

Report to Full Council

Service Plan for Food Law Enforcement

Decision to be taken by: Council

Decision to be taken on: 6 October 2016

Lead director: John Leach

Useful information

- Ward(s) affected: All
- Report author: Roman Leszczyszyn, Head of Business Regulation
- Author contact details: 0116 454 3191, leszr001@leicester.gov.uk
- Report version number: v1.0

1. Summary

This report presents Leicester City Council's Food Enforcement Plan 2016-17 for consideration by the Council. 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 2015/2016.

2. Recommendations

Council is recommended:

- 2.1 To approve the Service Plan for Food Law Enforcement 2016/2017.

3. Supporting information:

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 delivered by a number of regulatory teams.

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 3000 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 82% (the national average is 88%).

3.3 In 2016/17 the Food Safety Team will deliver around 2011 food hygiene inspections. 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 2016/2017.

3.4 Key priorities for 2016/17 are:

- Traceability of food supply in smaller retailer [Trading Standards East Midlands Food Fraud Control Strategy 2016-18].
- Peanut substitution in Almond flour.

3.5 In 2015/16 Regulatory Services successfully completed an Improvement Action Plan to strengthen management oversight of the food regulation function and its delivery. The Improvement Plan was put in place following an audit by the Food Standards Agency (FSA) in 2014. The plan re-set the programme for food inspections, improved long term planning and monitoring and introduced additional management/inspection resources. The approach which was endorsed by the FSA enabled consistency in decision making and ensured a backlog of inspections was addressed/removed.

4. Details of Scrutiny

4.1 The Director of Neighbourhood and Environmental Services submitted a report to the Neighbourhood Services and Community Involvement Scrutiny Commission on 4th April 2016, on public protection and regulation in Leicester's food sector.

4.2 The Commission AGREED:

- 1) That officers involved in the Council's food function be thanked for their work;
- 2) That the improvements made to the Council's food function be commended;
- 3) That a report be made to this Commission on progress with implementing the 2016-2017 Food Regulation Service Plan and including a report on the arrangements that were subject matter of the Food Improvement Action Plan; and
- 4) That this Commission expresses its concern at the reducing levels of resources being made available by the government to public protection and regulation in the food sector.

5. Financial, legal and other implications

5.1 Financial implications

5.1.1 The net budget of the Food Safety Team, the principal team for delivery of food regulatory activities, is £435k in 2016/17. Following the FSA Audit in 2014 additional funding of up to £75k pa was made available from departmental funds to support the increased establishment. This provision will cease at the end of next financial year. The funding and resourcing of the food regulatory function is in the scope of the Regulatory Services Spending Review and will be considered and managed accordingly.

Colin Sharpe
Head of Finance
Ext 37 4081

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 UK MANCP has been extended to the end of March 2018. It is a European requirement that all member states have a national control plan.

<http://www.food.gov.uk/enforcement/regulation/europeleg/feedandfood/ncpuk>

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.

<http://www.food.gov.uk/enforcement/enforcework/frameagree>

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

None

5.4 Equalities Implications

5.4.1 Food regulatory activities are delivered in accordance with the Food Law: Code of Practice (England), April 2014. 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 (You will need to have considered other implications in preparing this report. Please indicate which ones apply?)

None

6. Background information and other papers:

7. Summary of appendices:

Appendix One: Leicester City Council Service Plan for Food Law Enforcement 2016/17

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

NA