

# Cheltenham Borough Council

## Cabinet 11<sup>th</sup> June 2024

### Food Safety Service Plan

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**Accountable member:**

Cabinet Member for Safety & Communities, Councillor Victoria Atherstone

**Accountable officer:**

Louis Krog

**Ward(s) affected:**

All

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**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 Framework 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 undertaken 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.

**Recommendations: That Cabinet:**

1. approves the appended Food Safety Service Plan 2024-25
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### 1. Implications

#### 1.1 Financial, Property and Asset implications

No direct finance or property implications of the recommendations

**Signed off by:** Gemma Bell, Director of Finance and Assets (Deputy Section 151 Officer)

[gemma.bell@cheltenham.gov.uk](mailto:gemma.bell@cheltenham.gov.uk)

## 1.2 Legal implications

Not only is compliance with the Food Law Code of Practice a statutory requirement and the Council would be at risk from failure to uphold the requirements, the Food Safety Service Plan is essential for protecting the health of citizens and visitors to Cheltenham.

**Signed off by:** Rachael Baldwin, Lawyer, [legal.services@onelegal.org.uk](mailto:legal.services@onelegal.org.uk)

## 1.3 Environmental and climate change implications

As this report relates to statutory requirements/national policy, there are no environmental implications for the Local Authority to consider. This is also an update to the previous report, and therefore does not need a climate impact assessment completed.

**Signed off by:** [Maizy.McCann@cheltenham.gov.uk](mailto:Maizy.McCann@cheltenham.gov.uk)

## 1.4 Corporate Plan Priorities

This report contributes to the following Corporate Plan Priorities:

- Making Cheltenham the Cyber Capital of the UK
- Working with residents, communities and businesses to help make Cheltenham #netzero by 2030
- Increasing the number of affordable homes through our £180m housing investment plan
- 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

See *Appendix 2*.

## 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. Two periodic data returns will be submitted to the FSA during 2024/25 via a survey monkey. 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. The FSA are currently undertaking an options appraisal on the potential mechanisms for capturing local authority data. 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.

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## 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. Full implementation of the various workstreams is anticipated in 2024/25 following the publication of an amended food law code of practice. This time frame is subject to change and will take into consideration the wider changes driven by other elements of the FSA 'achieving business compliance' programme.

### **3 Reasons for recommendations**

3.1 This will fulfil our statutory responsibilities.

### **4 Alternative options considered**

5 None. This is a statutory requirement.

### **6 Consultation and feedback**

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

### **8 Key risks**

8.1 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.

8.2 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.

8.3 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 avoided by ensuring a suitable number of appropriately trained and authorised officers are available.

8.4 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](mailto:bernadette.reed@cheltenham.gov.uk)

## Appendices:

- 1 Risk Assessment
- 2 Equality Impact Assessment – Screening –(to be included in all Cabinet and Council reports)
- 3 Food Safety Service Plan 2024-25

## 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](#)
4. [Corporate Enforcement Policy](#)

**Appendix 1: 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	2	3	6	Avoid the risk	Ensure a suitable number of qualified staff are employed to carry out official food control activities	Cabinet	Biannual data submission to FSA with early warning notification of variance. 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 Hygiene Rating Scheme in line with the	Head of Public Protection	5	2	10	Avoid the risk	As above	Cabinet	As above

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

## Appendix 2: Equality Impact Assessment (Screening)

### 1. Identify the policy, project, function or service change

#### a. Person responsible for this Equality Impact Assessment

Officer responsible: Bernadette Reed	Service Area: Public Protection
Title: Food Safety Service Plan	Date of assessment: 12/04/24
Signature: 	

#### b. Is this a policy, function, strategy, service change or project?

Function

If other, please specify:

#### c. Name of the policy, function, strategy, service change or project

Food Safety Service Plan

Is this new or existing?

**Already exists  
and is being  
reviewed**

**Please specify reason for change or development of policy, function, strategy, service change or project**

**An annual review is required under the Food Law Code of Practice**

#### d. What are the aims, objectives and intended outcomes and who is likely to benefit from it?

**Aims:** That the food sold, offered or stored for sale within Cheltenham is safe and fit for human consumption.

**Objectives:**

- Service plans ensure that national priorities and standards are addressed and delivered locally. Service plans will also help this Authority to:
- Follow the principles of good regulation.
- Focus on key delivery issues and outcomes.

	<p>Provide an essential link with corporate and financial planning.</p> <p>Set objectives for the future.</p> <p>Identify major issues that cross service boundaries.</p> <p>Provide a means of managing performance and making performance comparisons.</p> <p>Provide information on our service delivery to stakeholders.</p>
Outcomes:	Ensuring food businesses have effective food safety controls in place and that our responsibilities as a food Competent Authority (CA) are fulfilled and compliant with agri food chain legislation.
Benefits:	Reduction of incidents of illhealth related to food borne illness and food poisonings and allergic reaction and hypersensitivity. Reduction in the wider impacts of illhealth

<b>e. What are the expected impacts?</b>	
Are there any aspects, including how it is delivered or accessed, that could have an impact on the lives of people, including employees and customers.	<b>Yes</b>
Do you expect the impacts to be positive or negative?	<b>No impact expected</b>
Please provide an explanation for your answer:	
<p>Having an effective food safety control system in place will reduce the health and social impact burden of the effects of food poisoning foodborne illness and allergic and incidents involving food allergens and hypersensitivity. This is an annual service plan for an ongoing service and so there will be no additional impacts from the approval of this revised service plan</p>	



**If your answer to question e identified potential positive or negative impacts, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.**

<b>f. Identify next steps as appropriate</b>	
Stage Two required	<b>No</b>
Owner of Stage Two assessment	<b>NA</b>
Completion date for Stage Two assessment	<b>NA</b>

**Please move on to Stage 2 if required ([intranet link](#)).**