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## **Food Safety, Food Standards, Animal Feed and Health & Safety Service Plan**

### **Purpose**

- 1.1 To seek approval for the adoption of the Food Safety, Food Standards, Animal Feed and Health & Safety Service Plan 2023-24. This statutory plan sets out the Council's regulatory function in these service areas.
- 1.2 The Council is required to prepare a documented plan for Food Safety (FS), Food Standards (FAST), Animal Feed and Health & Safety that it has a duty to enforce and set out how the authority intends to deliver its official controls and enforcement responsibilities within the city.
- 1.3 This plan combines previously separate plans for Food and Health & Safety.

### **Recommendation(s)**

- 2.1 To adopt the Food Safety, Food Standards, Animal Feed and Health & Safety Service Plan, for the administrative year 2023/24.
- 2.2 To continue to support Food and Safety Team and Trading Standards Teams in their duties imposed on the authority by the Food Standards Agency (FSA) and Health and Safety Executive (HSE).
- 2.3 To authorise the Director of Public Protection and Streetpride (in consultation with the Cabinet member for Housing, Property and Regulatory Services) to agree any necessary amendments to this year's Food Safety, Food Standards, Animal Feed and Health & Safety Service Plan, as needed in the context of the ongoing challenges that may occur and to ensure the Plan is up to date. Officers will keep members fully updated through Cabinet Member and Cabinet meetings as appropriate.

### **Reason(s)**

#### **3.1 Food Safety, Standards and Feed**

- 3.1.1 Under the powers in the Food Standards Act 1999, the Food Standards Agency (FSA) oversees and monitors how Local Authorities enforce food and feed legislation. The FSA require all Local Authorities to produce and approve an annual plan that sets out how it is going to execute its responsibilities.

- 3.1.2 The Plan will be used as a basis of any audit undertaken by the FSA.
- 3.1.3 The plan is written to meet all the requirements of the FSA, in terms of its content and format. The plan details the demands of the service, the risk-based work programme, and the resources available to deliver the required work. As with many other Council services, FAST and TS service face increasing demands, and catch up exacerbated by Covid-19 pandemic, which continue to be a significant challenge.

## **3.2 Health and Safety**

- 3.2.1 The plan meets the Councils statutory duties as an 'enforcing authority' under the Health and Safety at Work etc. Act 1974, detailing our priorities and responsibilities.
- 3.2.2 In the last six years, we have continued to redesign the way we deliver the Councils health and safety regulatory functions, to meet the Government's objective of reducing the health and safety burden on the business. This approach is specified in the National Code, which local authorities must comply with.
- 3.2.3 The plan is therefore written to meet all requirements of the HSE National Local Authority Enforcement Code in terms of its content and format.

## **Supporting information**

- 4.1 The contents of the plan are consistent with the previous Food Law Enforcement Plan and Health and Safety Service Plan.
- 4.2 Both FAST and TS were identified as service critical at the start of lockdown. Most of FAST resources and a proportion of TS resources were diverted to the regulatory response to Covid-19, in March 2020 until August 2021. Where after this time, both services returned to largely business as usual.
- 4.3 Both teams have developed plans for 2023/24 for their service areas which will continue until end of March 2024. These will be frequently reviewed if the situation changes.
- 4.4 Resources needed are focused on catch up, however, businesses have increasingly diversified and there has been an increase in new businesses which will require advice, support and regular inspections from the Service.
- 4.5 The plan is set out in Appendix 1.

## **Public/stakeholder engagement**

- 5.1 None directly arising from this report.

## **Other options**

- 6.1 The Food Safety, Food Standards, Animal Feed and Health & Safety plan must be reviewed on an annual basis as there is a legal duty for this.

## Financial and value for money issues

- 7.1 The service plan will be managed within existing resources. However, this will be business critical work stipulated by the FSA and HSE.
- 7.2 It is anticipated return to pre-March 2020 service operational levels will take several years.

## Legal implications

- 8.1 The FSA Framework Agreement requires the Council to produce a Food Law Enforcement Plan (encompassed into this Food Safety, Food Standards, Animal Feed and Health & Safety Plan). The key aim of the plan is to demonstrate how the Council will fulfil its regulatory obligation in respect of the food services.
- 8.2 Section 18 of the Health and Safety at Work etc. Act 1974 places a duty on the Council to make adequate arrangements for the enforcement of health and safety. The HSE requires the Council to produce an annual Health and Safety Service Plan (encompassed into this Food Safety, Food Standards, Animal Feed and Health & Safety Plan).
- 8.3 Responsibility for the Health and Safety at Work enforcement lies with the HSE and Local Authorities (LA's). Councils are generally responsible for enforcement at premises in which non-industrial activities are undertaken, whilst HSE is responsible for industrial activities.

## Climate change implications

- 9.1 All of the officers are currently hybrid working with a combination of working from home and office-based working, thereby reducing their travelling time to and from the office, and as a result also reducing their carbon footprint. Officers carry out site visits in accordance with their prescribed duties using their private vehicles. Where practical and available, officers will make use of the electric vehicles provided by the Council. Officers' carefully plan their visits to ensure distances travelled are reduced. Furthermore, if multiple officers are required for a certain operation, then they will car share where appropriate.



Refer to Appendix 2 for further details.

## Socio-Economic implications

- 10.1 Both teams are aware of the Socio-Economic factors for Derby City. The work within the plan is statutorily required and not charged for. Where fees and charges are levied, the majority of these are based on cost recovery and apply to business owners only. These are agreed annually through a separate Cabinet report.

## Other significant implications

### 11.1 Food Safety, Food Standards and Animal Feed

- 11.1.1 The Council as a Food Authority is required to carry out statutory functions in relation to food safety. The plan sets out how the Council will fulfil its obligations under this legislation.
- 11.1.2 Should the Council not exercise its duties and provide a food service, there is the potential that both unsafe and unscrupulous activities would go unchecked and un-enforced, which may lead to serious food borne illness or disadvantage to the residents, consumers and businesses within the City.
- 11.1.3 In addition, if the Council not exercise its duties and provide a food service, the FSA has the power to remove the food responsibilities and engage another authority to deliver the service. If this did happen, the Council would still have to fund the service but would lose member and management control of it.

### 11.2 Health and Safety

- 11.2.1 The Council is required to carry out statutory functions in relation to health and safety. The plan sets out how the Council will fulfil its obligations under this legislation.
- 11.2.2 Should the Council not exercise its duties and provide a health a health and safety service there is the potential that both unsafe activities would go unchecked and un-enforced, which may lead to an increase in sickness levels and serious accidents occurring to employees and residents, businesses within the City.

This report has been approved by the following people:

Role	Name	Date of sign-off
Legal	Olu Idowu	19/06/2023
Finance	Janice Hadfield	22/06/2023
Service Director(s)	Samantha Dennis	02/06/2023
Report sponsor	Samantha Dennis	02/06/2023
Other(s)		

  

Background papers:	None
List of appendices:	Appendix 1 – Food Safety, Food Standards, Animal Feed and Health and Safety service Plan 2023/24 Appendix 2 – Climate Impact Assessment