

HUNTINGDONSHIRE DISTRICT COUNCIL

Title: Service Plan for Food Law Enforcement 2018-19

Meeting/Date: Licensing and Protection Committee – 20 June 2017

Executive Portfolio: Executive Councillor for Operations and Regulation – Cllr Jim White

Report by: Head of Community – Chris Stopford

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 requested to: -

- 1. Approve the 'Service Plan for Food Law Enforcement 2018-19' in accordance with the Council's Constitution;**

1. PURPOSE OF THE REPORT

- 1.1. The report formally presents the Food Law Enforcement Service Plan 2018-19 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?

- 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

- 3.1. The service has considered the requirements of the FSA Framework Agreement, the Corporate Plan 2016-18 and the predicted 2018-19 figures based upon work delivered since 1 April 2017.
- 3.2. Figures predicted for 2018-19 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
 - Better Business for All – working collaboratively with local authority colleagues to provide transparent, consistent and accessible regulatory advice
 - Adopting clear messages that communicate effectively to local businesses what they need to do to comply with legislation, particularly when they are starting out
 - Targeting low performers for additional coaching and advice to support them towards compliance and where this fails or there is a deliberate lack of engagement to adopt an incremental approach to enforcement as set out in the Corporate Enforcement Strategy

- Introduction of the new regulations to reduce acrylamide in foods (mainly formed in those foods with high starch content when cooked at high temperatures)
- For higher performing establishments to promote the Healthier Options Scheme to introduce preparation methods or menu choices that contribute to a healthier diet.

4. KEY RISKS

- 4.1. A failure to produce a Service Plan could invite criticism from the Food Standards Agency which, as the central competent authority, oversees local authorities' food law enforcement activities. This in turn may lead to contact from the FSA's Local Authority Audit team.
- 4.2. Efforts are being made to recruit to two vacant posts in the team which will allow more training and promotional activity to be undertaken as well as providing resilience in responding to reactive work.
- 4.3. Two further issues could impact on the implementation of this plan both of which will require a certain amount of horizon scanning to ensure the service is well aligned to accommodate future changes to both the operating model for food law enforcement (FSA's Regulating our Future Programme) and to legislative changes once the UK has negotiated its exit from the EU. Both are envisaged to have implications for service delivery from 2019.

5. TIMETABLE FOR IMPLEMENTATION

- 5.1 The Service Plan will be delivered during the 2018-19 financial year alongside the Business Team's other core functions of health and safety and licensing.

6. LINK TO THE CORPORATE PLAN

- 6.1. Service Plans support the Council's Corporate Plan and contribute to the three strategic priorities therein.

7. LEGAL IMPLICATIONS

- 7.1. 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.
- 7.2. 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.
- 7.3. This plan replaces the 2017-18 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.
- 7.4. 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

8. RESOURCE IMPLICATIONS

- 8.1 The budget for 2018-19 remains the same as that for 2017-18. Achievement of income targets will depend on the degree of primary authority activity, 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.

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, publication and delivery of the Service Plan will set 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 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.

LIST OF APPENDICES INCLUDED

Appendix 1 – Service Plan for Food Law Enforcement 2018-19

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