



# EXECUTIVE MEMBER DECISION

**REPORT OF:** Executive Member for Environment

**LEAD OFFICERS:** Director of Environment and Operations

**DATE:**

**PORTFOLIO/S AFFECTED:** Environment

**WARD/S AFFECTED:** All

**SUBJECT: Food Law Service Plan 2022-23**

## 1. EXECUTIVE SUMMARY

1.1 This report seeks approval for the Food Law Service Plan for the year 2022/23. It details Public Protection and Environmental Health Service's performance in 2021/22 on delivering the Council's obligations to make sure food is safe to eat and is what it claims to be, explains what work is required in 2022/23 and what resource is available to deliver the work.

1.2 The current staffing resource is sufficient to deliver the work required.

## 2. RECOMMENDATIONS

That the Executive Member:

2. 1 Approves the Food Law Service Plan 2022/23.

## 3. BACKGROUND

3.1 The Food Standards Agency's (FSA) "Framework agreement on official feed and food controls by local authorities" (Framework agreement) sets out what the FSA expects from local authorities in their delivery of official controls on feed and food law.

3.2 One of the requirements of the framework agreement is that local authorities agree a service plan for the delivery of the official feed and food controls. The Food Law Service Plan for 2022/23 is at appendix 1 to this report.

## 4. KEY ISSUES & RISKS

4.1 The food law service plan has been drawn up in accordance with the common format suggested within the framework agreement. It therefore provides all of the details required by the FSA.

4.2 It makes reference to the requirements in the FSA's Food Law Code of Practice. This in particular details the frequency at which food businesses should be inspected or have some other intervention to ensure compliance with legislation designed to make sure food is safe and is what it claims to be. The frequency of inspection depends on the risk of the business causing food poisoning or selling food which is unsatisfactory in some other way. The risk is calculated using a formula in the Food Law code of practice which takes account, amongst other things, of the type of foods sold, suitability of food handling practices, state of repair and cleanliness of the premises and confidence in management in maintaining safe standards. The higher the risk the more often an inspection needs to be carried out.

4.3 Due to the Covid-19 pandemic for almost 2 years the food safety inspection programme was severely curtailed. This is because the staff normally employed to carry out food safety work were diverted to deal with Covid-19 control work. Duties included monitoring and ensuring compliance with the various business closure requirements, local contact tracing and supporting workplaces experiencing outbreaks of Covid-19. Additional temporary staff resources were recruited using the Covid Outbreak Management Fund (COMF) support for local authorities. This has allowed significant numbers of food safety inspections to be carried out to catch up with the programme. In total 527 food safety inspections were carried out in the year.

4.4 During the pandemic the Food Standards Agency issued periodic instructions on how staffing resources available should be used to prioritise food safety work. The revised requirements continue into 2022/23 and 2023/24 and this plan sets out how we will meet those requirements. The details of this work are on pages 9-10 of the Service Plan.

4.5 At the end of 2021/22 the amended requirements of the FSA have been met but there is still a backlog on the usual inspection programme. It is anticipated that for 2022/23 there is sufficient resource within the Public Protection Service to deliver the Council's obligations under the FSA's Recovery Plan with 480 inspections planned for the year.

4.6 In 2021/22 94% of food businesses in Blackburn with Darwen were broadly compliant with food hygiene regulations (this is a score of 3 or above on the Food Standards Agency's Food hygiene Rating Scheme).

## **5. POLICY IMPLICATIONS**

5.1 The work detailed in this Food Law Service Plan supports the corporate plan objectives of reducing health inequalities and improving health outcomes, safe and clean environment and, supporting our town centres and businesses.

5.2 The Environment portfolio corporate scorecard has a measure of the number of food businesses achieving a rating of 3 and above on the FSA Food Hygiene Rating Scheme. Completing the inspection element of the food law delivery plan allows this measure to be reported on.

## **6. FINANCIAL IMPLICATIONS**

6.1 None

## **7. LEGAL IMPLICATIONS**

7.1 The carrying out of inspections follows the Food Standards Agency's Framework Agreement on Local Authority Food Law Enforcement, and the Food Law Code of Practice.

Each Competent Authority must have an up-to-date, documented Food Service Plan that covers all areas of food law that the Competent Authority has a duty to enforce and set out how the authority intends to deliver Official Controls within its area.

## 8. RESOURCE IMPLICATIONS

8.1 None

## 9. EQUALITY AND HEALTH IMPLICATIONS

Please select one of the options below. Where appropriate please include the hyperlink to the EIA.

Option 1  Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2  In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision. *(insert EIA link here)*

Option 3  In determining this matter the Executive Board Members need to consider the EIA associated with this item in advance of making the decision. *(insert EIA attachment)*

## 10. CONSULTATIONS

10.1 The food law service plan will be made available on the council's website for comment.

## 11. STATEMENT OF COMPLIANCE

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

## 12. DECLARATION OF INTEREST

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded and published if applicable.

<b>VERSION:</b>	<b>0.1</b>
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<b>CONTACT OFFICER:</b>	<b>Denise Andrews</b>
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<b>DATE:</b>	25 May 2022
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<b>BACKGROUND PAPER:</b>	None
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