

Southend-on-Sea Borough Council
**Report of Executive Director Neighbourhoods &
Environment**

To
Cabinet
On 27th July 2021

**Agenda
Item No.**

17

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Services

The Official Feed and Food Control Service Plan 2021-2022
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 2021-22 as required by the Food Standards Agency (FSA).

2. Recommendation

That Cabinet agrees the Official Feed and Food Control Service Plan 2021-2022 set out in Appendix 1.

The Cabinet commends the Official Feed and Food Control Service Plan 2021-2022 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 still be required to assist Public Health 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 Food Standards Agency directed the Authority on the areas to be targeted during the pandemic, which included interventions at high risk premises, dealing with complaints, the risk associated with changes in practices, in response to the pandemic, and supporting EU requirements for our businesses.
- 3.6 Regulatory Services completed all the targeted interventions that were required by the Food Standards Agency based on risk factors identified by them.
- 3.7 In line with the Council priority for responding the pandemic Regulatory Services has provided support across the whole town for businesses to assist them to put in place Covid-19 controls. This has included providing additional help when positive cases have been reported in the workplace.
- 3.8 Regulatory Services also supports the economic recovery of businesses from both from the pandemic and the requirements for businesses trading after exiting the EU. This has been, and continues to be, delivered through supporting businesses by encouraging compliance in the first instance. The service also supports businesses to export to the EU, through the inspection of fishing vessels, reviewing controls at exporting premises and the standing up of a certification service to enable goods to move freely across the EU.
- 3.9 The Service Plan for 2021-2022 is attached as **Appendix 1**, forming an integral part of the organisation of the Regulatory Services within Public Protection.
- 3.10 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.
- 3.11 The Food Standards Agency have developed a recovery plan which directs the Local Authority on how the official controls should be prioritised. In line with this plan the Service Plan aims to ensure all resources that were diverted away from the official controls last year are redirected to these controls.

The recovery plan prioritises high risk premises, new premises registrations, change of use and approved premises for interventions, bringing their cycles of inspection back in line with those contained in the Food Law Code of Practice.
- 3.12 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.
- 3.13 The service has undertaken all inspections of fishing vessels and approved premises. The service has gained the required competency to assist Southend businesses to trade with the EU through the development of an export certification service.
- 3.14 Inspections have resumed with the appropriate controls in place and is in line with the recovery programme.

3.15 Progress through the Service Plan will be monitored on a monthly basis. Resource will be directed to additional contracted inspections where required.

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 in encouraging businesses to offer healthy eating options.

6.2 Financial Implications

6.2.1 The Service Plan for 2021-2022 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 Where funding is available the service will apply to enable surveillance sampling and to be completed.

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 The service is currently fully staff but may be required to support the Covid-19 pandemic. Where this is the case arrangements will be made to meet the statutory inspection programme through the use of contracted inspections. The service has a development post for food inspectors which has been recruited to provide resilience to the service.

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 when the Enforcement Policy was reviewed this year.

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 2021 in line with the updated Regulators Code April 2014 and was undertaken when the Enforcement Policy was reviewed this year.

6.8 **Risk Assessment**

6.8.1 Progress against the plan will be 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 will continue to be utilised to identify a contractor to deliver a proportion of the food inspection programme.

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 2021-2022.