

# WEST NORTHAMPTONSHIRE COUNCIL CABINET

19 SEPTEMBER 2023

## CABINET MEMBER RESPONSIBLE FOR COMMUNITY SAFETY AND ENGAGEMENT AND REGULATORY SERVICES: COUNCILLOR DAVID SMITH

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| Report Title  | Health Protection Service, Food & Feed Standards Service, Spray Paint Enforcement and the Tobacco Enforcement Plans 2023-24   |
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### List of Approvers

|                               |                     |            |
|-------------------------------|---------------------|------------|
| Monitoring Officer            | Catherine Whitehead | 23/08/2023 |
| Chief Finance Officer (S.151) | Martin Henry        | 23/08/2023 |
| Head of Communications        | Becky Hutson        | 23/08/2023 |

### List of Appendices

Appendix A – Health Protection Service Plan 2023-24

Appendix B – Food & Feed Standards Service Plan 2023-24

Appendix C - Spray Paint Enforcement Plan 2023-24

Appendix D – Tobacco Enforcement Plan 2023-24

#### 1. Purpose of Report

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- 1.1. To bring the Statutory plans before Cabinet as required by legislation enforced by Regulatory Services and in accordance with the requirements of the relevant national bodies (Food Standards Agency and Health and Safety Executive). The plans are the Health Protection and

Food & Feed Standards Service Plans, the Spray Paint Enforcement Plan, and the Tobacco Enforcement Plan.

## **2. Executive Summary**

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- 2.1 The Food Standards Agency (FSA) and Health & Safety Executive (HSE) issue statutory instructions to local authorities, including the requirement for Council's to produce service plans for Food Safety, Food & Feed Standards, and Occupational Health and Safety. Those plans are shown at Appendix A and B respectively.
- 2.2 In addition to stating the service aims and objectives, the plans detail the demands on the service and how it will be delivered throughout 2023/24.
- 2.3 Under s32 of the Clean Neighbourhoods and Environment Act 2005, the local weights and measures authority is required to consider the extent to which it is appropriate to carry out a programme of enforcement of section 54 of the Anti-Social Behaviour Act 2003, which prohibits the sale of aerosol paint containers to people under 16.
- 2.4 The Children and Young Persons (Protection from Tobacco) Act 1991 requires the council to annually consider and carry out an appropriate programme of enforcement action relating to age-restricted tobacco controls.

## **3. Recommendations**

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- 3.1 It is recommended that the Cabinet:
- a) approve the Health Protection Service Plan for the year 1 April 2023 to 31 March 2024.
  - b) approve the Food & Feed Standards Service Plan for the year 1 April 2023 to 31 March 2024.
  - c) Approve the Spray Paint Enforcement Plan for 2023-24
  - d) Approve the Tobacco Enforcement Plan for 2023-24

4. **Reason for Recommendations** 4.1 The recommendations are necessary to accord with the requirements of the Food Standards Agency and the Health & Safety Executive.
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## **5. Report Background**

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- 5.1 This report presents the West Northamptonshire Council's Health Protection, Food & Feed Standards Service Plan, Spray Paint Enforcement Plan and Tobacco Enforcement Plans for 2023 - 24.

## **6. Issues and Choices**

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- 6.1 It was not possible to produce the final versions of these plans until after 31 March 2023 because they require reports on the achievement of the previous year's plans and data for next year, which were not available until after the year-end.

6.2 The FSA and HSE key requirements common to the plans at Appendix A and B are:

- A plan must be produced that is agreed by elected members.
- Documented policies and procedures must be provided, controlled and reviewed including enforcement policies.
- Officers must be properly qualified and authorised.
- Facilities and equipment must be made available.
- There must be procedures and capacity to fully investigate complaints and/or accidents and/or outbreaks of food poisoning.
- There must be liaison with primary authorities.
- There must be provision for advice and training for businesses.
- Databases of information must be maintained, and records kept.
- Inter-authority auditing and benchmarking must be carried out.
- There must be liaison with other authorities.
- There must be a procedure to deal with complaints about officers.
- Inspections or interventions must take place at nationally or locally determined frequencies.

6.3 The plans shown at Appendices A and B, detail the proposed implementation of these elements for West Northamptonshire Council.

6.4 Local Authorities need to follow a firmly defined process in developing their Food Safety and Food & Feed Standards service plans. The FSA are very specific in what they expect to be included in an Annual Service Plan and that does not allow for legitimate departure from their Food Law Code of Practice (COP).

## **7. Implications (including financial implications)**

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### **7.1 Resources and Financial**

7.1.1 The services identified within the Service Plans will be met from existing approved budgets/resources.

### **7.2 Legal**

7.2.1 The Council must meet the legal requirements of various Acts of Parliament as detailed in each of the Service Plans appended to this report as Appendices A to D. Failure to do so would increase the risk of being judicially reviewed in the High Court or the subject of a complaint to the Local Government and Social Care Ombudsman.

### **7.3 Risk**

7.3.1 There are no significant risks arising from the proposed recommendations in this report, other than the potential legal risk arising from non-compliance with legal requirements, as set out above.

### **7.4 Consultation and Communications**

7.4.1 No consultation with the public and/or agencies/interested parties was necessary. Communications activities that both underpin and promote the objectives and outcomes of all the service plans will be carried out throughout the year to ensure the public are kept informed and engaged about the work of Regulatory Services.

7.5 **Consideration by Overview and Scrutiny**

7.5.1 None.

7.6 **Climate Impact**

7.6.1 None.

7.7 **Community Impact**

7.7.1 None.

**8. Background Papers**

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8.1 None.