

**HUNTINGDONSHIRE DISTRICT COUNCIL**

<b>Title/Subject Matter:</b>	Service Plan for Food Law Enforcement 2015-16
<b>Meeting/Date:</b>	Licensing and Protection Panel – 24 <sup>th</sup> March 2015 Council – 29 <sup>th</sup> April 2015
<b>Executive Portfolio:</b>	The Portfolio Holder for Strategic Economic Development & Legal
<b>Report by:</b>	Head of Community
<b>Ward(s) affected:</b>	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 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, national priorities and standards 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 ('Food 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 Commercial Team of the Community Division and the purpose of the Food Enforcement 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 requested to:-

1. Consider the draft 'Service Plan for Food Law Enforcement 2015-16' and provide comments on the performance out turn for 2014-15 and the proposed activity for 2015-16.
2. Subject to the inclusion of comments from Licensing & Protection Panel, recommend that the Service Plan for Food Law Enforcement 2015-16 be presented to Council for approval, in accordance with the Constitution

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## **1. WHAT IS THE PURPOSE OF THIS REPORT?**

- 1.1. The report formally presents the draft Food Enforcement Service Plan to the members of the Licensing and Protection Panel and seeks their comments on the plan, and their approval for the Food Enforcement Service Plan to be presented to Council. This enables the Council to discharge its duty as an enforcing authority for food safety and hygiene.

## **2. WHY IS THIS REPORT NECESSARY?**

- 2.1. Huntingdonshire District Council has responsibility for most food safety and hygiene enforcement within the district. The Food Standards Agency (FSA), as the Competent Authority and National Regulator for food safety and hygiene issues within England, requires every local authority to outline how it will fulfil its duty to deliver official food controls, national priorities and standards within the district. The FSA requires local authorities to lay down details of the arrangements in the form of a Food Enforcement 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 Commercial Team of the Community Division and the purpose of the Food Enforcement 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.

## **3. OPTIONS CONSIDERED/ANALYSIS**

- 3.1. The Service in producing the draft Food Enforcement Service Plan has considered the requirements of the FSA Framework Agreement, the provisional out turn data for the 2014/15 Food Enforcement Service Plan, and the direction of travel for Huntingdonshire District Council in its Corporate Plan and Medium Term Financial Strategy

## **4. COMMENTS OF LICENSING & PROTECTION PANEL**

- 4.1. To be updated following the meeting of the 24<sup>th</sup> March 2015, prior to presentation to Council on 29<sup>th</sup> April 2015

## **5. KEY IMPACTS/RISKS**

- 5.1. The failure to produce an appropriate Food Enforcement Service Plan outlining how the Council intends to fulfil its duty to deliver official food controls, national priorities and standards within the district could invite criticism from the Food Standards Agency which, as the Central Competent Authority, oversees local authorities undertaking official food controls. This in turn may lead to contact from the FSA's Local Authority Audit team.

## **6. TIMETABLE FOR IMPLEMENTATION**

- 6.1. The work identified within the Food Enforcement Service Plan will be delivered during the financial year 2015-16. The food safety and hygiene service will be delivered alongside the Commercial Team's other core regulatory functions, namely health and safety, food-related infectious disease control, smoking in public places and private water supplies.

## **7. LINK TO THE LEADERSHIP DIRECTION**

- 7.1. The Food Enforcement Service Plan supports the Council's Vision of 'improving the quality of life for the people of Huntingdonshire' through the delivery of a risk based, proportionate, consistent and transparent food safety and hygiene service ensuring safe food provision within the District.

## **8. CONSULTATION**

- 8.1. The Food Enforcement Service Plan is being presented to Members of the Licensing & Protection Panel in a consultation draft format to allow Members to provide feedback and comments on the document.

## **9. LEGAL IMPLICATIONS**

- 9.1. The Food Standards Agency (the Agency) has a key role as the central competent authority in overseeing official feed and 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.
- 9.2. The Framework Agreement on Official Feed and Food Controls by Local Authorities issued by the Agency recognises that service plans are an important part of the process to ensure that national priorities and standards are addressed and delivered locally.
- 9.3. The Food Enforcement Service Plan is developed annually to ensure compliance with the Agency's Framework Agreement. This plan updates the previous plan approved by Council on 30 July 2014. Service plans must include a review of performance in order to address any variances from meeting the requirements of the service plan and identify areas for improvement.
- 9.4. This authority has a statutory duty to comply with the Framework Agreement in accordance with the Food Standards Act 1999. These duties include requirements for the planning, management and delivery of the local food law enforcement service

## **10. RESOURCE IMPLICATIONS**

- 10.1. The overall budget for the food safety service for 2015-16 is £427,030 which represents a decrease of 4.85% on the previous financial year. It is anticipated that the budget will be sufficient to meet the demands of the service but in the event of a complex investigation or legal case, or the introduction of central sampling charges, additional funds may have to be sought.
- 10.2. The budget is within the approved budget for 2015-16

## **11. OTHER IMPLICATIONS**

- 11.1. The Food Standards Agency expects local authorities to carry out official controls in an effective, risk-based, proportionate and consistent way. The production, publication and delivery of the Food Enforcement Service Plan will meet these expectations.
- 11.2. Historically the Food Enforcement Service Plan has been based upon data from the whole of the previous year. In order to bring the 2015-16 Service Plan to

Members sooner than in previous years it has been necessary to use actual data from the three quarters up to 31 December 2014 and to project up to 31 March 2015, full actual data will be included in the submission to Council.

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

12.1. Huntingdonshire District Council is required to produce, and approve a Food Enforcement Service Plan. The Food Enforcement Service Plan 2015-16 presents a robust food enforcement plan which is achievable, but challenging, within the aspirations of the Council and approved resources.

## **13. BACKGROUND PAPERS**

The Food Safety Service Plan 2015-16

### **CONTACT OFFICER**

Mr Chris Stopford  
Head of Community  
Tel: 01480 388280

Mr Keith Lawson  
Commercial Team Leader  
Tel 01480 388291