

Notice of KEY Executive Decision

Subject Heading:	Food & Feed Law Service Plan 2017/18
Cabinet Member:	Councillor Dervish Lead Member - Environment, Regulatory Services, and Community Safety
SLT Lead:	Director of Neighbourhoods – Steve Moore
Report Author and contact details:	Peter Scott Food Safety Divisional Manager <i>peter.scott@havering.gov.uk</i>
Policy context:	Communities /places/ opportunities Positive lifestyle choices, clean, safe environment for all, sustainable economic growth, support local businesses, including start-ups, and promote investment.
Financial summary:	The costs of implementing the plan £502,240 are funded from existing Public Protection revenue budgets, and will be contained within those budgets.
Reason decision is Key	<i>Expenditure or saving (including anticipated income) of £500,000 or more</i> <i>Significant effect on two or more Wards</i>
Date notice given of intended decision:	

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Relevant OSC:	Environment Overview & Scrutiny
Is it an urgent decision?	<i>N/A</i>
Is this decision exempt from being called-in?	The decision is not be exempt.

The subject matter of this report deals with the following Council Objectives

Communities making Havering	X
Places making Havering	X[]
Opportunities making Havering	X
Connections making Havering	X

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

Agree and adopt the attached Food and Feed Law Service Plan 2017/2018 and appendices 1,2 and 3 .

AUTHORITY UNDER WHICH DECISION IS MADE

Part 3, Section 2.5 (Q) of the Council's Constitution:

To agree minor matters and non-urgent and routine policy matters

STATEMENT OF THE REASONS FOR THE DECISION

The Local Authority has a statutory responsibility to produce and approve a food and feed law service plan designed to deliver its responsibilities as competent authority for food and feed safety. The adoption and implementation of the plan will ensure that the London Borough of Havering complies with that requirement.

Communities, Places, Opportunities links

Communities, Interventions identified in this plan will help protect residents from the implications of poor food hygiene in food premises, rogue traders and scams intended to mislead the consumer.

An integral element of food safety intervention is the **opportunity** to educate food business operators by providing face to face information, often on a one to one basis or directing them to sources of information or educational courses to improve

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knowledge of food safety. This helps to reduce the potential risk of food poisonings and production of unsafe foods. The service is often the only contact a small business has with regulators and the only access to accurate technical advice.

The service advises consumers of their rights and the outcomes of investigations. This assists them to do the right thing, the food hygiene rating system allows people to make lifestyle choices about the places they eat food from.

We ensure that we offer consistent advice and enforcement, so that no food or feed business can gain a competitive advantage over another by failing to comply with legislation designed to protect consumers.

Places, Food and feed safety interventions help to ensure that businesses within the Borough operate from premises that are structurally sound and well maintained and ensure that they identify the specific risks in their business and implement management systems to control the risk to an acceptable level. It is accepted by Central Government that intervention of this nature is likely to contribute to a reduction in food poisoning and in a reduction in adulteration of food which creates improvements in information for consumers and control of infectious diseases.

Connections; internal liaison with other departments, regional and national liaison with other local authorities and Government departments.

Primary authority and traded consultancy services help businesses comply with food law and in so doing to help them to prosper.

Chapter one of the framework agreement on official feed and food controls by local authorities (amendment 5, April 2010) (an agreement developed with local authorities, local government associations and professional bodies and approved by the FSAs enforcement liaison group) requires food authorities to produce a Food Law Service Plan in 6 sections specifying:

1. Service aims and objectives,
- 2 Background,
- 3 Service Delivery,
- 4 Resources,
- 5 Quality Assessment,
- 6 Review Process.

The plan and its delivery is a statutory requirement and must be approved by elected members or delegated to officer level for approval. It sets out the action to be taken during the year for the Council to act as the competent authority for Food and Feed Law within the Borough. Food and Feed law encompasses food hygiene and safety, livestock animal feed, description of food including labelling and compositional standards.

An audit of the service by the Food Standards Agency (FSA) in 2015, identified failings which have now been rectified. The FSA have confirmed that they are now happy with the Councils arrangements as competent authority for food and feed. Details of concerns are specified in annex 3 to the plan and the measures put in place are

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specified in the achievements section. Some measures were put in place immediately and are mentioned in the previous service plan 2015/16.

OTHER OPTIONS CONSIDERED AND REJECTED

No alternative options were considered.

PRE-DECISION CONSULTATION

There is no pre decision consultation.

NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER

Name: Peter Scott

Designation: Food Safety Divisional Manager

Signature:

Date:

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

Section 6 of The Food Safety Act 1990 and Food Safety and Hygiene (England) Regulations 2013 place a duty and responsibility upon the London Borough of Havering to act as food authority and competent authority for official controls as laid out in Regulation (EC) No 882/2004 of the European Parliament and of the Council. The 1990 Act requires the Council to give effect to the provisions of the Act. Section 40 of the Food Safety Act 1990 enables Codes of Practice to be issued for the guidance of Food and Competent Authorities to which they must have regard. There are also similar responsibilities relating to infectious disease control found in the Public Health Act 2006. The Food Standards Agency has a monitoring and regulatory role to ensure food authorities comply with their statutory obligations.

The annual Food Law Service Plan is produced to comply with the Food Law Code of Practice.

FINANCIAL IMPLICATIONS AND RISKS

The costs of implementing the Food Law Service Plan are funded from existing Public Protection revenue budgets, and the plan will be contained within those budgets.

Staffing A01.A26220.611000	£ 429,940
Staff Training A01.A26220.611480	£ 4,000
Travel costs A01.A26220.631220/631260	£ 5,300
Administration A01.A26210.611000*	£ 35,500
Investment in IT A01.A26220.681100/642220	£ 8,500
Food Sampling A01.A26220.641640	£ 19,000
Total	£ 502,240

*Non food cost centre

For future years budgets, the food standards agency are assessing growth requirements as demands being placed on the service through EU legislation increase. This budget is subject to an annual review to incorporate new developments.

HUMAN RESOURCES IMPLICATIONS AND RISKS (AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)

There are no direct human resources implications arising out of this plan and no additional accommodation implications.

EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS

The Council is required to produce an annual Food Law Service Plan in accordance with the Food Standards Agency' Food Law Code of Practice to meet EU requirements. The overall equalities and social inclusion impacts and risks of the regime were considered at a national and European level at the time of inception of

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the policy and food premises risk rating framework that local authorities need to follow. The implementation of this year's Food Law Service Plan aims to continue to ensure that people who live, work or visit the Borough or purchase food produced in the Borough have access to safe unadulterated food, thereby, improving their general lifestyles, health and wellbeing.

It is envisaged that there will be a net positive impact on all sections of the community across all protected characteristics. Children and young people and older people, vulnerable children and adults are amongst the groups that will potentially benefit the most as they are more susceptible to food poisoning.

The plan will also ensure that businesses are compliant with legislation by correctly describing and labelling foods so that consumers can make informed choices. Our interventions ensure that the playing field is levelled and that a compliant business is not disadvantaged over businesses which may be flouting the law and profiting from it.

Because of the risk to public health, resources are directed towards high risk premises. Our data shows that the majority of non-compliant businesses are small and medium enterprises and are therefore more likely to be affected by our interventions. There is no reliable data pertaining to the ethnicity of affected businesses. Such information, when available, will help us to address any related issues or patterns, if they exist.

We will continue to direct resources towards high risk premises and look for initiatives to help small and medium enterprise businesses (SMEs) comply and remain compliant.

The Council will ensure that translation and interpreting services are available wherever this is required. The Food Standards Agency also provides some useful leaflets and documents in multiple languages.

BACKGROUND PAPERS

None

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Part C – Record of decision

I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

Decision

Proposal agreed

Delete as applicable

Proposal NOT agreed because

Details of decision maker

Signed

Name:

Cabinet Portfolio held:

CMT Member title:

Head of Service title

Other manager title:

Date:

Lodging this notice

The signed decision notice must be delivered to the proper officer, Andrew Beesley, Committee Administration & Interim Member Support Manager in the Town Hall.

For use by Committee Administration

This notice was lodged with me on _____

Signed _____