

**Southend-on-Sea Borough Council**

**Report of Deputy Chief Executive for Place  
To  
Cabinet**

**On  
25<sup>th</sup> June 2019**

Report prepared by: Elizabeth Georgeou, Group Manager

**Agenda  
Item No.**

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**The Official Feed and Food Control Service Plan 2019-20  
Place Scrutiny Committee – Executive Council: Councillor Terry  
A Part 1 Public Agenda item**

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**1. Purpose of Report**

To agree the Official Feed and Food Control Service Plane 2019-20 required by the Food Standards Agency (FSA).

**2. Recommendation**

That Cabinet agrees the Official Feed and Food Control Service Plan 2019-20 set out in Appendix 1 of this report and commend it to Full Council for approval.

**3. Background**

The Food Standards Agency Framework Agreement on Local Authority Food Law Enforcement requires the production and publication of a service plan to ensure the highest achievable levels of food control (food safety, standards and feeding stuffs) are maintained throughout the borough. Every local authority is required to develop an annual food enforcement service plan, which is the basis on which the local authorities are monitored and audited by the FSA.

3.1 To ensure local transparency and accountability, it is a requirement that the official Feed and Food Controls Service Plan is submitted to the relevant Member forum for approval.

3.2 The Legislative and Regulatory Reform Act 2006 requires Regulators to have regard to the Principles of Good Regulation. This means that our regulatory activities should be carried out in a way that is proportionate, accountable, consistent, transparent and targeted to situations that need action when we carry out a regulatory function and to have regard to guidance issued. The Statutory Code of Practice for Regulators which will include the provisions contained in the Regulators Code April 2014 contains details of how this should be carried out.

- 3.3 The Service Plan for 2019-20 is attached as **Appendix 1**, forming an integral part of the organisation of the Regulatory Services within Public Protection.
- 3.4 In accordance with the requirements contained within the Framework Agreement, the food service is a mix of enforcement, intelligence based work, investigation and education.
- 3.5 The service plan aims to ensure all high and medium risk category programmed inspections are completed within the current financial year and appropriate alternative approaches adopted for the remaining inspections. As at 31<sup>st</sup> March 2019 there were 1784 food premises of which 1,040 premises require an official food hygiene intervention this year. In addition, there are 11 Approved Food Premises within the Council which includes the cockle processors which are inspected annually. There are 473 premises requiring an official food standards intervention, however there are no high risk food standards inspections requiring inspection this year. Food standards inspections are to be undertaken at the same time as food hygiene inspections where they are due or overdue. The Inspection Programme is included at 2.4 in the Service Plan.
- 3.6 Regulatory Services assists businesses to comply with legislation and thereby protect the health of the public from food related illness. Resources will be targeted to ensure a balanced mix of services, which benefit the business sector, consumers and other stakeholders. In accordance with the Food Law Code of Practice and the published Regulatory Services Team Enforcement Policy, the service will continue to focus enforcement action on the poorer performing businesses. Resources will be made available to assist business in the event of a No Deal EU Exit with respect to importing and exporting requirements.
- 3.7 Priority for inspections and interventions was given to premises which had been risk assessed as presenting the highest risk in terms of their activity and the conditions at the premises. All high risk inspections due during 2018-19 were completed.

**4. Other Options (this section should only be included in Cabinet and Cabinet Committee reports).**

The Food Standards Agency Framework Agreement sets out the statutory duty for Southend-on-Sea Borough Council in developing Service Plan. There is no alternative to the statutory duties.

**5. Reasons for Recommendation (this section should only be included in Cabinet and Cabinet Committee reports).**

In order for the Council to comply with the Food Standards Agency Framework Agreement, and in line with the Food Standards Agency audit findings, which were agreed by Cabinet on 18<sup>th</sup> June 2013.

## **6. Corporate Implications**

### **6.1 Contribution to the Southend 2050 Road Map**

The Service Plan contributes to Pride and Joy, Safe and Well and Opportunity and Prosperity. The contribution is through:

- a risk based proactive inspection programme for food businesses which ensures they are providing safe food for residents and for those visiting the Borough; and
- assisting businesses to comply and thrive through the provision of business advice; and
- supporting events across the town which encourages visitors and residents to enjoy safe foods
- enforcing against the least compliant businesses to improve the offering of the town; and
- supporting Public Health England in encouraging businesses to offer healthy eating options.

### **6.2 Financial Implications**

The Service Plan for 2019-20 identifies resources allocated to the statutory food and feed programme and the budget is set within the Regulatory Services' overall budget.

It is anticipated that there will be additional resource required to assist businesses with compliance on leaving the EU. There have been grants made available through DEFRA and the FSA to assist local authorities to prepare for a no deal EU Exit. The Council was unsuccessful with the bid to DEFRA but is still awaiting the outcome of the FSA submission. The Council has been awarded short term funding to use across the organisation to prepare for leaving the EU.

### **6.3 Legal Implications**

The FSA places a requirement on local authorities to develop and submit a Service Plan. Local Authorities are audited and assessed by the FSA on the basis of their food law enforcement service. The Council's constitution requires the adoption of the official Feed and Food Control Service Plan be reserved to Full Council and is funded from within the existing budget of the service.

### **6.4 People Implications**

There remains difficulties in recruiting to the posts that deliver this service. Arrangements have been made to meet the statutory inspection programme through the use of contracted inspections.

### **6.5 Property Implications**

None.

## 6.6 Consultation

None. The Service Plan is developed in line with government guidelines and priorities and is published on the website and feedback from the public encouraged. The enforcement element of the Service Plan was consulted on.

## **6.7 Equalities and Diversity Implications**

Equality and diversity implications have already been considered in the Regulatory Service Enforcement Policy and as part of the general work in the Service. A further equalities assessment was carried out when the Enforcement Policy was updated in 2015 in line with the updated Regulators Code April 2014.

## **6.8 Risk Assessment**

Progress against the plan is reviewed on a monthly basis and the inspection of high risk premises and has been reported against service plan indicators.

## **6.9 Value for Money**

The Service is delivered within existing budget. The procurement process was utilised to identify a contractor to deliver a proportion of the food inspection programme. There are a limited number of low risk feed premises in the Borough and to reduce the cost of delivering this service in terms of Officer expertise the inspection programme is being delivered through a contracted arrangement.

## **6.10 Community Safety Implications**

None.

## **6.11 Environmental Impact**

Food related inspections and investigations place controls on commercial food waste which impact on the natural environment.

## **7. Background Papers**

- Food Standards Agency Framework Agreement;
- Food Law Code of Practice (England) 2017;
- Feed Law Code of Practice (England) (Issued April 2018);
- Regulatory Service Enforcement Policy 2015;
- Food Standards Agency Audit and Action Plan - Cabinet Report Dated 18/06/13.

## **8. Appendices**

Appendix 1: Official Feed and Food Control Service Plan 2019-20.