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# **Food Safety Team Service Plan for Food Law Regulation 2023/24**

Decision to be taken by: Council

Decision to be taken on: 28<sup>th</sup> September 2023

Lead director: Sean Atterbury

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## Useful information

■ Ward(s) affected: All – City Wide

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### 1. Purpose of report

To inform council of the Food Safety Team Service Plan for Food Law Regulation 2023/24.

### 2. Summary

The service plan is based on the Food Standards Agency's Framework Agreement on Official Feed and Food Controls of April 2010. The Plan outlines how Leicester City Council's Food Safety Team intends to fulfill its obligations as a food and feed authority. It also demonstrates how the work of the Food Safety Team links into the council's overall vision and aims for Leicester.

The Service Plan states the underpinning aims and objectives of the service, which are;

- to discharge the responsibilities the Council has under food law to carry out official controls in food and feed businesses;
- to ensure that food businesses in the city provide food that is safe to eat and does not give rise to food borne illness;
- to ensure consumers are not misled in the way food is described or presented;
- to prevent and detect fraud in the food supply chain;
- to guide Leicester's food businesses to comply with food law.

The plan sets out the Food Law interventions required in the 2023/24 work programme and the anticipated resource requirements.

### 3. Recommendations

That council note the contents of the plan and endorse the delivery of the food service plan 2023 /24.

#### **4. Report/Supporting information including options considered:**

##### **4.1 - Review of 2022/23 – FSA Recovery Roadmap**

The Covid-19 Local Authority Recovery Plan, published by the Food Standards Agency in June 2021 provided advice and guidance to Local Authorities for the period from 1 July 2021. The plan provided a framework for restarting routine food law inspections. The plan included a series of target dates by which Local Authorities were required to have completed overdue inspections for those businesses that presented the highest risk. That is, those where compliance had previously been found to be poor, or which were regarded as higher risk due to factors such as the vulnerability of the customers served, the scale and type of food provision or the use of complex processes.

The Recovery Plan was formally brought to an end on 31<sup>st</sup> March 2023. In her letter to Chief Executives, Emily Miles, CEO of the Agency recognised that many Local Authorities still have a backlog of lower risk businesses that are overdue inspection. This is the case for Leicester City Council.

The council successfully completed the vast majority of inspections required by the Recovery Plan, with only 8 inspections that we were not able to complete, mostly due to temporary closures of the businesses during Ramadan. In total, last year the team completed 1217 inspections, 1114 compliance revisits, took 127 food samples and carried out 81 advice visits.

##### **4.2 - Planned Interventions for 2023/24**

This year it is planned to carry out 1494 inspections using the council's current resources.

It is intended to complete all inspections that are due this year of higher risk premises. This totals 518 inspections.

Of those overdue lower risk inspections, we have further divided these establishments by risk and plan to inspect those that present the greatest risk this year. This equates to 511 inspections. To achieve this, it is intended to delay the due inspection date of some lower risk establishments by 6-9 months. There are estimated to be 177 such premises.

There are also 245 new food businesses that registered last year that were not inspected and need to be carried over to this financial year, as well as an estimated 547 new businesses that will register this year. It is intended to provide advice and guidance on food law compliance to all businesses and inspect those which we deem to be high or medium risk. This totals 221.

We also anticipate we will carry out a further 67 chargeable inspections that businesses will pay for on a cost recovery basis only where businesses want to improve the food hygiene rating that we have issued to them.

### **4.3 - Areas of Focus for 2023/24**

Our focus this year is to continue to work to reduce the number of overdue inspections and to realign with the Food Law Code of Practice, ( FLCoP) and inspect businesses at their due date. In addition to this proactive work, we will continue to investigate and respond to complaints about food or food establishments, take action to close businesses that present an imminent risk to health of customers and carry out compliance revisits at establishments that fail to achieve broad compliance with food law. We are finding higher levels of non-compliance at food businesses as a consequence of them not being subject to regular food law inspections during the coronavirus pandemic. We will also carry out regular food sampling, checking for microbial quality and have also successfully applied for grant funding from the Food Standards Agency to carry out sampling of imported food for contaminants.

## **5. Financial, legal and other implications**

### 5.1 Financial implications

All of the activity outlined within this report will be carried out within existing budgets and as such there are no financial implications arising from this report. The 2023/24 net budget for the Food Safety Team is £579k.

Stuart McAvoy – Head of Finance

### 5.2 Legal implications

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.

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.

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 when 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).

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

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

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

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

### 5.3 Climate Change and Carbon Reduction implications

There are limited climate change implications directly associated with this report, however the travel required to deliver this service does contribute to the council's carbon footprint. This can be managed through continuing to enable and encourage staff to plan journeys efficiently and utilise sustainable travel options where possible.

Aidan Davis, Sustainability Officer, Ext 37 2284

### 5.4 Equalities Implications

Under the Equality Act 2010, public authorities have statutory duties, including the Public Sector Equality Duty (PSED), which means that, in carrying out their functions decision makers have to pay due regard to the need to eliminate unlawful discrimination, harassment and victimisation, to advance equality of opportunity between people who share a protected characteristic and those who don't and to foster good relations between people who share a protected characteristic and those who don't.

Protected Characteristics under the Equality Act 2010 are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

Food regulatory activities are delivered in accordance with the Food Law Code of Practice (England) June 2023. The Code of Practice is issued pursuant to section 40(1) of the Food Safety Act 1990, regulation 26(1) of the Food Safety and Hygiene (England) Regulations 2013 and regulation 6(1) of the Official Feed and Food Controls (England) Regulations 2009.

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 and people who are sick or immune compromised. The report provides an update on the Service Plan for Food

Law Regulation 2023/24. There are no direct equality implications arising from the report. The Food Safety Team helps ensure food businesses deliver products which are safe and produced from premises which are hygienic and properly controlled, thereby helping business to grow and thrive. It is also to provide information to the public to help them make informed choices about what and where to eat, through promotion and transparency. The Service Plan does not propose changes or departures from the Code of Practice with equalities implications. It is important that communications around inspections are accessible.

Equalities Officer, Surinder Singh, Ext 37 418

5.5 Other Implications (You will need to have considered other implications in preparing this report. Please indicate which ones apply?)

None

**6. Background information and other papers:**

None

**7. Summary of appendices:**

The Service Plan for Food Law Regulation 2023/24  
Annex to the Service Plan for Food Regulation 2023/24

**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**