

**Decision Session – Executive Member for  
Economy and Strategic Planning**

**22 September 2020**

Report of the Assistant Director for Planning and Public Protection

**FOOD SERVICE PLAN 2020/2021**

**Summary**

1. The council is required to produce an annual food service plan to satisfy the statutory requirements within the Food Law Code of Practice which is overseen by the Food Standards Agency (FSA).
2. It is recommended that the service plan is approved at a level which ensures local transparency and accountability.

**Recommendations**

3. The Executive Member is asked to:

1) Approve the food service plan

Reason: This will ensure that the council has a plan to fulfil its obligations under the Food Law Code of Practice.

**Background**

4. The FSA has a key role as the ‘Central Competent Authority’ in overseeing official feed and food controls undertaken by Local Authorities and ensuring their activities meet the requirements of the Food Law Code of Practice. It also seeks to work in partnership with local authorities to help them to deliver official feed and food controls.
5. Service plans are seen as an important part of the delivery process to ensure that national priorities and standards are delivered locally.
6. The FSA advises that a service plan should include the following information about the services they provide;

- the means by which they will provide those services
  - the means by which they will meet any relevant performance targets or performance standards; and
  - a review of performance, in order to address any variance from meeting the requirements of the service plan and identification of areas for improvement.
7. Local Authorities are subject to a programme of audits by the FSA. As part of these audits, the FSA would expect to find a service plan in place on which the Local Authority can be audited. The results of these audits are published in the public domain.
  8. The FSA are not prescriptive on who should approve the service plan, but suggests it is approved at a level that ensures local transparency and accountability.
  9. It is also worthy of note that the FSA are undertaking a fundamental review of the way that Local Authorities regulate food businesses through their 'Regulating Our Futures' programme.

## **Consultation**

10. The service plan reviews last year's performance and considers service delivery for the year ahead. As our service delivery for the year ahead is prescribed by the Food Law Code of Practice consultation is not considered necessary.

## **Options**

11. (a) Approve the food service plan.  
(b) Approve the food service plan with amendments  
(c) Not approve the food service plan

## **Analysis**

12. Options (a) and (b) will ensure that the council fulfils its obligation to have a food service plan, and will ensure we meet our statutory obligations. It aims to ensure that all premises due an inspection or other type of intervention will receive one. Or, if we find completing the full programme challenging (the inspection programme is late in commencing this year due to lockdown restrictions on businesses opening or if further

lockdowns come into place) the 'highest risk' premises will be given the greatest priority.

13. Option (c) would leave the council in a position of reputational risk and possibly subject to adverse publicity eg by the FSA.

## **Council Plan**

14. The food service plan contributes to the corporate council priorities in the Council Plan as follows:

- **Good Health and Wellbeing:** Every resident enjoys the best possible health and wellbeing throughout their life.
- **Well-paid jobs and an inclusive economy:** High-skilled and better-paid jobs in sustainable businesses, providing opportunities for all York's people in an inclusive economy.
- **Safe Communities and culture for all:** People are safe from harm in strong, resilient and supported communities, enhanced by an appealing and inclusive cultural offer. We respond to complaints from members of the public and investigate cases of food borne illness in the community.
- **An open and effective Council:** We work as an open, transparent and accountable organisation, in partnership with key stakeholders, to deliver on residents priorities. We help and support businesses.

## **Implications**

15. **Financial** - The proposals set out can be delivered within existing budgets
16. **Human Resources (HR)** - There are no HR implications.
17. **Equalities** – The service deals with a wide range of customers, including various ethnic groups. The service already adapts its service to meet the needs of different groups.
18. **Legal** - Failure to deliver a food service in accordance with our obligations could result in the FSA taking over delivery of the council's food service.

- 19. **Crime and Disorder** – The work programme is aimed at ensuring businesses are meeting their legal obligations and can link to the disruption of wider criminal activity including modern slavery and organised crime gangs.
- 20. **Information Technology (IT)** – There are no IT implications.
- 21. **Property** – There are no property implications.
- 22. **Other** – There are no other implications.

**Risk Management**

23. Under the Council’s Risk Management Matrix, having no plan in place to meet the requirements of the food law code of practice means there is a ‘possibility’ of local adverse publicity with perhaps 5-10% of businesses affected and receives a score of ‘14’ on the risk matrix (a ‘**yellow risk**’). However, having an approved plan in place reduces the likelihood to ‘remote’ gives a score of ‘6’ on the risk matrix (a ‘**green risk**’).

**Contact Details**

**Author:**  
**Anthony Dean**  
**Public Protection Manager**  
**Public Protection**  
 Tel: (01904) 551588

**Chief Officer Responsible for the report:**  
**Mike Slater,**  
**Assistant Director for Planning and**  
**Public Protection**  
**Report**  **Date** 11/09/2020  
**Approved**

**Specialist Implications Officer(s)** List information for all

N/A

**Wards Affected:** List wards or tick box to indicate all **All**

**For further information please contact the author of the report**

## **Annexes**

**Annex 1** – Food service plan 2020/21

### **List of Abbreviations Used in this Report**

Food Standards Agency (FSA)