

SLOUGH BOROUGH COUNCIL

REPORT TO: Council **DATE:** 23rd July 2019

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WARD(S): All

PART I **FOR DECISION**

RECOMMENDATIONS OF THE CABINET FROM ITS MEETING HELD ON 15th JULY 2019

A. STATUTORY SERVICE PLAN – FOOD SAFETY

1 Purpose of Report

To seek approval for Statutory Service Plan (the Plan) in relation to: Food Safety Service in accordance with the requirements laid down by The Food Standards Agency (FSA).

2 Recommendation

That the Statutory Service Plans in relation to the Food Safety, Health & Safety and Trading Standards Services be endorsed.

3. The Slough Joint Wellbeing Strategy, the JSNA and the Five Year Plan

3a. Slough Joint Wellbeing Strategy Priorities –

Increasing life expectancy by focussing on inequalities

- Supporting and encouraging all the food outlets in Slough to provide safe food through inspections and interventions and the Food Hygiene Rating Scheme (FHRS)
- Reducing risks in the work place with investigations, interventions and specific projects based upon Slough's needs and those based on national priorities
- Increasing awareness of food labelling, allergens and healthy eating, and in doing so contribute to reducing obesity rates in Slough.

3b Five Year Plan Outcomes

The statutory service plan, along with those for Trading Standards and Health & Safety identify positive impacts towards all the 5 year Plan Outcomes, which is detailed in the individual action plans, and in particular:

- *Slough Children will grow up to be happy, healthy and successful*
- *Our people will become healthier and manage their own care needs*
- *Slough will be an attractive place where people choose to live, work and stay*
- *Slough will attract, retain and grow businesses and investment to provide opportunities for our residents*

The plans also focus on developing entrepreneurial skills in the teams and commercialisation skills as a tool to maximise income. They also support the council's digital transformation by promoting agile front line working and channel shift to encourage better use of the council's website.

4 **Other Implications**

(a) Financial - It is anticipated that the plans will be implemented within existing resources. However, the situation will be closely monitored as unplanned reactive pressures, such as major investigations, will have resourcing implications which will be reported to members for their consideration.

(b) Risk Management

Recommendation from section 2 above	Risks/Threats/ Opportunities	Current Controls	Using the Risk Management Matrix Score the risk	Future Controls
Statutory Service Plans in relation to the Food Safety, Health & Safety and Trading Standards work undertaken by the Council be endorsed.	Risk from complex criminal investigations or disease outbreaks that demand considerable officer time resulting in pressure upon resources to complete statutory work. National enforcement bodies may intervene and ultimately direct us to complete statutory work or take over the service. This creates reputational risk.	Mitigated by the re-prioritisation of resources where possible. Utilise MOU arrangements with other Berkshire Unitary Authorities The income from Primary Authority work and further commercialisation of services can be used to offset cost of service delivery	4 (probability: Very Low x severity: Marginal)	All risks of serious failures to complete statutory duties and serious deviations from the service plans will be highlighted to the Director and Cabinet.
	There is a shortfall of 2.5 FTE, based on the FTE required to complete <u>all</u> obligations and targets within the service plans	Resources will be allocated based on risk and the best outcome. Some low risk inspections and aspirational	4 (probability: Very Low x severity: Marginal)	The FSA are aware that the expectations on local authorities outweigh what can be delivered, and a national review on the delivery

		health and safety projects will not be undertaken. Premises deemed as low risk will be managed so their risk is reviewed regularly, and should their risk rating increase, the premises will immediately be subject to interventions.		of food safety regulation is under review, namely 'Regulating our Future'. We will continue to undertake quality inspections, not quantity.
	EU Exit may bring with it additional demands on the services through business and consumer demands for advice and support.	Officers are trained and competent to deal with EU Exit transitional issues and legislation. SBC contingency plans	3 (probability: Low x severity: Negligible)	Trading standards and Food Safety Teams have contributed to Brexit preparedness, have put in place mitigation arrangements and are represented locally, regionally and nationally on relevant EU Exit panels and forums.

The National Local Authority Enforcement Code and Supplementary Guidance have been issued to assist local authorities with their enforcement responsibilities. Whilst there is no statutory requirement to have a published service plan, paragraph 42 of the Code recommends that publically available risk-based service plans and information on health and safety interventions, enforcement and prosecution activity is an effective way of being accountable to the public and businesses.

Section 40 of the Food Safety Act 1990 allows Ministers to issue codes of practice on the execution and enforcement of the Act. The Food Law Code of Practice is produced under this power and within it is a reference to the requirement for a documented Food Service Plan (Chapter 5, para 5.1.1).

The Food Law Enforcement Service Plan is part of the policy framework and therefore reserved to Full Council for approval under the council's constitution and as such requires referral from Cabinet to full Council.

(c) Equalities Impact Assessment

Equalities Impact assessments have been completed on key policies contained within the Plans. However, the work detailed in the Plans is based upon UK and European legislation that has already been assessed in terms of Equality Impact Assessment.

5 Supporting Information

5.1 National guidance on the delivery of the Authority's enforcement activities is issued by The Food Standards Agency, the Health and Safety Executive and the Department for Businesses, Innovation and Skills; setting out standards for service provision, monitoring and auditing arrangements, in order to ensure that local enforcement activities are undertaken in a robust, fair and consistent manner in line with the Regulators Code and our Enforcement Policy.

5.2 The Plans are an important part of the process to ensure national priorities and standards are addressed and delivered to meet local needs effectively; they will be reported to and scrutinised by the national agencies. These Plans, which are required to be reviewed and updated annually, will

- focus on local priorities and the needs of our local community
- provide an essential link with financial planning
- set objectives for the future, and identify major issues that cross service boundaries;
- and provide a means of managing performance and making performance comparisons
- in addition the plans will provide an essential link between statutory enforcement responsibilities and the teams support for the council's strategic priorities of the Five Year Plan.

5.3 Local authorities are required to include in their Statutory Service Plans

- Information about the services they provide
- the means by which they will provide those services
- the means by which they will set/monitor performance targets and standards
- a review of performance against proposed targets

5.4 Charging for non-enforcement services and Primary Authority (PA) work has allowed for increased cost recovery activities which have helped to off set the cost of service delivery. PA is a statutory scheme which enables contractual partnerships to be formed between business and local authorities. The aim being to streamline and simplify the national regulatory compliance demands on local businesses in relation to trading standards, food and health & safety matters.

5.5 We currently have about 40 partnerships with national and international businesses such as; Reckitt Benkiser, Mars, Telefonica (O2), Superdrug, Wyevale Garden Centres, Furniture Village and Burger King. It is our intention to continue to enhance the entrepreneurial skills of the teams and further develop commercialisation of the services over the next year. The promotion of the Business Advice and Support Partnership, a partnership network involving Slough, Hampshire, Kent and East Sussex County Councils will help to achieve enhanced opportunities to develop

commercial success by sharing capacity and infrastructure whilst offering much needed resilience and capacity.

- 5.6 The Statutory Service Delivery will continue to focus very specifically upon areas of high risk and evidenced need whilst aiming to reduce the regulatory burden on compliant business. The plans provide the framework to ensure we continue to make the best use of the resources we have available, enabling residents and businesses to access high quality support, ensuring positive outcomes and value for money, supporting business growth whilst protecting our residents and communities.

6 **Comments of Other Committees**

Cabinet will consider the Statutory Service Plans at its meeting on 15th July 2019 and is recommended to refer the Food Safety & Standards Service Delivery Plan to Council for approval. Any amendments arising from the meeting will be reported to Council.

7 **Conclusion**

The proposed plan illustrates our commitment to continuous improvement and accountability, whilst responding flexibly to ongoing changes in both the regulatory and consumer landscapes nationally and locally in Slough. They also show how the Council has successfully adopted a balance of techniques and approaches to support local businesses; drive up compliance by enabling businesses to access information & advice more effectively; enhance consumer protection and promote, with our partners, safety and wellbeing in the workplace and our communities. This is being achieved whilst at the same time off-setting the cost of delivery by appropriate charging for discretionary services.

It is clearly illustrated within the Plans how our work contributes significantly towards supporting the outcomes of the 5 Year Plan and the Slough Joint Wellbeing Strategy.

8 **Appendices Attached**

A) Food Safety & Standards Service Delivery Plan 2019/20

9 **Background Papers**

- '1' Food Standards Agency Code of Practice (March 2017)
<https://www.food.gov.uk/about-us/food-and-feed-codes-of-practice>
- '2' The Consumer Protection & Business Compliance Enforcement Policy
<http://www.slough.gov.uk/council/strategies-plans-and-policies/regulatory-and-enforcement-services-enforcement-policy.aspx>