

**Decision Session – Executive Member for the Environment**

**7 August 2017**

Report of the Corporate Director of Economy and Place  
Portfolio of the Executive Member for Environment

**Food Service Plan 2017/18**

**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. City of York Council's Public Protection team were audited by the FSA on 23-25 May 2016, with a follow up visit on 12 June 2017.
9. The actions required following the audit were:
- The food service plan should include an estimate of the demands on the service and the resources required for each area of service delivery, together with a comparison of the resources available.
  - Ensure that food hygiene interventions are carried out at a frequency which is not less than that determined under the intervention rating scheme set out in the Food Law Code of Practice.
  - Set up, maintain and implement a documented procedure for the authorisation of officers based on their competence and in accordance with guidance.
  - Develop, maintain and implement documented internal monitoring procedures.
10. Work is under way to address the above actions:
- The food service plan includes an estimate of demands on the service and the resources available. The plan sets out how we will deploy our existing resources to ensure we continue to carry out high numbers of inspections at 'higher risk' premises<sup>1</sup>, and catch up on the handful of inspections remaining from last year.

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1. Examples of highest risk premises are places serving particularly vulnerable people, and/or places serving high risk foods with short 'use by' dates and a poor record of compliance.

It also describes how we will tackle all lower risk<sup>2</sup> premises through other types of intervention in a proportionate way – see examples in the paragraph below.

- We plan to carry out interventions at the required frequency and have introduced new performance indicators which will allow us to monitor our progress. Following feedback from the FSA, the plan makes use of the flexibilities within the code to use a range of different activities by different officers (particularly at lower risk premises) to check compliance. Examples include carrying out food safety checks with other types of visit, making use of feedback on the internet, and business surveys. All of these will prompt a 'follow up' full inspection if deemed necessary.
  - The authorisation of officers is being reviewed based on their competence.
  - A programme of internal, documented monitoring is being developed.
11. 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.
12. 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**

13. 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.

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2. Examples of lowest risk premises (providing they have good systems in place and there is good confidence in management) are retailers selling pre-packed foods, pubs/clubs only serving drinks and bar snacks, sweet/chocolate shops and cake manufacturers amongst others.

## Options

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

## Analysis

15. 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 will ensure all premises due an inspection or other type of intervention will receive one.
16. Option (c) would leave the council in a position of reputational risk and possibly subject to adverse publicity eg by the FSA.

## Council Plan

17. The food service plan contributes to the corporate council priorities in the Council Plan as follows:
  - A prosperous city for all – we help and support businesses.
  - A focus on frontline services – we respond to complaints from members of the public and investigate cases of food borne illness in the community.
  - A council that listens to residents – our service holds the Customer Service Excellence award.

## Implications

18. **Financial** - The proposals set out can be delivered within existing budgets
19. **Human Resources (HR)** - There are no HR implications.
20. **One Planet Council / Equalities** – The work contained in the food service plan has to be delivered in accordance with the Food Law Code of Practice. However, there are clear overlaps with a number of the One Planet Council principles, including health and happiness, equity and local economy and culture and community. Our services, particularly the

pre-inspection consultancy advice visits, are designed to help local businesses thrive and grow.

21. 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.
22. **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.
23. **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.
24. **Information Technology (IT)** – There are no IT implications.
25. **Property** – There are no property implications.
26. **Other** – There are no other implications.

### **Risk Management**

27. The risks associated with the food plan and the steps to manage them through a regular review of performance indicators are highlighted above.

### **Contact Details**

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**Report**  **Date** 26.07.2017  
**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 2017/18**

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

Food Standards Agency (FSA)