

Cheltenham Borough Council

Cabinet 13th June 2023

Food Safety Service Plan

Accountable member:

Cabinet Member for Customer and Regulatory Services, Councillor Martin Horwood

Accountable officer:

Louis Krog, Head of Public Protection

Ward(s) affected:

All

Key Decision: No

Executive summary:

This Authority is required to produce a food safety service plan outlining the activities and resources needed to enable the delivery of a service in accordance with the requirements laid down in the Official Control Regulations (OCR) and the Food Law Code of Practice (FLCOP). The Frame Work Agreement on Official Feed and Food Control by Local Authorities sets out a standard approach to service planning which the Food Standards Agency (FSA) uses for audit and monitoring purposes. The FSA plays a key role in overseeing official food control activities under taken by this authority. This service plan is key to ensuring that national priorities are addressed and delivered locally and provides an essential link between corporate and financial planning. The authority is bound by the Regulator's Code which provides a principles based framework for engaging with those we regulate.

Recommendation:

- that Cabinet approve the appended Food Safety Service Plan 2023-24
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1. Implications

1.1 Financial implications

Food Safety service plan to be delivered by the food safety team costed within cost code REG001 (Environmental Health) with the exception of the food safety contractor who is costed within COV021 (Covid Management) and funded by passported GCC funding (note this approach has been approved by GCC)

Signed off by: Andy Taylor, Principal Commercial Accountant, Andrew.taylor@cheltenham.gov.uk

1.2 Legal implications

The Food Safety Service Plan has been updated and is required in order to comply with the statutory duties set out in the Official Control Regulations 2019 and the Food Law Code of Practice to enforce the requirements of food law, have due regard to the relevant provisions of the code and effectively discharge the statutory duties.

Signed off by: Rachael Baldwin, Lawyer, Rachael.baldwin@onelegal.org.uk

1.3 Environmental and climate change implications

This report is not considered to have any significant environmental or climate change implications.

Signed off by: Laura Tapping Climate Emergency Programme Officer laura.tapping@cheltenham.gov.uk

1.4 Corporate Plan Priorities

This report contributes to the following Corporate Plan Priorities:

- Ensuring residents, communities and businesses benefit from Cheltenham's future growth and prosperity
- Being a more modern, efficient and financially sustainable council

1.5 Equality, Diversity and Inclusion Implications

It is considered that this plan will not change how services are delivered. An Equality Impact Assessment is therefore not required.

Signed off by: Richard Gibson Head of Communities, wellbeing and partnerships
Richard.gibson@cheltenham.gov.uk

1.6 Performance management – monitoring and review

The FSA have statutory powers to monitor and audit this authority. Based on these powers, established audit schemes are in place to assess performance against specified standards within the FLCOP and the Framework Agreement. If we failed to discharge our statutory functions adequately then the FSA may consider using their powers of direction contained within the Food Standards Act 1999. Six periodic data returns and one full annual return will be submitted to the FSA during 2023/24. Previously the Local Authority Enforcement Monitoring System (LAEMS) was used to collect performance data. This system has now been switched off and a new method is being implemented in 2023. Internally our key performance indicators (KPIs) have been reviewed to include key FSA requirements. We will periodically review this plan to take account of any updated requirements from the FSA.

2 Background

The function of this Authority's food safety service is to ensure that the food and food sources handled in the course of a food business are safe and fit for human consumption. The term 'food business' is defined

in law and has a wider meaning of any stage of food production, processing and distribution of food whether for profit or not and whether by public or private bodies. By way of regulation, codes of practice and framework agreements, we have a statutory duty to monitor, verify and enforce the requirements of food law and ensure that we have sufficient resources to do so. We have a duty to discharge our functions as effectively as possible with suitably trained authorised officers. To support our work we set up maintain, and carry out official food controls and other activities in accordance with documented policies, procedures, plans and strategies. We must develop and approve a service plan detailing how we intend to deliver and resource official controls and other official activities and address any variance. The FSA's Covid 19 recovery plan aimed to ensure that during the period of recovery from the impact of COVID-19, our resources were targeted where they added greatest value in providing safeguards for public health and consumer protection in relation to food. This recovery plan has now been formally withdrawn but the requirements will continue until the new modernised food hygiene delivery model is in place in 2024.

3 Reasons for recommendations

This will fulfil our statutory responsibilities.

4 Alternative options considered

None. This is a statutory requirement

5 Consultation and feedback

A copy of this plan will be made available on the Authority's website.

6 Key risks

- 6.1 If official food controls are not carried out in accordance with statutory requirements then the FSA may make a direction under powers conferred in the Food Standards Act 1999 requiring improvements. This poses a reputational risk on the Council. This can be avoided by ensuring a suitable number of appropriately trained and authorised officers are available.
- 6.2 If official controls are not carried out in accordance with statutory requirements then this poses a risk to the health of consumers. This can be avoided by ensuring a suitable number of appropriately trained and authorised officers are available.
- 6.3 The Authority has entered into an agreement with the FSA to operate the food hygiene rating scheme in line with the 'Brand Standard' If we do not carry out official controls then the public confidence in the scheme is at risk and thus the reputation of the council. This can be avoid by ensuring a suitable number of appropriately trained and authorised officers are available.
- 6.4 A cyber security incident would lock down access to our entire food safety database. This would hinder delivery of the official control programme and statutory returns. This can be avoided through staff training and awareness on current information technology security and associated procedures.

Report author:

Bernadette Reed Public and Environmental Health Team Leader Bernadette.reed@cheltenham.gov.uk

Appendices:

- i. Risk Assessment
- ii. Food Safety Service Plan 2023-2024

Background information:

1. [The Framework Agreement on Official Feed and Food Controls by Local Authorities](#)
2. [The Food Law Code of Practice and Practice Guidance \(England\)](#)
3. [The Regulators Code](#)

Appendix i: Risk Assessment

Risk ref	Risk description	Risk owner	Impact score (1-5)	Likelihood score (1-5)	Initial raw risk score (1 - 25)	Risk response	Controls / Mitigating actions	Control / Action owner	Deadline for controls/ actions
1	<p>If the Authority is unable to carry out Official Food controls in line with the minimum requirements of the Covid 19 recovery plan, it is not fulfilling its statutory duties. FSA may make a direction under powers contained in the Food Standards Act 1999.</p> <p>It also poses a public health risk to consumers as official controls are not being carried out to monitoring compliance with legal requirements.</p>	Head of Public Protection	3	2	6	Avoid the risk	Ensure a suitable number of qualified staff are employed to carry out official food control activities	Cabinet	Ongoing milestone checks by data submission to FSA with early warning notification of variance. Use of contract staff while recruitment for permanent staff. Build competency of other team members for resilience in times of emergency, redeployment, and/or long-term staff absence.
2	The Council have signed an agreement with the FSA for the operation of the Food	Head of Public	3	2	6	Avoid the risk	As above	Cabinet	As above

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	Hygiene Rating Scheme in line with the 'Brand Standard. Any deviation from the code reduces the public confidence in the scheme and thus poses a reputational risk to the Council	Protection							
3	Cyber security incident which locks down access to all food database	Head of IT Publica	5	2	10	Avoid risk	All staff have completed the data security module on the LMS. All concerns to be reported to IT. Adherence to the IT user policy	Head of Public Protection	On going