

- 1. Comment on, and if in agreement approve the Service Plan for Food**

**Law Enforcement 2023-24 in accordance with the Council's Constitution.**

- 2. Request Quarterly reports to monitor progress against the Service Plan.**

## **1. PURPOSE OF THE REPORT**

- 1.1 The report formally presents the Food Law Enforcement Service Plan 2023-24 (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 and the FSA's Food Law Practice Guidance (England).
- 2.2 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 food safety and hygiene enforcement function is one of the services provided by specialist officers in the Environmental Health team within the Community service area. The officers providing the service also deliver the statutory functions for health and safety 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. ANALYSIS**

- 3.1 The Service has considered the requirements of the FSA Framework Agreement and the Corporate Plan 2023-28 when developing the Service Plan.
- 3.2 The food safety service covers a wide range of regulatory duties including:
  - Programmed and intelligence led food hygiene interventions
  - Investigation of complaints relating to food hygiene, or food prepared and sold in the district
  - Infectious disease investigation
  - Responding to food alerts issued by the FSA
  - Responding to planning and licensing applications in relation to food premises
  - Sampling

- Provision of advice and information to food businesses

3.3 On 1 April 2023 there were 1740 food businesses registered in Huntingdonshire. Food businesses are inspected according to their inspection rating category. The highest risk businesses (category A) are the subject of an inspection, partial inspection or audit at least every 6 months whereas the lowest risk businesses (category E) are monitored using alternative enforcement approaches. Unannounced inspections are carried out at businesses in categories A, B, C and D unless they are based in a domestic premises. There are approximately 342 overdue D rated premises and 224 A-C rated premises and 53 unrated premises due for an intervention in 2023-2024. Inspecting these businesses will form the bulk of food hygiene work in 2023-24.

3.4 Predicted levels of other work such as complaints and export certificates are included in the Appendix to the Service Plan.

3.5 Areas of improvement identified in the Service Plan are:

- The continued implementation of the new environmental health and licensing information management system to improve reporting, data accuracy and online services for customers.
- Updating the Standard Operating Procedures now the service structure has been confirmed, this work will begin in 2023-24.
- Continually review processes to ensure they are the most efficient possible
- Movement to a digital inspection system, the app linked to the environmental health and licensing information management system is currently under development so it is likely in 2023-24 there will be opportunities to test this

#### **4. KEY IMPACTS / RISKS**

4.1 The failure to produce and have approved a Service Plan could invite criticism from the FSA in their capacity as national regulator.

#### **5. TIMETABLE FOR IMPLEMENTATION**

5.1 The Service Plan will be delivered during the 2023-24 financial year.

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

6.1 The work covered by this service plan largely sits under Priority 3 - Delivering good quality, high value-for-money services with good control and compliance with statutory obligations.

#### **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 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. OTHER IMPLICATIONS**

- 9.1 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.

## **10. REASONS FOR THE RECOMMENDED DECISIONS**

- 10.1 Huntingdonshire District Council is required to produce and approve a Food Law Enforcement Service Plan. This draft 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.

## **11. LIST OF APPENDICES INCLUDED**

Appendix 1 – Draft Food Safety Service Plan

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