

SLOUGH BOROUGH COUNCIL

REPORT TO: Council **DATE:** 24th September 2020

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WARD(S): All

PART I **FOR DECISION**

RECOMMENDATIONS OF THE CABINET FROM ITS MEETING HELD ON 14TH SEPTEMBER 2020: STATUTORY SERVICE PLAN

1 **Purpose of Report**

To consider the recommendation of the Cabinet made on 14th September 2020 to approve the Statutory Service Plan in relation to the Food Safety Service in accordance with the requirements laid down by The Food Standards Agency (FSA).

2 **Recommendation(s)/Proposed Action**

That the Statutory Service Plan in relation to the Food Safety, as at Appendix A to the report, be endorsed.

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

3a. **Slough Joint Wellbeing Strategy Priorities –**

Protecting Vulnerable Children

- Adopting professional curiosity in all that we do to ensure we are competent to recognise and identify child safeguarding issues.
- Maintaining professional curiosity among staff and keeping their awareness up to date on issues such as, Modern Slavery and Child Sexual Exploitation.

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)
- Support all businesses to be covid secure and safe places to work and visit
- Actively support the Prevention Strategy within our front line work

Improving mental health and wellbeing

- Staff being trained on the Care Act and their responsibility under that legislation to be aware of safeguarding issues and reporting lines. Staff being trained in Making Every Contact Count.

3b **Five Year Plan Outcomes**

This statutory service plan identify positive impacts towards all the 5 year Plan Outcomes, which is detailed in the individual action plan, 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 statutory plan also focuses 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.

Costs recovered from Primary Authority and other chargeable work will be used to help offset the cost of service delivery across Regulatory Services.

(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 Plan in relation to the Food Safety, 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 plan will be highlighted to the Director and Cabinet.

	There is a shortfall of 2.5 FTE, based on the FTE required to complete all obligations and targets within the service plan	Resources will be allocated based on risk and the best outcome. Some low risk inspections 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.	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 of food safety regulation is under review, namely 'Assessing Business Compliance'. 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.

(a) Human Rights Act and Other Legal Implications

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.

(b) Equalities Impact Assessment

Equalities Impact assessments have been completed on key policies contained within the Plan. However, the work detailed in the Plan 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 and the Department for Business, 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 Plan 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 Plan, 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 Plan
- 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, 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**

The Cabinet considered the Plan at its meeting held on 14th September 2020 and agreed to recommend it to Council for approval.

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 Plan 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 2020/21

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 Primary Authority Statutory Guidance. Regulatory Delivery, Oct 2017
<https://www.gov.uk/government/publications/primary-authority-statutory-guidance>
- '4' The Consumer Protection & Business Compliance Enforcement Policy
<http://www.slough.gov.uk/council/strategies-plans-and-policies/regulatory-and-enforcement-services-enforcement-policy.aspx>