

APPENDIX

EXECUTIVE

DATE: 26TH AUGUST 2008

SUBJECT: FOOD LAW ENFORCEMENT SERVICE PLAN 2008/9

REPORT BY: DIRECTOR OF ENVIRONMENT AND REGENERATION

CONTACT OFFICER: ALISON PARKER, EXT. 6139

IMPLICATIONS:

LEGAL	✓	STAFFING	✓
EQUALITIES	✓	COMMUNITY SAFETY	
FINANCIAL	✓	RISKS	✓
OTHER	✓		

CONSULTATIONS:

COUNCILLORS CONSULTED	✓	SCRUTINY COMMITTEE CONSULTED
STAKEHOLDERS CONSULTED		OTHER

WARDS AFFECTED: ALL

LEAD EXECUTIVE MEMBER(S): COUNCILLOR BAILEY

RECOMMENDATION(S)

1. Executive is requested to recommend the Council to agree the 2008/9 Food Law Enforcement Service Plan as set out in Appendix A, as part of the Council's Policy Framework.

REPORT

2. The Food Standards Agency was established in April 2000 as a response to widespread concern about food safety and standards, heightened by various high profile food scares at that time including BSE and E.coli food poisoning outbreaks.

3. One of the functions of the Agency is to make food enforcement more effective. It is proactive in setting and monitoring standards and auditing local authorities' enforcement activities to ensure they are both consistent and effective. The Agency therefore requires all local authorities to draw up an annual plan for food law enforcement services and for them to be debated and approved by the relevant elected member forum to ensure local transparency and accountability. The proposed Service Plan is being brought before the Executive as it is responsible for the formulation of the plans and strategies which make up the Policy Framework and for making recommendations in respect of such plans and strategies to Full Council.
4. The Food Standards Agency Framework Agreement includes the following management tools which are central to future performance measurement by the Food Standards Agency:
 - **The Service Plan** : This is seen as an important part of the process to ensure national priorities and standards are addressed and delivered locally. The draft Service Plan for Luton Borough Council's Food Control Group is attached as Appendix A.
 - **The Standard** : This specifies the arrangements to be put in place and operated by an Authority for the enforcement of food hygiene, food standards and feedingstuffs legislation.
 - **Monitoring** : Since 1 January 2001 local authorities have been required to provide the Agency with a comprehensive statistical breakdown of food law enforcement activity on an annual basis. This assists the Agency in measuring performance and determining the order and frequency with which local authorities are audited. This system is being radically revised during 2008/9 and the data return due in April 2009 will be made under the new system. Preparation for this will be ongoing throughout 2008/9 and will require a considerable amount of officer time, which is reflected in the service plan.
5. In spite of a successful recruitment campaign in summer 2007 when two qualified Environmental Health Officers were appointed, the Food Control group currently has two FTE vacancies and all posts are classed as "hard to fill" given an acute shortage of qualified officers in the UK. The effect current staff vacancies will have on food law enforcement in the short term is set out in Section 2.8.1 (page 15) of the Plan. Innovative approaches have been used to fill posts, such as the introduction of a successful trainee programme and further work on this will take place during the year.
6. The work of the Food Control Group has the potential to impact on a number of the key themes identified in the Sustainable Community Strategy and recognises its role in the wider public health agenda. This is outlined in Section 1.2.3 (page 6) of the Plan.

LEGAL IMPLICATIONS

7. The Food Law Enforcement Service Plan forms part of the Council's Policy Framework and will therefore require approval of Full Council. The legal implications were agreed with Mary Cormack in Legal Services on 6 August 2008.

STAFFING IMPLICATIONS

8. The service plan has been drawn up assuming the Food Control group is fully staffed. However, there are currently 2 vacancies in the group. In addition the Group Leader will be going on maternity leave in September 2008 and a district officer has announced she will be leaving in the Autumn. At the time of writing a further recruitment campaign is underway to recruit a trainee to the current vacant post.
9. Suitably qualified freelance food control officers, of which there are few, have been employed during the year to carry out an agreed number of programmed food hygiene inspections. This practise will continue in the short-term but is not a satisfactory long-term solution as it increases the burden on existing staff to pick up any enforcement work required to raise standards in food businesses

EQUALITIES IMPLICATIONS

10. The food law enforcement activities set out in the attached Plan have been included in Impact Assessments covering all the regulatory services in ECS. In addition a specific assessment was carried out on the Scores on Doors project, which resulted in an action plan that considered the style and design of the certificates and the means of communicating the project to communities. Any new initiatives would also be subject to an Equalities Impact Assessment as and when necessary.
11. Agreed by the Equalities Support Officer, Environment and Regeneration on 5 August 2008.

FINANCIAL IMPLICATIONS

12. The financial allocation estimates set out in Section 4.1 and Appendix 4 of the attached Plan show that all statutory duties can be achieved, subject to the group being fully staffed.
13. The financial implications were approved by Dave Kempson, Head of Corporate Finance, on 30 July 2008.

COUNCILLORS CONSULTATIONS

14. Cllr Joan Bailey has been consulted on the attached Service Plan.

OPTIONS

15. Executive may either
- Recommend to Full Council that it approve the Food Law Enforcement Service Plan for 2008/9 as part of the Council's Policy Framework arrangements; or
 - Request that a revised Plan be brought before a future Executive meeting taking on board any comments from this Executive.

RISKS

16. Effective food law enforcement is vital to ensuring the production and sale of safe food in Luton. Officers are highly trained and regularly assessed for competence as part of the Agency's framework agreement. Allocation of staffing resources constantly changes to meet both proactive and reactive demands in the food control group. However, the council is at risk if, for example, an outbreak of food poisoning occurs and it is shown that any implicated business had not been inspected at the required frequency. A failure to attract qualified, competent officers to the group when vacancies arise reduces the ability to cover all high risk enforcement work and increases the council's exposure to criticism, adverse publicity and possible direct intervention by the Agency should something go wrong.
17. The percentage of high-risk food hygiene inspections undertaken will continue to be a critical performance indicator in 2008/9.

APPENDIX

18. Appendix A: Luton Borough Council Food Law Enforcement Service Plan

BACKGROUND PAPERS

19. The Food Standards Agency Framework Agreement on Local Authority Food Law Enforcement - may be downloaded from the Food Standards Agency website <http://www.food.gov.uk/enforcement/foodlaw/frameagree/T>