



EXECUTIVE MEMBER DECISION

REPORT OF:	Executive Member for Environment & Operations
LEAD OFFICERS:	Strategic Director of Environment & Operations
DATE:	14 July 2023

PORTFOLIO/S AFFECTED:	Departments
WARD/S AFFECTED:	(All Wards);

SUBJECT: Food Law Service Plan 2023/24

1. EXECUTIVE SUMMARY

1.1 This report seeks approval for the Food Law Service Plan for the year 2023/24. It details Public Protection and Environmental Health Service's performance in 2022/23 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 2023/24 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:

Approves the Food Law Service Plan 2023/24.

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 2023/24 for Blackburn with Darwen Borough Council 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 FSA's 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. 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 599 food safety inspections were carried out in the year. Only 1 inspection that was due was not carried out due to problems with accessing the business.

4.4 In 2022/23 94.2% 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).

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

5. POLICY IMPLICATIONS

5.1 The work detailed in this Food Law Service Plan supports the corporate plan objective of building healthier, happier and safer communities.

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

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

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.

VERSION:	1
-----------------	----------

CONTACT OFFICER:	Denise Andrews
-------------------------	-----------------------

DATE:	3 May 2023
--------------	------------

BACKGROUND PAPER:	None.
--------------------------	-------