

Public Report  
Delegated Officer Decision

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**Committee Name and Date of Committee Meeting**

Delegated Officer Decision – 10 July 2023

**Report Title**

Food and Feed Service Plan 2023/24

**Is this a Key Decision and has it been included on the Forward Plan?**

No, but it has been included on the Forward Plan

**Assistant Director Approving Submission of the Report**

Sam Barstow, Assistant Director, Community Safety and Streetscene

**Report Author(s)**

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**Report Summary**

The Food Standards Agency (FSA) requires all Competent Authorities to have an up-to-date, documented Food and Feed Service Plan, which is readily available to food and feed business operators and consumers. This plan must be subject to regular review and clearly state the period for which the plan has effect.

Following audit by the FSA in May 2010, the Agency confirmed that the format of the Council's Food Service Plan was in line with the Service Planning Guidance in the Framework Agreement. The Food and Feed Service Plan for 2023/24 follows this outline.

The Food and Feed Service Plan, amongst other things, details the Council's performance and identifies expected performance for 2023/24. This performance is reportable nationally to the FSA through the Local Authority Enforcement Monitoring System.

**Recommendations**

1. That the Food and Feed Service Plan 2023/24 is noted

## List of Appendices Included

Appendix 1 Food and Feed Service Plan 2023/24  
Appendix 2 Food and Feed Sampling Policy 2023/24  
Appendix 3 Equalities Screening Assessment  
Appendix 4 Carbon and Climate Change Assessment

## Background Papers

- [Food Safety Act 1990](#)
- [Food Law Code of Practice \(England\) Issued June 2023](#)
- [Food Law Practice Guidance \(England\), March 2021](#)
- [Feed Law Code of Practice \(England\) April 2018](#)
- [Localism Act 2011](#)
- [Regulators' Code 2014](#)
- [Framework Agreement on Official Feed and Food Law Controls, April 2010](#)

## Consideration by any other Council Committee, Scrutiny or Advisory Panel

Name of Committee – Click here to enter a date.

## Council Approval Required

No

## Exempt from the Press and Public

No

## **Food and Feed Service Plan 2023/24**

### **1. Background**

- 1.1 The Council, as a Competent Authority, is required by the Food Standards Agency (FSA) to produce a documented and up to date Food and Feed Service Plan. In addition, the Plan must be available to food business operators and consumers, and the Council should review the Plan regularly.
- 1.2 The Council's Food and Feed Service Plan follows the format of the Service Planning Guidance contained within the Food Standards Agency's Framework Agreement.
- 1.3 The Food and Feed Service Plan:
  - Explains the purpose of the Food and Feed function.
  - Links to the Food Standards Agency Framework Agreement.
  - Matches current resources against existing service level.
  - Sets targets against which the performance of the service can be measured.
  - Provides a performance management framework to ensure continuous improvement.
- 1.4 Delivery of official food and feed controls was affected by COVID-19 Pandemic with all planned feed, food hygiene and food standards interventions were deferred. 2022/23 was a period of catching up of delayed interventions ahead of the Food Standards Agency producing a Covid recovery plan to assist in prioritisation by setting out a timeline in which they would like the overdue inspections to be carried out. The Council has achieved all targets so far contained within the FSA's recovery plan.

### **2. Key Issues**

- 2.1 The Food and Feed Law: Codes of Practice (England), are statutory Codes of Practice requiring 'Competent Authorities' to have up-to-date, documented Food and Feed Service Plans which are readily available to food and feed business operators and consumers (paragraph six of the Regulator's Code).
- 2.2 The Plan must cover all areas of food and feed law that the Council has a duty to enforce and set out how the Council intends to deliver 'Official Controls' within its area. The Plan must include imported food responsibilities and the control arrangements that are in place. The Plan must also include reference to the Council's approach to enforcement including its 'Alternative Enforcement Strategy' for dealing with those premises rated as low risk under the Food Establishment Intervention Rating Scheme.
- 2.3 The Food and Feed Service Plan for 2023/24, attached at Appendix 1, provides detail of performance against the targets set in the 2022/23 Plan. The outcome for the year end was that 100% for Category A, 100% for Category B, and 100% for Category C inspections were carried out.

2.4 The Council's staff and resources are currently being targeted at the Category A, B and non-compliant C premises.

- 2.5 The Food and Feed Service Plan also describes arrangements for:
- Sampling which contributes to Public Health England initiatives, further to which a Food and Feed Sampling Policy is attached at Appendix 2 ;
  - Complaints received relating to food and feed;
  - Promotional activity and advice to business;
  - Control and investigations of outbreaks of infectious disease;
  - Food Safety Alerts, incidents and food fraud
  - The EU transition period ended on 31 December 2020 and the UK is now a third country in respect of the EU. The Food Standards Agency has provided information that details the changes to local authorities and undertaken work with port health authorities to ensure the country is prepared.
  - The development and implementation of the new food standards delivery model and the revised food hygiene intervention rating scheme.

### **3. Options considered and recommended proposal**

3.1 The Council is obliged by statute to have a Food and Feed Service Plan and therefore no alternatives have been considered.

3.2 The recommendation is to note the Food and Feed Service Plan 2023/24.

### **4. Consultation on proposal**

4.1 The plan has been drafted with due regard to the FSA guidance and has been consulted on with relevant officers within Regulation and Enforcement alongside the relevant Cabinet Member.

### **5. Timetable and Accountability for Implementing this Decision**

5.1 The plan is already in effect, forming the basis of service delivery and will continue to do so throughout the current financial year. The Regulation and Enforcement management team will be responsible for ensuring delivery of the plan.

### **6. Financial and Procurement Advice and Implications (to be written by the relevant Head of Finance and the Head of Procurement on behalf of s151 Officer)**

6.1 The Food and Feed Service Plan 2023/24 will be delivered within the approved revenue budget for this Service.

- 6.2 Each year National Trading Standards (NTS) awards the local authority funding from the government to support the delivery of its work stream. In 2023/24 Rotherham has been awarded a revenue grant of £2,584.04.

## **7. Legal Advice and Implications (to be written by Legal Officer on behalf of Assistant Director Legal Services)**

- 7.1 Section 40 of the Food Safety Act 1990 provides the Secretary of State the power to issue Codes of Practice in relation to the execution and enforcement of the 1990 Act. Any Competent Authority that does not have regard to the Code of Practice may find their decisions or actions successfully challenged. In addition, the Food Standards Agency, can give a Competent Authority a direction requiring them to carry out specified steps to comply with the Code of Practice, such specified steps are enforceable against a Competent Authority. There is a corresponding Code of Practice for Feed Law.
- 7.2 Under the Codes of Practice, each Competent Authority must have an up-to-date, documented Food and Feed Service Plans for food and feed business operators and consumers. The Plan must be subject to regular review and clearly state the period of time for which it has effect. The Plan should reflect the requirements set out in the relevant Regulators' Code and must cover all areas that the Competent Authority has a duty to enforce and set out how the Authority intends to deliver official controls within its area. Any failure by the Council to implement the Plans may result in the Food Standards Agency making a direction for compliance, which would be done in consultation with the Secretary of State.
- 7.3 Section 42 of the Food Safety Act 1990 provides default powers. Where the Secretary of State is satisfied that a Competent Authority has failed to discharge a duty imposed upon it by the Food Safety Act 1990 and the authority's failure affects the general interests of consumers of food, he may order another competent authority or the Food Standards Agency to discharge that duty in place of the Authority in default. The substitute Authority will also be permitted to recover any expenses reasonably incurred from the Authority in default.

## **8. Human Resources Advice and Implications**

- 8.1 There are no human resources implications arising from this report.

## **9. Implications for Children and Young People and Vulnerable Adults**

- 9.1 There are no implications for Children and Young People and Vulnerable Adults
- 9.2 It should be noted that the young, the elderly and those with compromised immune systems are particularly vulnerable to failure in food safety and consequent infectious disease.

## **10. Equalities and Human Rights Advice and Implications**

10.1 There are no equalities or human rights implications

10.1 A screening assessment has been carried out in Appendix 3.

## **11. Implications for CO2 Emissions and Climate Change**

11.1 An assessment has been carried out in Appendix 4.

## **12. Implications for Partners**

12.1. There are no implications for partners

## **13. Risks and Mitigation**

13.1 Failure to have due regard to the provisions of the Code of Practice, presents a risk of decisions or actions being successfully challenged, and evidence gathered during a criminal investigation being ruled inadmissible by the Court.

13.2 Failures to comply with the Code of Practice can result in the Food Standards Agency, after consultation with the Secretary of State, giving direction to a Competent Authority, to take any specified actions to comply with the Codes.

## **14. Accountable Officers**

Emma Ellis, Head of Community Safety and Regulatory Services

Lewis Coates, Service Manager Regulation and Enforcement

Donna Williams Principal Food Environmental Health Officer

Janice Manning Principal Food Environmental Health Officer

Adrian Monkhouse Principal Health and Safety Environmental Health Officer

Approvals obtained on behalf of Statutory Officers: -

	<b>Named Officer</b>	<b>Date</b>
Chief Executive	Sharon Kemp	Click here to enter a date.
Strategic Director of Finance & Customer Services (S.151 Officer)	Named officer	Click here to enter a date.
Head of Legal Services (Monitoring Officer)	Named officer	Click here to enter a date.

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