

Southend-on-Sea Borough Council
Report of Deputy Chief Executive Neighbourhoods & Environment

To
Cabinet
On
16 June 2020

Agenda Item No.

8

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The Official Feed and Food Control Service Plan 2020-21
Relevant Scrutiny Committee: Place
Portfolio Lead: Councillor Martin Terry
Part 1 Public Agenda item

1. Purpose of Report

To agree the Official Feed and Food Control Service Plan 2020-21 as required by the Food Standards Agency (FSA).

2. Recommendation

That Cabinet agrees the Official Feed and Food Control Service Plan 2020-21 set out in Appendix 1 of this report and commend it to Full Council for approval.

3. Background

- 3.1 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.
- 3.2 The Service Plan recognises that resource may be required to assist Public Health England with pandemic Coronavirus controls, which may be provided by Regulatory Services.
- 3.3 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.
- 3.4 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.

- 3.5 The Service Plan for 2020-21 is attached as **Appendix 1**, forming an integral part of the organisation of the Regulatory Services within Public Protection.
- 3.6 In accordance with the requirements contained within the Framework Agreement, the food service is a mix of enforcement, intelligence based work, investigation, advice and education.
- 3.7 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 March 2020 there were 1657 food premises of which 977 premises require an official food hygiene intervention this year. There are 9 Approved Food Premises within the Borough, which includes the cockle processors which are inspected annually. There are 377 premises requiring an official food standards intervention; there is one high risk food standards inspection required 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.
- 3.8 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 businesses when leaving the EU, with respect to importing and exporting requirements.
- 3.9 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 A-high risk inspections due and 93% of B-high risk inspections were completed during 2019-20. The team was unable to complete the schedule programme as detailed in Section 6.1 of the Service Plan because of lockdown due to pandemic Coronavirus.
- 3.10 Inspections have not resumed because of the pandemic Coronavirus, but interventions, based on the Food Standards Agency priorities have been completed. This includes advice to poor compliant take-aways, contacting A and B high risk premises and determining applications for approvals.
- 3.11 Progress through the Service Plan will be monitored on a monthly basis. Resource will be directed to additional contracted inspections where possible.

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

- 4.1 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

- 5.1 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 June 2013.

6. Corporate Implications

6.1 Contribution to the Southend 2050 Road Map

- 6.1.1 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

- 6.2.1 The Service Plan for 2020-21 identifies resources allocated to the Statutory Food and Feed Programme and the budget is set within the Regulatory Services' overall budget. The plan recognises that resource may be diverted to assist with issues arising from the pandemic Coronavirus, and the Service Plan may be altered in response to that demand.
- 6.2.2 Grants have been made available to assist businesses with leaving the EU. Last year we applied for funding to ensure officers were sufficiently trained to meet the requirements of audit. This was to enable Southend businesses to export to the EU. Funding was also given to undertake surveillance sampling and inspection of fishing vessels, which was completed.
- 6.2.3 It is possible that there may be additional resource available to this Authority, on application, for further EU Exit preparedness and pandemic Coronavirus. Where grant funding is available Regulatory Services will make relevant applications.

6.3 Legal Implications

- 6.3.1 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

6.4.1 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. In response to recruitment difficulties a development post for food inspectors is currently being recruited to.

6.5 Property Implications

6.5.1 There are no Property implications.

6.6 Consultation

6.6.1 There are no Consultation implications. The Service Plan is developed in line with government guidelines and priorities and is published on the website. Feedback from the public is encouraged. The enforcement element of the Service Plan was consulted on and when the Enforcement Policy is reviewed this year further consultation will be undertaken.

6.7 Equalities and Diversity Implications

6.7.1 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 and will be undertaken when the Enforcement Policy is reviewed this year.

6.8 Risk Assessment

6.8.1 Progress against the plan is reviewed on a monthly basis and the inspection of high risk premises is assessed.

6.9 Value for Money

6.9.1 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

6.10.1 There are no Community Safety implications.

6.11 Environmental Impact

6.11.1 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

- 8.1 Appendix 1: Official Feed and Food Control Service Plan 2020-21.