

Food Law Service Plan and Enforcement Policy 2018-2020

Cabinet	18 September 2018
Report Author	Debbie Huckstep – Public Protection Manager
Portfolio Holder	Cllr Lesley Ann Game – Cabinet Member for Housing & Safer Neighbourhoods
Status	For Decision
Classification:	Unrestricted
Key Decision	No
Reasons for Key	N/A
Ward:	All Wards

Executive Summary:

The Food Standards Agency requires local authorities to produce a Plan that outlines how we intend to provide an effective food safety service, the TDC Food Law Enforcement Plan and Enforcement Policy sets out how the Public Protection Team will prioritise and manage their work for the next 24 months, taking into consideration the unknown elements of BREXIT and the Food Standards Agency (FSA) 'Regulating our Future' which plan to change the UK food safety service delivery with regards to local authorities. The Enforcement Policy is in accordance with the 'Enforcement Concordat' agreed by all appropriate UK local authority services on 11th June 1998 and remains in line with best practice and advice/guidance in the Food Law Code of Practice, the latest version being March 2017.

The implications of BREXIT are unknown, particularly with regards to food traceability and imports/exports, we will review this document as we receive information and instruction from the FSA. The Food Standards agency 'Regulating Our Future' plan is a controversial strategic plan which will coincide with BREXIT, and lead to major modernisation of the programme of regulatory change, the FSA seeking to modernise comprehensively, the delivery and enforcement of its regulatory regime regarding food businesses. This will affect local authority delivery from March 2019 with central registration of food businesses as discussed in their plan. The FSA are aiming for a graduated and sustainable approach although consultation with local authorities has been limited and details are awaited. The FSA aim to have delivered a new regulatory model for food by 2020.

In the meantime, the service plan has accounted for the statutory/non statutory functions that we currently perform, by carrying out programmed inspections on our 1359 food premises according to the Food Law Code of Practice, as well as health and safety duties, wheel traceability, events work, routine sampling, street auditing, complaints, caravan parks and infectious disease work.

Recommendation(s):

To recommend to Council for approval, the Service Plan and Enforcement Policy

CORPORATE IMPLICATIONS

Financial and Value for Money	There are no additional financial costs associated with the plan, although the financial impact of BREXIT it currently unknown.								
Legal	<p>The statutory duty is imposed on the Council under the Food Safety Act 1990 to ensure the effective implementation of Government Strategy on food safety issues, having regard for the Food Law Code of Practice issued by the Food Standards Agency and guidance issued by the Local Authority Co-Ordinating Body and Regulatory Services (LACORS)</p> <p>The Food Standards Agency are currently implementing their 'Regulating Our Future, why food regulation needs to change and how we are going to do it' plan between now and 2020, full details are not available but those that are have been included within the proposed plan.</p>								
Corporate	Failure to comply with the effective implementation of the Food Safety Act 1990 and the relevant guidance and codes of practice leave the authority open to challenge by the Food Standards Agency. More importantly it leaves our residents and visitors at risk of food poisoning and in worse case death due to poor hygiene standards practiced in food premises.								
Equality Act 2010 & Public Sector Equality Duty	<p>Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.</p> <p>Protected characteristics: age, gender, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.</p> <table border="1" data-bbox="432 1473 1406 1733"> <tr> <td colspan="2">Please indicate which aim is relevant to the report.</td> </tr> <tr> <td>Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,</td> <td></td> </tr> <tr> <td>Advance equality of opportunity between people who share a protected characteristic and people who do not share it</td> <td></td> </tr> <tr> <td>Foster good relations between people who share a protected characteristic and people who do not share it.</td> <td></td> </tr> </table> <p>It is not felt that the renewal of this service plan and enforcement policy should have any negative impact in respect of protected characteristics and the public sector equality duty.</p> <p>The Service Plan and enforcement policy does not discriminate against any of the protected characteristics in the diverse community that make up our many food businesses which we inspect, visit and give advice to as explained in the service plan. The FSA Codes of Practice and legislation that we follow are neutral to any protected characteristics.</p>	Please indicate which aim is relevant to the report.		Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,		Advance equality of opportunity between people who share a protected characteristic and people who do not share it		Foster good relations between people who share a protected characteristic and people who do not share it.	
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	Regarding Customer Impact Assessment, there is no change to the service at the current time or cessation of a service. There are no changes regarding the introduction or increases in fees and charges. Staffing remains the same.
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CORPORATE PRIORITIES (tick those relevant)✓	
A clean and welcoming Environment	✓
Promoting inward investment and job creation	✓
Supporting neighbourhoods	✓

CORPORATE VALUES (tick those relevant)✓	
Delivering value for money	✓
Supporting the Workforce	✓
Promoting open communications	

1.0 Introduction and Background

- 1.1 A statutory duty is imposed on the Council under the Food Safety Act 1990 to ensure the effective implementation of Government Strategy on food safety issues in the UK, they produce the standards and codes of practice that local authorities must follow to ensure that food is safe for people to eat and to prevent food poisoning and disease.
- 1.2 A Food Service Plan and Enforcement Policy is written to ensure that as a local authority we carry out our statutory functions, we adequately resource the statutory services we provide and that the local authority is aware of changes that may occur in the future, it is part of the Constitution that we produce a service plan.

2.0 The Current Situation

- 2.1 In 2015 the FSA announced plans to change food service delivery by 2020, refreshing our plan was delayed in order to incorporate these changes. Delivery of this change has been delayed and we did not expect to still be facing the unknown changes that will occur regarding BREXIT and the Food Standards Agencies 'Regulating our Future' (ROF) plan' so close to the deadlines.
- 2.2 This position is unprecedented and makes the service difficult to plan ahead. The plan produced is an honest, transparent service plan that clarifies the lack of control that the Public Protection Team currently has in planning for the future.

3.0 Options

- 3.1 Recommend to Council approval the Food Law Service Plan and Enforcement Policy 2018-2020.
- 3.2 Make relevant changes to the Food Law Service Plan and Enforcement Policy 2018-2020 and recommend to Council approval of the amended Food Law Service Plan and Enforcement Policy 2018-2020.

Contact Officer:	Debbie Huckstep, Public Protection Manager
Reporting to:	Penny Button, Head of Safer Neighbourhoods

Annex List

Annex 1	Food Law Service Plan and Enforcement Policy 2018-2020
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Background Papers

Title	Details of where to access copy
FSA's Regulating Our Future	www.food.gov.uk/sites/default/files/media/document/rof-paper-july2017.pdf

Corporate Consultation

Finance	Matthew Sanham, Financial Services Manager
Legal	Interim Head of Legal Services & Deputy Monitoring Officer