

WELWYN HATFIELD BOROUGH COUNCIL
ENVIRONMENT OVERVIEW AND SCRUTINY COMMITTEE – 4 APRIL 2016
REPORT OF THE DIRECTOR (GOVERNANCE)

FOOD SAFETY SERVICE PLAN 2016/17

1 Executive Summary

- 1.1 It is a requirement of the Food Standards Agency that each local authority draws up, documents and implements a food safety service plan which is approved by members.
- 1.2 This report sets out (in appendix A) the food safety service plan for 2016/17 and in Appendix B a review of performance against the previous food safety service plan.
- 1.3 Members are asked to consider the food safety service plan in appendix A and recommend to Cabinet that it is sent to Full Council for adoption.

2 Recommendation(s)

- 2.1 For the committee to note the performance against the previous service plan and to consider and approve the service plan in appendix A and recommend to Cabinet that it is sent to Full Council to be adopted.

3 Explanation

- 3.1 The Food Standards Agency (FSA) has overall responsibility for the official control of food law enforcement in England. This involves co-ordinating, monitoring, setting standards and auditing local authority food law enforcement activities. This includes a requirement that all local authorities produce a food safety service plan which has been agreed by their members. The latest version is shown in Appendix A and is written having regard to the format proscribed by the FSA.
- 3.2 The FSA conducts an audit of local authority performance in relation to food safety and hygiene activities and Welwyn Hatfield Council was selected for audit in 2008 with a follow up visit in 2010. As part of the constructive feedback from this audit the FSA recommended that as well as a food safety service plan a separate review of performance against the previous year's food safety service plan should be prepared every year for elected members. This is contained at Appendix B.
- 3.3 It will be noted that local authorities are expected to not just merely undertake "routine hygiene inspections" but to operate a risk based enforcement system that values educational initiatives together with formal legal enforcement tools and 'non inspection interventions' (for example targeted sampling, imported food

controls). Indeed current guidance from the FSA enables local authorities to have even more flexibility in taking risk based approaches to food law enforcement.

4 Legal Implication(s)

- 4.1 Mandatory guidance issued by the Food Standards Agency requires Welwyn Hatfield Council to have adopted a food safety service plan which meets the format proscribed by the Food Standards Agency.
- 4.2 In carrying out this work officers may carry out enforcement of the legal provisions in order to ensure the public are not put at risk and there is compliance with the law. This can range from provision of advice through to formal enforcement notices and prosecutions.
- 4.3 The sentencing Council has provided new definitive guidelines¹ covering the sentencing of food hygiene offences before the criminal Courts.

5 Financial Implication(s)

- 5.1 None directly arising from this report; there is a budget in place for this work however it is not possible to predict what enforcement actions may be required during the year, and specific enforcement cases may incur additional costs (for example in respect of legal fees).

6 Risk Management Implications

- 6.1 The main risks related to this proposal are:
- 6.2 The Council is at risk from public criticism from the Food Standards Agency if it cannot show it has produced and obtained Member approval of a food safety service plan which is written in accordance with the Food Standards Agency guidance.
- 6.3 The public are at risk if the council does not provide an adequately resourced food hygiene function.
- 6.4 As with any enforcement activity there is a risk of incurring costs, some of which may not be fully recovered.
- 6.5 Our work with local business, especially small and medium sized enterprises helps the local economy and business growth, thereby mitigating associated risks.
- 6.6 The work of the public health and protection service is considerably broad with the underlying theme of protecting the public. Therefore it is inevitable that in order to make best use of resources some work will be prioritised over other work. Sometimes the priorities afforded to work by officers using their professional judgement may not match the perceived priorities allocated by members of the public, and this mismatch can result in complaints to local councillors, MPs and the Ombudsman.

¹ <https://www.sentencingcouncil.org.uk/wp-content/uploads/HS-offences-definitive-guideline-FINAL-web.pdf> accessed 10/03/2016

7 Security & Terrorism Implication(s)

- 7.1 Food security is a recognised risk² and environmental health work and the council's role as a category 1 responder under the Civil Contingencies Act can assist with the mitigation of this risk.

8 Procurement Implication(s)

- 8.1 None directly arising from this report however at periods of high demand appropriate contractors may be procured to assist with food hygiene inspections.

9 Climate Change Implication(s)

- 9.1 None directly arising from this report, although there are links between climate change, food hygiene, food security, and availability.

10 Link to Corporate Priorities

- 10.1 The subject of this report is linked to the Council's Corporate Priorities "maintain a safe and healthy community", "protect and enhance the environment", "help build a strong local economy", "engage with our communities and provide value for money" and is linked to statutory provisions under food safety and hygiene legislation.

11 Equality and Diversity

- 11.1 An Equality Impact Assessment (EIA) has been carried out in connection with the food safety and hygiene activities that are carried out by the council.

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Appendices

Appendix A – Food Safety Service Plan 2016/17

Appendix B – Review of performance against previous Food Safety Service plan

² See for example <http://www.food.gov.uk/sites/default/files/pas96-2014-food-drink-protection-guide.pdf> accessed 10/03/2016