

WEST NORTHAMPTONSHIRE COUNCIL CABINET

14 September 2021

Portfolio Holder for Community Safety and Engagement, and Regulatory Services – Councillor David Smith

Report Title	Regulatory Services Statutory Plans 2021-22
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Contributors/Checkers/Approvers

West MO	Catherine Whitehead	20 August 2021
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Communications Lead/Head of Communications	Craig Forsyth	23 August 2021

List of Appendices

- Appendix A – Food Safety Service Plan 2021-22
- Appendix B – Food & Feed Standards Service Plan 2021-22
- Appendix C – Spray Paint Enforcement Plan 2021-22
- Appendix D – Tobacco Enforcement Plan 2021-22

1. Purpose of Report

- 1.1 To bring the statutory plans required to be produced by Regulatory Services before West Northamptonshire Council (WNC) as required by legislation and in accordance with the requirements of the Food Standards Agency. These plans are Food Safety and Food & Feed Standards Service Plans and the Spray Paint and Tobacco Enforcement Plans.

2. Executive Summary

- 2.1 The Food Standards Agency (FSA) issues statutory instructions to local authorities, including the requirement for councils to produce service plans for food safety and food and feed standards. Both 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 2021/22. The demands and delivery have been, and to a greater or lesser extent continue to be, adversely affected by Environmental Health and Trading Standards input into the COVID-19 response.
- 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

- 3.1 It is recommended that the Cabinet:
- a) Approve the Food Safety Service Plan for the year 1 April 2021 to 31 March 2022
 - b) Approve the Food and Feed Standards Service Plan for the year 1 April 2021 to 31 March 2022
 - c) Approve the Spray Paint Enforcement Plan for 2021-22
 - d) Approve the Tobacco Enforcement Plan for 2021-22.

4. Reasons for Recommendations.

The recommendations are necessary to meet with the requirements of the Food Standards Agency and relevant legislative requirements.

5. Report Background

- 5.1 This report presents the inaugural West Northamptonshire Council's Food Safety and Food and Feed Standards Service Plans along with the Spray Paint Enforcement Plan and the Tobacco Enforcement Plan.

6. Issues and Choices

- 6.1 It was not possible to produce the final versions of these plans until after 31 March 2021 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. Its production in a timely manner has been further hindered by Environmental Health's and Trading Standards' extensive input into the local COVID-19 response causing delays in many areas of 'business as usual'.

- 6.2 The key requirements common to all regulatory services plans are:

- They must be 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 capacity to fully investigate complaints 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
- Premises must be inspected at the nationally determined frequencies
- There must be procedures and capacity to deal with food safety incidents
- Foodstuffs must be sampled in accordance with central government guidance.

- 6.3 The plans shown at appendix A, B, C and D detail the proposed implementation of these elements for WNC.

- 6.4 Local Authorities need to follow a firmly defined process in developing their food safety and food and feed standards service plans. The FSA is very specific in what it expects to be included in an annual service plan and that does not allow for legitimate departure from their Food Law Code of Practice (COP).

- 6.5 Nevertheless, the Food Standards Agency sought Government approval, early on in the COVID-19 pandemic, to depart from the COP, and has constantly directed councils to balance the need to ensure that food and feed is safe and of the standards required, against the need for COVID security. They have recently issued a 'recovery roadmap' which is accounted for in the appended plans over the coming years to address the backlog of inspections caused by the pandemic.

7. Implications (including financial implications)

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 is required to meet the statutory requirements detailed in the service plans (Section 6 of the Food Safety Act 1990, section 32 of the Clean Neighbourhoods and Environment Act 2005 and the requirements of the Children and Young Persons (Protection from Tobacco) Act 1991).

7.3 Risk

7.3.1 There are no significant risks arising from the proposed recommendations in this report.

7.4 Consultation

7.4.1 No consultation with the public and/or agencies/interested parties was necessary.

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

8.1 None.