



Service Plan for Food Law Enforcement 2019/20

For consideration by: Full Council

Date of meeting: 3 October 2019

Lead director: John Leach

Useful information

- Ward(s) affected: all
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- Report version number: FINAL

1. Summary

This report presents Leicester City Council's Food Enforcement Plan 2019-20 for consideration by the Executive. The Plan sets out the demands on the City Council and the resources required to deliver an effective regulatory regime. The Plan also reviews the achievements for 2018-19.

2. Recommendations

Full Council is recommended to:

- 2.1** To adopt the Service Plan for Food Law Enforcement 2019-20.

3. Supporting information including options considered:

3.1 Leicester City Council's regulatory responsibilities relate to the safety and fitness of food made and sold in the City; the accuracy of any labels and descriptions. The City Council delivers a significant programme of food hygiene inspections, advice and training for food businesses and operatives, and investigates complaints and food poisoning incidents. The City Council response is principally delivered by the Food Safety Team.

3.2 Leicester has a diverse food sector and notably a vibrant Asian cuisine restaurant trade. The number of registered food businesses in Leicester is around 3113 with significant turnover of business. This makes achieving and maintaining good compliance challenging. The number of food businesses that are 'broadly compliant' with food law in Leicester is 85% (the national average is 90.3%).

3.3 In 2019-20 the Food Safety Team will deliver around 2124 food hygiene interventions. These are programmed at frequencies dependent on risk as required by the statutory Code of Practice.

Appendix One provides the Service Plan for Food Law Enforcement 2019-20.

3.4 Key Areas of Focus for 2019/2020 include:

- Allergens – presence of undeclared peanuts in food
- Street Trading – developing a closer working relationship with Licensing/Licensing Enforcement to identify, advise, check unlicensed street traders providing food.
- Leicester Food Plan and Public Health – Developing initiatives for healthy eating and supporting projects such as the Holiday Food Provision.

- Primary Authority Partnership with Navitas/ESB Limited - In the first of its kind for Leicester City Council the FST and Public Safety Team have successfully set up and agreed a Primary Authority Agreement with Navitas/ESB Limited, a Leicestershire based Food Safety and Health & Safety Consultancy.
- Wet Bars/Nightclubs - joint project with Licensing to ensure wet bars & night clubs receive an appropriate food intervention.

3.5 Significant issues on the horizon for 2019/20 include:

3.5.1 EU Exit

The extent of impacts from the UK exiting the EU remain unclear. However, whilst fundamental food hygiene requirements/controls will not change there will be issues for food establishments in relation to sourcing ingredients, sourcing food handlers, importing and exporting food.

3.5.2 The Food Standards Agency Regulating our Future

A fundamental review of Food Law Enforcement in the UK. The aim to ensure that Food Law Enforcement not only proportionate and focussed resources by risk but is agile and flexible to match the challenges that Food manufacturing, food fraud, food traceability etc pose on a worldwide platform. This review is due to be implemented by 2020.

3.5.3 Food Standards Review

The FSA are also reviewing the current regime for Food Standards. There is significant and increasing crossover between Food Standards and Food Hygiene issues, for example allergens require correct labelling (Standards) and effective management (Hygiene). The regime for Food Standards regulation is currently under review.

As yet, impacts arising from the above are unclear however the FST propose:

- To closely monitor developments with Regulating Our Future and the Review of Food Standards Regulation with a view to:
 - Keeping the LLEP and local food businesses informed of and changes in regulatory standards and procedures; and significant regulatory compliance risks
 - Keeping the City Mayor, Executive and senior management informed of impacts on Leicester and the City Council
 - Identifying the need for changes in policy, procedure, practice, organisation and resourcing
- To closely monitor developments with Single Market and Customs Union with a view to:
 - Keeping the LLEP and local food businesses informed of and changes in regulatory standards and procedures; and significant regulatory compliance risks
 - Keeping the City Mayor, Executive and senior management informed

- of impacts on Leicester and the City Council
- Identifying the need for changes in policy, procedure, practice, organisation and resourcing
- To adapt internal arrangements in anticipation of changed regulatory regime, in particular;
 - To work with Idox, the supplier of LCC's Uniform system, to ensure it is ready to link up with the FSA's 'enhanced registration' online functionality and that arrangements are in place to keep the 'national register' populated with accurate information our local data sources.
 - To work with the Service Support & Intelligence Team to ensure that the current performance reports are brought into line with FSA 'balanced scorecard' reporting requirements.
- To enhance our regulatory response capability, in particular;
 - To review and re-document arrangements and protocols between the Food Safety Team, Trading Standards Team and the Licensing Service

4. Details of Scrutiny

4.1 The Director of Neighbourhood and Environmental Services submitted a report to the Neighbourhood Services Scrutiny Commission on 3rd July 2019, on public protection and regulation in Leicester's food sector.

The full minute is in Appendix Two.

4.2 The Commission AGREED:

- 1) That the Food Safety Team be commended for the great work they carry out and;
- 2) That the Food Safety team consider reaching out to young people in the city to raise awareness of food safety issues and the impact this can have. these minutes for information.

5. Financial, legal and other implications

5.1 Financial implications

5.1.1 There are no direct financial implications arising from the report.

Colin Sharpe
Head of Finance
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5.2 Legal implications

5.2.1 The Multi-Annual National Control Plan (MANCP) for the UK details the roles and responsibilities of the different authorities and organisations involved in the monitoring compliance with, and enforcement of, feed and food law, animal health and welfare rules and plant health requirements. The plan has been updated and extended to March 2023.

There will be a further in-year review during 2019 to take account of the new Official Controls Regulation (EU) 2017/625, which will replace Regulation (EC) 882/2004 on 14 December 2019.

<https://www.food.gov.uk/business-guidance/multi-annual-national-control-plan>

5.2.2 The Food Standards Agency supervises local authority regulatory activity and the requirements from local authorities are set out in the Framework Agreement on Official Feed and Food Controls by Local Authorities.

<https://www.food.gov.uk/about-us/local-authorities>

5.2.3 Under the Framework Agreement the local authority is required to produce a service plan that sets out how and at what level official feed and food controls will be provided in accordance with Codes of Practice.

5.2.4 Local authorities should take account of the Government's better regulation agenda when planning and delivering their services. Key to this agenda are the five principles of good regulation:

- targeting (to take a risk-based approach);
- proportionality (such as only intervening where necessary);
- accountability (to explain and justify service levels and decisions to the public and to stakeholders);
- consistency (to apply regulations consistently to all parties); and
- transparency (being open and user-friendly).

5.2.5 The Service Plan has been produced in accordance with the guidance in the Framework Agreement.

5.2.6 Local Authorities have the flexibility to decide locally whether or not service plans should be approved at Member level.

5.2.7 The Food Law Enforcement Service Plan is an element of the City Council's Policy Framework and the Council's Constitution reserves approval of the Food Law Enforcement Service Plan to Full Council as a matter of local choice.

Kamal Adatia
City Barrister & Head of Standards
Monitoring Officer
Ext 37 1401

5.3 Climate Change and Carbon Reduction implications

No Climate Change or Carbon Reduction Implications

5.4 Equalities Implications

5.4.1 Food regulatory activities are delivered in accordance with the Food Law: Code of Practice (England), March 2017. The Code of Practice is issued pursuant to section 40(1) of the Food Safety Act 1990, regulation 24(1) of the Food Safety and Hygiene (England) Regulations 2013 and regulation 6(1) of the Official Feed and Food Controls (England) Regulations 2009.

5.4.2 The risk assessment scheme in the Code of Practice takes account of vulnerable risk groups. In this context, vulnerable risk groups are those that include people likely to be more susceptible to the effects of illness that arise from poor food hygiene such as those who are under 5 or over 65 years of age, people who are sick or immuno-compromised.

5.4.3 The Service Plan does not propose changes or departures from the Code of Practice with equalities implications.

5.5 Other Implications

Policy – No implications

Crime and Disorder – No implications

Human Rights Act – No implications

Elderly/People on Low Income – No implications

Corporate Parenting – No implications

6. Background information and other papers:

None

7. Summary of appendices:

Appendix One – Service Plan for Food Law Enforcement 2019-20

Appendix Two – Relevant Minutes of Scrutiny 3 July 2018

8. Is this a private report (If so, please indicated the reasons and state why it is not in the public interest to be dealt with publicly)?

No

9. Is this a “key decision”?

No

10. If a key decision please explain reason

N/A

10. REGULATION OF LEICESTER'S FOOD BUSINESS SECTOR - THE SERVICE PLAN 2019/20

The Director of Neighbourhoods and Environmental Services submitted a report introducing the draft Food Services Plan 2019/20.

Deputy City Mayor Clair introduced the report and Members were asked to note the report.

The Food Safety Manager delivered a presentation supporting the report.

Members of the Commission discussed various areas, which included the following points:

Members shared their concerns with pan masala packets that are imported and sold. Members enquired whether there were any licensing policies to monitor the sale of this product. It was noted that the Food Standards Agency were responsible for testing significant quantities of food imports and if poor products were identified authorities were then notified. Imported products that were sold under the counter were products that were problematic as they are not declared correctly. It was noted that inspections took place periodically dependent on the establishment.

Members suggested that a forum, similar to the Food and Drink Forum launched recently, where information could be shared by regulators would be a means of keeping both people and businesses informed.

Members shared their concerns about private catering businesses and those that were advertised online via social media. Officers advised that all food businesses should be registered with the service although some did go undetected. It was noted that festivals with stalls selling food cooked by them did not need to be registered however they did have to meet hygiene standards.

Members of the commission welcomed the report and praised the Food Safety Team for the work they do in ensuring the public felt reassured with the standard of food businesses in the city. Displaying the hygiene rating and information was helpful however it was noted that it was the view of the committee that, the display of the hygiene rating that is displayed in many of the Food outlets should be made mandatory. Officers informed the Commission that the Food Standards Agency were keen to do this but there had been delays due to Brexit.

Members of the Commission were informed on the plans the Food Safety Service had with the Public Health Team to launch Health Food takeaways.

Members noted the Service were also looking into apprenticeship options to give young people the opportunity to be introduced to and work within the food

industry.

Agreed:

1) That the Food Safety Team be commended for the great work they carry out and;

2) That the Food Safety team consider reaching out to young people in the city to raise awareness of food safety issues and the impact this can have.

these minutes for information.