



**Havering**  
LONDON BOROUGH

19/73  
NOT FOR  
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appendix

## Notice of Non-key Executive Decision

<b>Subject Heading:</b>	Food and Feed Law Service Plan 2019/20
<b>Cabinet Member :</b>	Cllr. Viddy Persaud Cabinet Member for Public Protection and Safety
<b>SLT Lead:</b>	Director of Neighbourhoods
<b>Report Author and contact details:</b>	<i>Andrew Bourlet, Senior Public Protection Officer, <a href="mailto:andy.bourlet@havering.gov.uk">andy.bourlet@havering.gov.uk</a></i> <b>01708 432949</b>
<b>Policy context:</b>	<p><b>Communities /places/opportunities/Connections</b></p> <p><b>Positive lifestyle choices, clean, safe environment for all, sustainable economic growth, support local businesses, including start-ups, and promote investment, digitally enabled services wherever possible.</b></p> <p><b>The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have due regard to:</b></p> <p><b>(i) The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;</b></p> <p><b>(ii) The need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;</b></p> <p><b>(iii) Foster good relations between those who have protected characteristics and those who do not.</b></p> <p><b>Note: 'Protected characteristics' are age, sex, race, disability, sexual orientation, marriage and civil partnerships, religion or belief, pregnancy and maternity and gender reassignment.</b></p>

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	<p>The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health determinants.</p> <p>The EqHIA for this plan is attached at Appendix 2 of the service plan.</p> <p><i>The Council is legally obliged to create a service plan for food and feed law activity by a code of practice issued under section 40 of the Food Safety Act 1990</i></p>
<b>Financial summary:</b>	<p>The costs of implementing the plan of £0.293m are fully funded from existing Public Protection revenue budgets, <i>within Environmental Services, Neighbourhoods Directorate</i> and will be contained within those budgets.</p>
<b>Relevant OSC:</b>	<i>Environment</i>
<b>Is this decision exempt from being called-in?</b>	<del>No</del> <i>Yes</i>

**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 2019/2020 and Appendix 1

**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

**STATEMENT OF THE REASONS FOR THE DECISION**

The plan and its delivery is a statutory requirement and must be approved by elected members or delegated to officer level for approval. The adoption and implementation of the plan will ensure that the London Borough of Havering complies with that requirement.

**Communities, Places, Opportunities, Connections 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 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

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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. Digitally delivering services wherever possible, enhancing mobile working to improve efficiency.

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

**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: Nichola Lund

Designation: Public Protection Manger (Environmental Health)

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.

Item/Budget line	Budget 2018/19 £0.000m	Budget 2019/20 £0.000m
Salaries & Special Project A26210.611000	0.324	0.264
Staff Training A26210.611480	0.005	0.005
Travel costs A26210.631220/631260	0.005	0.005
Administration A26210.641340	0.004	0.004
IT Software A26210.642060	0.009	0.009
Food Sampling A26210.641640	0.019	0.019
Income(estimate)		
A26210.516760.5015 (Health Export Certs)		
A26210.516640.5091 (FSRS Reratings)	-0.012	-0.013
<b>Total</b>	<b>0.354</b>	<b>0.293</b>

### 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

the policy. The implementation of this year's Food & Feed 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 and displaying their food hygiene rating so that consumers can make informed choices. Our interventions ensure that the playing field is level 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 higher 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, may 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.

**The completed Equalities Health Impact Assessment (EqHIA) is attached at Appendix 2 to the Service Plan.**

**BACKGROUND PAPERS**

None

**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 V. Persaud

Name: COUNCILLOR VIDDY PERSAUD

Cabinet Portfolio held: PUBLIC PROTECTION AND SAFETY

GMT Member title:

~~Head of Service title~~

~~Other manager title:~~

Date: 14.11.2019

**Lodging this notice**

The signed decision notice must be delivered to the proper officer, Debra Marlow, Principal Democratic Services Officer in Democratic Services, in the Town Hall.

**For use by Committee Administration**

This notice was lodged with me on 18/11/19

Signed 