

WELWYN HATFIELD BOROUGH COUNCIL
ENVIRONMENT OVERVIEW AND SCRUTINY COMMITTEE – 10 JUNE 2019
REPORT OF THE CORPORATE DIRECTOR (PUBLIC PROTECTION, PLANNING AND GOVERNANCE)

ANNUAL REVIEW OF THE FOOD SAFETY SERVICE DELIVERY PLAN 2018/19

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) a review of performance against the food safety service plan of 2018/19.
- 1.3 Members are asked to consider and note the contents of this performance review.

2 Recommendation(s)

- 2.1 For the Committee to note the content of the review.

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 was agreed by members at EOSC in March 2019. This report provides an overview of performance in service delivery during 2018/19.
- 3.2 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).

Implications

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 prescribed 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 provided new definitive guidelines¹ covering the sentencing of food hygiene offences before the criminal Courts in February 2016.

4.4 All officers delivering food hygiene interventions must meet competency criteria as specified in the Food Law Code of Practice, this includes training specifically related to each officer's individual authorisation.

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 demonstrate a risk based approach to food safety and delivery of food interventions.

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.

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 casual staff may be procured to assist with food hygiene inspections.

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

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

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 **Human Resources Implications**

10.1 None directly linked to this report.

11.0 **Health and Wellbeing Implications**

11.1 The work detailed in the food service review has a direct impact on the health and wellbeing of the public.

12.0 **Communication and Engagement Implications**

12.1 This report and associated document will be in the public domain and may result in media interest. The report produced in 2018 resulted in a newspaper article being written in the Welwyn Hatfield Times.

Link to Corporate Priorities

10.1 The subject of this report is linked to the Council's Corporate Priorities "Our Community", "Our Economy", and "Our Council", and specifically our objectives of safe communities, public health, value for money and equality and fairness it is also 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 and no adverse differential impacts have been identified.

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Appendices

Appendix A – Annual Review of the Food Safety Service Delivery Plan 2018/19