

WEST NORTHAMPTONSHIRE COUNCIL CABINET

12 JULY 2022

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

Report Title	Health Protection Service, Food & Feed Standards Service, Spray Paint Enforcement and the Tobacco Enforcement Plans 2022-23
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Contributors/Checkers/Approvers

West MO	Gina Clarke on behalf of Catherine Whitehead	22 June 2022
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List of Appendices

- Appendix A – Health Protection Service Plan 2022-23
- Appendix B – Food & Feed Standards Service Plan 2022-23
- Appendix C - Spray Paint Enforcement Plan 2022-23
- Appendix D – Tobacco Enforcement Plan 2022-23

1. Purpose of Report

- 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

- 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 2022/23. The demands and delivery have been adversely affected by Environmental Health and Trading Standards input into the COVID-19 response over recent years. The plans detail the recovery to 'business as usual'.
- 2.3 Under s54A of the Anti-Social Behaviour Act 2003, the local weights and measures authority is required to consider, at least once every 12 months, the extent to which it is appropriate to carry out a programme of enforcement of in relation to section 54 of that Act 2003, prohibits the sale of aerosol paint containers to people under 16.
- 2.4 Section 5 of 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 Health Protection Service Plan for the year 1 April 2022 to 31 March 2023.
 - b) approve the Food & Feed Standards Service Plan for the year 1 April 2022 to 31 March 2023.
 - c) Approve the Spray Paint Enforcement Plan for 2022-23
 - d) Approve the Tobacco Enforcement Plan for 2022-23

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.

5. Report Background

- 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 2022 - 23.

6. Issues and Choices

- 6.1 It was not possible to produce the final versions of these plans until after 31 March 2022 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).
- 6.5 Nevertheless, the Food Standards Agency sought Government approval, early in the COVID-19 pandemic, to depart from the COP, and have constantly directed Council's 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 issued a 'Recovery Roadmap' which is accounted for in the appended plans 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 appended to this report as Appendices A to D in accordance with;

- The Food Safety Act 1990, as a “Food Authority” for the purposes of that Act,
- Section 18 of the Health and Safety at Work etc. Act 1974 and any Regulations made under it, to the extent that the Council is responsible for the enforcement of any statutory provision contained within the same,
- Section 54 of the Anti-Social Behaviour Act 2003 as amended by section 32 of the Clean Neighbourhoods and Environment Act 2005 and
- section 5 of the Children and Young Persons (Protection from Tobacco) Act 1991).

Legal comments added by James Chadwick, Senior Licensing and Litigation Solicitor, Legal Services.

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.

7.8 Communications

7.8.1 None.

8. Background Papers

8.1 None.