

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 2021-22. This statutory plan sets out the Council's regulatory function in these service areas.
- 1.2 The Council is required prepare a documented plan for Food Safety, Food Standards, 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 2021/22.
- 2.2 To continue to support Food and Safety Team and Trading Standards Teams in their regulatory recovery activity in response to the COVID-19 pandemic and the resumption of duties imposed on the authority by the Food Standards Agency (FSA) and Health and Safety Executive (HSE).
- 2.3 To allow Director of Public Protection and Streetpride to agree any subsequent 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 surrounding Covid but will keep members fully updated.

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, exacerbated by the Covid-19 pandemic, which will 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 five 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 have been diverted to the regulatory response to Covid-19, since March 2020. Although, the expectations set out by the FSA and HSE during the pandemic have been met during 2020/21
- 4.3 Both teams have developed recovery plans for 2021/22 for their service areas. These will be frequently reviewed as the current situation remains unpredictable. The plans have considered a skeletal ongoing response to Covid, with surge capacity as/if needed.
- 4.4 Resources needed are variable, due to the uncertainty of the future surrounding Covid, and will need to be frequently reviewed. Businesses have also diversified and there has been an increase in new businesses which will require advice, support and regular inspections from the Service.
- 4.5 Many officers have during the last year worked tirelessly under difficult circumstances and tight deadlines. This has necessitated very long hours, and significant evening/weekend working. Officer workloads will continue to be carefully managed to ensure capacity for service provision is maintained.
- 4.6 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. As the authority's response to Covid-19 has predominantly been achieved by diverting existing resources from other statutory roles by prioritising the public health response, we have redefined our usual approaches on a risk priority basis, to ensure the business critical work program stipulated by the FSA and HSE have been met.
- 7.2 Services will initially be focused on guidance from the FSA and HSE and prioritised on risk.
- 7.3 It is anticipated Service recovery and a return to pre-March 2020 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 None directly arising from this report.

Other significant implications

10.1 *Food Safety, Food Standards and Animal Feed*

- 10.1.1 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.

- 10.1.2 Failure to ensure that the council discharges its responsibilities can have serious consequences for the Council and as set out in 9.1.3 and 9.1.4.
- 10.1.3 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.
- 10.1.4 In addition, if the Council takes no action, 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.

10.2 Health and Safety

- 10.2.1 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.
- 10.2.2 Failure to ensure that the Council discharges its responsibilities can have serious consequences for the Council.
- 10.2.3 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	12 July 2021
Finance	Amanda Fletcher	26 July 2021
Service Director(s)	Samantha Dennis	15 July 2021
Report sponsor	Samantha Dennis	15 July 2021
Other(s)		

Background papers:	None
List of appendices:	Appendix 1 – Food Safety, Food Standards, Animal Feed and Health and Safety service Plan 2021/22