



## Licensing and Environmental Protection Committee

19 October 2023

<b>Report Title</b>	<b>Environmental Health and Trading Standards Food Law Enforcement Service Plan 2023/24</b>
<b>Cabinet Portfolio</b>	Economy, Business and Skills
<b>Cabinet Member</b>	Councillor Kate Groucutt
<b>Exempt Report</b>	No
<b>Reason for Exemption</b>	N/A
<b>Key Decision</b>	No
<b>Public Notice issued</b>	N/A
<b>Wards Affected</b>	All
<b>Report of</b>	Lisa Harris Executive Director of Place Services <a href="mailto:lisaharris@sthelens.gov.uk">lisaharris@sthelens.gov.uk</a>
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<b>Borough Priorities</b>	Ensure children and young people have a positive start in life	
	Promote good health, independence, and care across our communities	X
	Create safe and strong communities and neighbourhoods for all	
	Support a strong, thriving, inclusive and well-connected local economy	X
	Create green and vibrant places that reflect our heritage and culture	
	Be a responsible Council	X

## **1. Summary**

- 1.1 As a competent authority, the Council has a statutory responsibility to enforce the requirements of food law, this includes food hygiene, food standards, feed law and imported feed and food legislation. There is a requirement, set out in the Code of Practice for the Council to have in place an approved Food Law Enforcement Service Plan which identifies the service aims and objectives and scope of the service.
- 1.2 In July 2021 the Food Standards Agency (FSA) published a recovery plan “Roadmap to Recovery” - this provided a strategy for local authorities to follow with identified “milestones” to be achieved by set dates, enabling inspection plans disrupted due to the pandemic to be reinstated in line with the Intervention Framework.
- 1.3 During 2022/23 Environmental Health targets for A rated premises were met by the 31 March 2022 deadline. B rated premises were met by the 30 June 2022 deadline. Targets for D rated premises (by 31 December 2022) and C rated premises (by 31 March 2023) were missed by 4 and 42 premises respectively, but these were completed by the end of June 2023.
- 1.4 During 2023/24, services inspections / interventions of food businesses will continue in line with the Intervention Plan. Officers will continue to respond to food complaints, food alerts from the FSA, undertake infectious disease control working with UKHSA and Public Health, undertake sampling, provide advice to businesses and work with Public Health in community and business health promotion.
- 1.5 The Plan identifies the number of premises by type and risk rating for both food safety and food standards. For food safety the number of businesses due an intervention by rating is provided. The number of new businesses that will register through the year and which will need to be visited is unknown, but this will increase the number of inspections that are required during the year. Details of how the service is to be delivered and a review of the previous year’s activity are provided within the Plan.
- 1.6 The Food Law Enforcement Plan is listed in the Policy Framework in Article 4.01(a) of the constitution for Council approval.

## **2. Recommendation for Decision**

- 2.1 **Licensing and Environmental Protection Committee is recommended to:**
  - (i) Note the Report and recommend that Council resolves to approve the Environmental Health and Trading Standards Food Law Enforcement Service Plan 2023 – 24.
  - (ii) Agree to the publication of the Service Plan on the Council website and provide the Food Standards Agency with a copy of the Plan.

## **3. Purpose of this report**

- 3.1 This report seeks approval by Licensing and Environmental Protection Committee for the Environmental Health and Trading Standards Food Law Enforcement Plan 2023/24, to be presented to a future meeting of the Council for approval.

3.2 The Plan provides details of how official food and feed controls will be delivered in the borough.

#### **4. Background / Reason for the recommendations**

4.1 The Food Law Code of Practice (England) (the Code), written by the Food Standards Agency and issued by the Secretary of State, outlines the legal requirements that apply to local authorities to ensure the quality, consistency, effectiveness and appropriateness of the official activities and food/feed controls that they have a statutory duty to deliver. The Council is obliged to have due regard to the relevant provisions of the Code and the Food Law Practice Guidance when discharging its duties.

4.2 Within the Code, local authorities must have regard to the Framework Agreement on Official Feed and Food Controls by Local Authorities. This guidance provides information on how service plans are to be structured and what they should contain.

4.3 Service plans are important ensuring that national priorities and standards are addressed and delivered locally. The Service Plan helps the Council to follow the principles of good regulation, provides a means of measuring performance, focuses on key delivery issues and outcomes, and provides information on service delivery to stakeholders, including businesses and consumers.

#### **5. Consideration of Alternatives**

5.1 There are no alternative options as the Council must have regard to the Code and the Practice Guidance when discharging its duties together with the Framework Agreement on Official Feed and Food Controls by Local Authorities (the Framework Agreement), which reflects the requirements of the Code and is consistent with the principles of the Regulator's Code.

#### **6. Conclusions**

6.1 The Council is required to have in place an approved Food Law Enforcement Service Plan which is reviewed annually considering corporate objectives, demands on the service and any changes to the way in which the service is provided, ensuring the provision of a cost-effective service. The Service Plan needs to be made available to the public and local businesses.

6.2 A copy of The Service Plan is sent to the Food Standards Agency who has a key role as the central competent authority in overseeing official food and feed controls undertaken by local authorities. It also seeks to work in partnership with local authorities to help them deliver official controls and is proactive in setting and monitoring standards to ensure that this activity is effective, risk based, proportionate and consistent.

#### **7. Legal Implications**

7.1 The Council as a competent authority has a statutory duty to enforce the requirements of Food law and have due regard for the Code and the Food Law Practice Guidance when discharging its duties.

7.2 Food Law Code of Practice (England) is issued under Section 40(1) of The Food Safety Act 1990, Regulation 6(1) of the Official Feed and Food Controls (England) Regulations 2009 and Regulation 26(1) of The Food Safety and Hygiene (England) Regulations

2013, which empower the Secretary of State to issue Codes of Practice concerning the execution and enforcement of that legislation by Competent Authorities, the Council being a Competent Authority.

7.3 The FSA may, after consulting with the Secretary of State, give a Competent Authority a direction requiring them to take steps to comply with the Code.

7.4 The Council is required to have a Food Law Service Plan to enable them to apply the legislation and provisions of the regulations effectively.

## **8. Equality Impact Assessment**

8.1 An Equalities Impact Assessment has been completed and has highlighted the following issues for consideration:

- The Plan positively contributes to addressing obesity as an issue and compliments the Healthy Living Agenda. Obesity as an issue affects lower socio-economic groups disproportionately.
- The Plan will apply to food bank providers and charities that support residents in need of support. Elements of the Food service would positively contribute to initiatives designed to address obesity and promote the overall aims of the healthy living agenda led by Public Health.

## **9. Social Value**

9.1 The food industry is an important sector for the local economy both in relation to small businesses and as an employment sector. Environmental Health and Trading Standards by enforcing regulatory standards aim to sustain local businesses by protecting businesses from economic disadvantage caused by competitors not complying with the Food Safety and Food Standards Legislation. The service also helps businesses find the most effective way of complying with Food Safety and Food Standards legislation and to facilitate access to appropriate training.

## **10. Net Zero and Environment**

10.1 There are no direct implications relating to sustainability or the environment emerging from this Report.

## **11. Health and Wellbeing**

11.1 Environmental Health and Trading Standard Services are responsible for ensuring that food hygiene and food standards regulations are complied with, thereby protecting the public health of the residents and visitors to the borough by:

- preventing illness resulting from food and waterborne disease.
- assisting consumers in achieving a healthy diet by avoidance of contaminated, adulterated or poor quality food.
- ensuring consumers have access to accurate, understandable information to make informed choices.

- assisting businesses, in particular caterers to provide healthier catering options to help their customers to make healthier choices to assist in part to reduce obesity and heart disease.

## **12. Equality and Human Rights**

12.1 The Service uses translation and interpretation to enable equality of opportunity for people who speak different languages. This includes when businesses and individuals are supported throughout inspections, training initiatives, and any other contact that may be necessary. Service information on the Council's Website can be translated into different community languages, and Food Standard Agency information is available in different languages also.

## **13. Customer and Resident**

13.1 The Environmental Health and Trading Standards Food Law Enforcement Service Plan 2023/24 will need to be made available to residents and businesses.

## **14. Asset and Property**

14.1 There are no direct implications relating to assets or property emerging from this report.

## **15. Staffing and Human Resources**

15.1 The delivery of the enforcement of food safety and food standards are embedded into the functions and roles of existing staff therefore there are no direct implications relating to staffing emerging from this Report.

## **16. Risks**

16.1 The Framework Agreement Chapter 2: "The Standard" specifies the arrangements to be put in place and implemented by the Council for the enforcement of food hygiene, food standards, feed law and imported feed and food legislation. These arrangements are included in the Council's Service Plan. The risk in failing to provide a Plan is that the FSA may take action requiring the Council to comply with the Code.

## **17. Finance**

17.1 Identified in the Service Plan are the agreed Financial Allocations for 2023/24. The total cost of delivering the food safety service is £345,856 per annum.

## **18. Policy Framework Implications**

18.1 The approval of the Food Law Enforcement Plan 2023/24 supports the Borough Strategy of "Be a Responsible Council", the delivery of official food/feed controls supports the objective "Support a strong, thriving, inclusive and well connected local economy" and the protection of public health by regulating the food industry and promoting healthier food provision supports the objective "Promote good health, independence, and care across our communities".

## **19. Impact and Opportunities on Localities**

19.1 There are no direct implications on localities emerging from this Report.

## **20. Background Documents**

- Food Law Code of Practice (England) June 2023
- Food Law Practice Guidance (England) March 2021
- The Framework Agreement on Official Feed and Food Controls by Local Authorities April 2010

## **21. Appendices**

Appendix 1 - Place Services: Environmental Health and Trading Standards Food Law Enforcement Service Plan 2023/24

Appendix 2 – Equality Impact Assessment, accompanying Environmental Health and Trading Standards Food Law Enforcement Service Plan 2023/24