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REPORT TO:	ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE	AGENDA ITEM: 13
DATE OF MEETING:	15 <sup>th</sup> AUGUST 2019	CATEGORY: RECOMMENDED
REPORT FROM:	STRATEGIC DIRECTOR (SERVICE DELIVERY)	Open
MEMBERS' CONTACT POINT:	MATT HOLFORD, <a href="mailto:matthew.holford@south-derbys.gov.uk">matthew.holford@south- derbys.gov.uk</a> , 01283 595856	DOC:
SUBJECT:	FOOD SERVICE PLAN 2019/20	REF:
WARD(S) AFFECTED:	All	TERMS OF REFERENCE: EDS14

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## 1. Recommendations

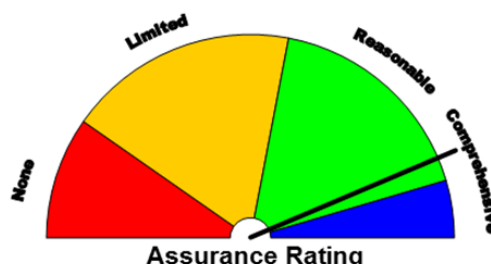
- 1.1 That the Committee approves the 2019/20 South Derbyshire Food Service Plan.
- 1.2 That Committee resolves for that future sign-off of the Food Service Plan is delegated to the Chairman of this Committee.

## 2. Purpose of Report

- 2.1 To seek the approval of the Committee of the Council's Food Service Plan for 2019/20 following the recommendation of an internal audit of the service.

## 3. Background

- 3.1 In May 2019, the Central Midlands Audit Partnership undertook an internal audit of the Council's food safety service. The outcome of the audit was reported to the Audit Sub-Committee on 29<sup>th</sup> May 2019.
- 3.2 Overall, the internal audit findings were that the service had a 'reasonable' assurance rating.
- 3.3 Four areas of weakness were identified by the auditors along with accompanying recommendations.
- 3.4 Three of the areas of weakness related to performance management reporting and operational procedures being overdue for revision. All of these weaknesses are being addressed.
- 3.5 The fourth area of weakness identified that "*Performance information and the annual Food Service Plan were not being routinely reported to the Environmental and Development Services Committee (EDS).*" The accompanying recommendation



stated that *“Quarterly performance reports should be produced and taken to the Environmental and Development Services Committee by the Head of Environmental Services. Furthermore, the annual Food Service plan should be taken to this same Committee to be ratified annually.”*

- 3.6 In response to the recommendation the Head of Environmental Services commented that that quarterly performance data across a range of regulatory services had previously been submitted to EDS, however at EDS on 1st June 2018 Members requested that this report be presented to them annually and not quarterly.
- 3.7 It was, therefore, proposed to submit the Food Service Plan to the earliest available EDS in the 2019/20 financial year and to continue to include key food hygiene performance data within the annual Regulatory Activity report to EDS as soon as practicable after the close of each financial year.
- 3.8 This report has, therefore, been produced in response to the internal auditors' recommendations and to address recommendation 4 of the audit report.

#### **4. What is a Food Service Plan?**

- 4.1 The Food Law Code of Practice (latest version March 2017) is published by the Secretary of State and contains statutory guidance concerning the execution and enforcement of food hygiene law within food businesses by local authorities in England.
- 4.2 Paragraph 5.1.1 of the Code of Practice states that *“Each Competent Authority must have an up-to-date, documented Food Service Plan which is readily available to food business operators and consumers. The Plan must be subject to regular review and clearly state the period of time during which the Plan has effect.”*
- 4.3 The Code of Practice also requires that local authorities must have regard to any advice issued by the Food Standards Agency and the Local Government Association when drafting the Food Service Plan.
- 4.4 The most recent guidance issued by the Food Standards Agency is contained in The Framework Agreement on Official Feed and Food Controls by Local Authorities (2010). The Framework Agreement contains detailed guidance about the required content of the Food Service Plan, however, it is ambiguous about how local authorities should approve the Plans. Para 13 of the Framework Agreement states that *“Authorities have the flexibility to decide locally whether or not service plans should be approved at Member level.”*
- 4.5 The Council has produced a Food Service Plan in accordance with the Framework Agreement since 2012.
- 4.6 Historically the Plan has been approved by either the relevant Service Director for the food hygiene enforcement service or by seeking approval from the Chairman of EDS .
- 4.7 In order to meet the commitments made to the internal audit report the Food Service Plan for 2019/20 is being brought to EDS. The Plan is attached as Appendix 1 to this report.
- 4.8 In accordance with the Framework Agreement, the Plan contains considerable detail about the demands, targets, performance and resources of the food hygiene enforcement service. The Plan is expected to contain information on an authority's

service delivery to stakeholders, including businesses and consumers. If approved it will be published on the Council's website.

- 4.9 It is acknowledged that the operational content of the Plan is at a level of detail which may be beyond the interest of Members of EDS. It is therefore proposed that future year versions of the Plan are submitted to the Chair of EDS for approval and that the key performance targets and outcomes are either contained in the Corporate Plan or reported to EDS through the annual Regulatory Activity report. It will be at the discretion of the Chairman to bring the report for Committee approval if considered appropriate.

## **5. Financial Implications**

- 5.1 None.

## **6. Corporate Implications**

### **Employment Implications**

- 6.1 None.

### **Legal Implications**

- 6.2 The Food Law Service Plan evidences the Council's statutory obligations under 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.

### **Corporate Plan Implications**

- 6.3 The Plan supports the "People" themed objective of "Keeping Residents Safe and Happy" in the 2016-21 Corporate Plan and in particular the aim to "Use existing tools and powers to take appropriate crime enforcement action". It also supports the Progress theme of "Encouraging inward investment and tourism opportunities" and in particular the action PR4. "Maximise the prosperity of businesses in South Derbyshire".

### **Risk Impact**

- 6.4 The proposals will have a beneficial mitigating action against the corporate risk of "Managing the environmental impact of incidents across the District".

## **7. Community Implications**

### **Consultation**

- 7.1 None

### **Equality and Diversity Impact**

- 7.2 None.

### **Social Value Impact**

- 7.3 Beneficial.

## **Environmental Sustainability**

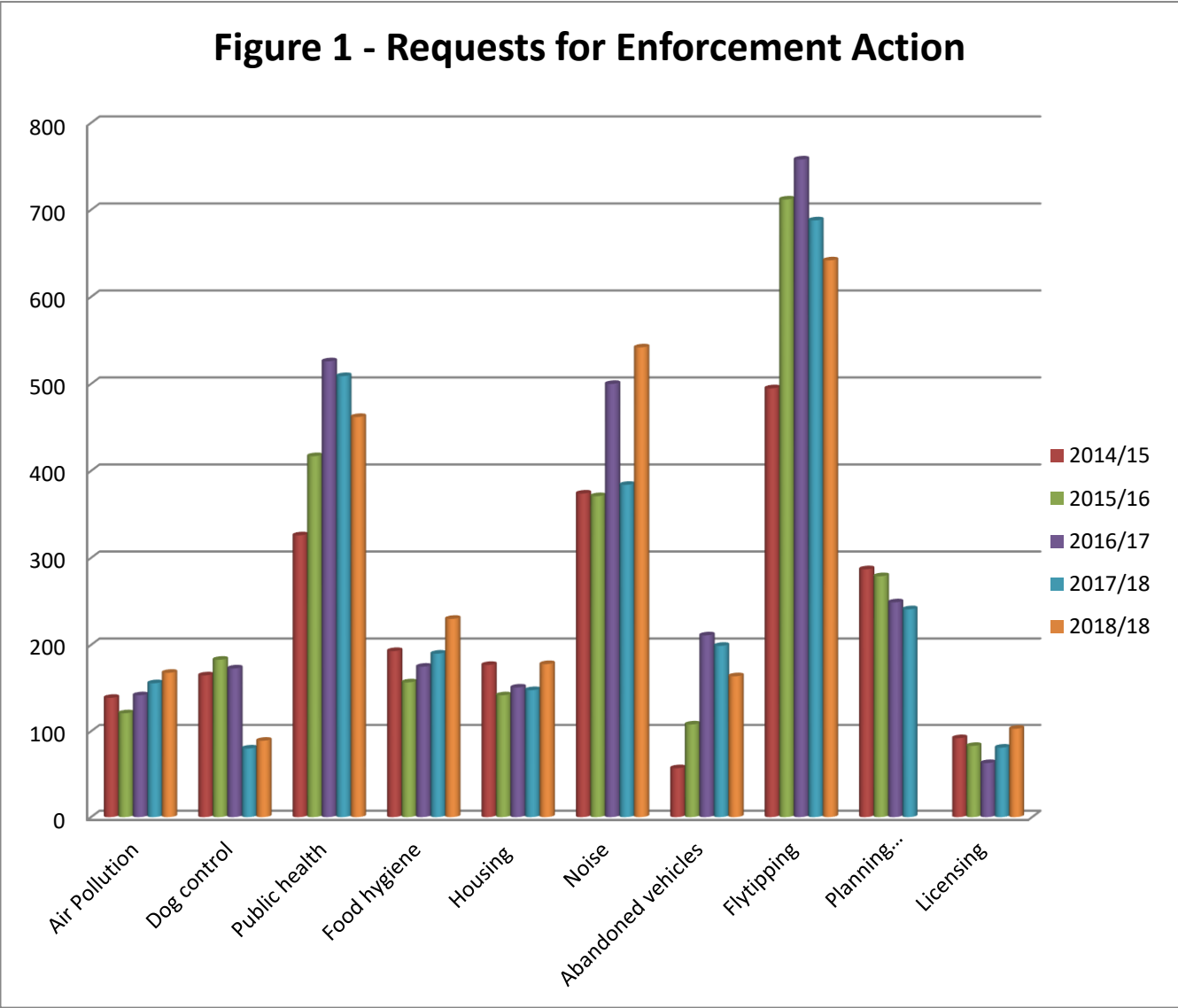
- 7.4 Beneficial. Proportionate regulation is an important feature of ensuring community cohesion. It also ensures positive economic growth by preventing businesses which operate outside the law from gaining a competitive advantage in their respective market.

### **8. Conclusion**

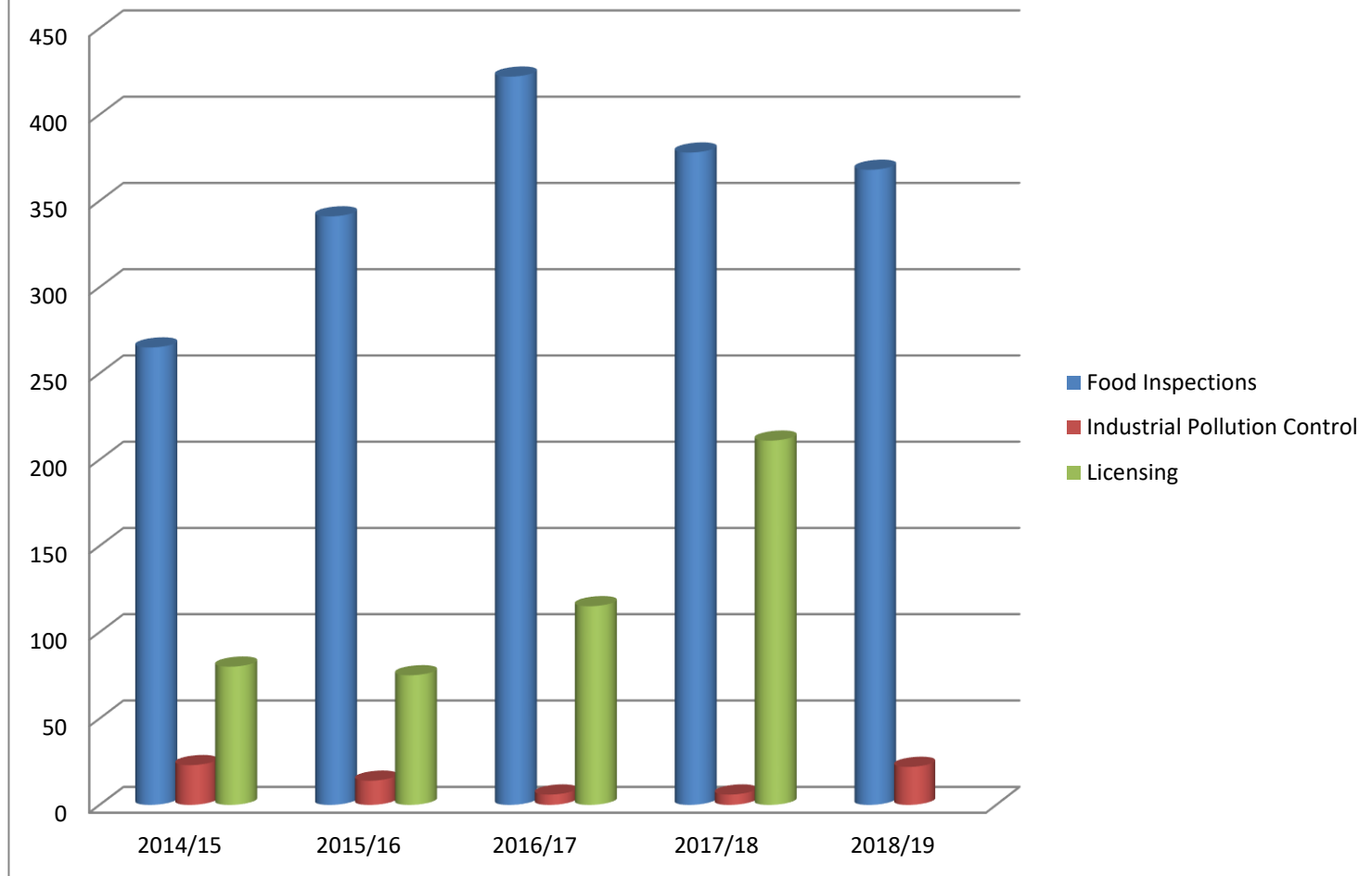
- 8.1 That Members approve the 2019/20 Food Service Plan.
- 8.2 That Members delegate the approval of future Food Service Plans the EDS chair who may, at their discretion, bring the report for full Committee approval.

### **9. Background Papers**

- 9.1 None



**Figure 2 - Proactive Inspections of Businesses**



**Figure 3 - Enforcement Notices Served**

