

Protective Services, Environmental Health Food Service Plan 2023/24**Report by Chief Officer- Place
Report for Approval****1 Recommendations**

It is recommended that Cabinet:

- i) note the Review of Performance of the Environmental Health Food Service for period 2022/23
- ii) note the likely impact of the current staffing position regards the inability to successfully recruit due the national shortage of EHOs,
- iii) note the proposal by Food Standards Scotland for work towards a new model of food law delivery in Scotland, namely 'Scottish Authorities Food Enforcement Rebuild' (SAFER) and agreement by SoLACE and Midlothian Council Corporate Management Team to endorse the participation of Environmental Health colleagues in this work and the related temporary relaxations that can be introduced on a risk basis to create the capacity for this work, and
- iv) approve the Environmental Health Food Service Plan 2023/24.

2 Purpose of Report/Executive Summary

The purpose of this report is to advise Cabinet of the obligation upon the Council to document and implement a Food Service Plan; and to seek approval of the Protective Services Environmental Health Food Service Plan for 2023/24.

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3 Background: Food Service Plan

3.1 Food Standards Scotland (FSS) is responsible for all strategic and policy aspects of food standards, food safety and feed safety in Scotland.

The Food Standards Agency (FSA) Framework Agreement on Official Feed and Food Controls provides Food Standards Scotland with a mechanism for implementing its powers under the Food Standards Act to influence and oversee local authority enforcement activity. It also defines a Local Authority's responsibilities in delivering the food enforcement service.

3.2 The Framework Agreement states that the Council has a duty to provide an up to date food service plan and stipulates that *"To help to ensure local transparency and accountability, and to show their contribution to the authority's corporate plan, feed and food service plans and performance reviews should be approved at the relevant level established for that local authority, whether that is Member, Member forum, or suitably delegated senior officer level."*

Food Standards Scotland and Local Authorities seek to work in partnership to discharge their duties and to incorporate

- Food Standards Scotland's Regulatory Strategy, and
- The Scottish Government's approach to Better Regulation as set out in the Scottish Regulators' Strategic Code of Practice.

3.3 Food Service Plan 2023/24

The consistent application of controls by Local Authorities is essential in terms of the wellbeing of consumers, food businesses and the wider economy. The Code underpins the necessary confidence of consumers and food businesses that all food purchased or traded in Scotland is manufactured, described and handled to consistent standards, irrespective of its origin.

The obligations that apply to the delivery of official controls by local authorities includes ensuring:

- a. the effectiveness and appropriateness of Official Controls.
- b. that controls are applied at an appropriate risk-based frequency.
- c. that they have a sufficient number of suitably qualified and experienced competent staff and adequate facilities and equipment to carry out their duties properly.
- d. that staff are free from conflicts of interest.
- e. that they have access to an adequate laboratory capacity and capability for testing.

Local Authorities are required to have approved Service Plans that set out how and at what level food controls will be provided, in accordance

with the Framework Agreement on Official Feed and Food Controls and the Interventions Food Law Code of Practice (Scotland) 2019. The Food Service Plan 2022/23 details how these obligations are being met and pursued within Midlothian.

The draft Food Service Plan 2023/24 is attached at Appendix A.

3.4 Scottish Authorities Food Enforcement Rebuild (SAFER)

In compliance with the Food Law Code of Practice Midlothian Council Food Service will prioritise central government initiatives, based on risk assessment and where resources allow.

With the pressures facing Scottish Food Authorities, FSS has proposed, Scottish Authorities Food Enforcement Rebuild (SAFER), a collaborative approach to implement a new model of Food Law delivery in Scotland. This will be a comprehensive overhaul of the way in which the Food Service operates.

It has been intimated that work will begin in Q3/Q4 of 2023 and will be a significant project, involving considerable officer time. Given the scale of the work proposed, when this project is initiated, it is anticipated that the Food Service will be unable to complete the 2023/24 Food Service Plan in its entirety. A temporary relaxation of the current food enforcement regime will be required. To ensure the safety of food provided in Midlothian, the Food Service will continue to prioritise planned interventions of the highest risk food businesses; approved premises, priority 1 and 2 category premises and serious food related incidents.

Although the work to develop and later deliver SAFER will pose a short term reduction in food law enforcement in lower risk premises, it will ensure a more robust long term solution designed to protect individuals and communities in Midlothian which will enable them to lead healthier and safer lives.

A recent meeting of SoLACE agreed to endorse the participation of Environmental Health colleagues across Scotland in this work and the related temporary relaxations that can be introduced on a risk basis to create the capacity for this work. The matter has also been considered and is supported by Midlothian Council Corporate Management Team

FSS have advised that the main focus of the performance and monitoring audit for this year will be to verify and validate the implementation of any specific direction given by FSS.

3.5 Review of the previous plan

Section 6 of the Framework Agreement states that The Food Authority should review and set out information on the previous year's performance against that service plan.

The Review of Service performance against the 2022/ 2023 Food Service Plan is attached at Appendix B.

4 Report Implications (Resource, Digital and Risk)

4.1 Resource

This is detailed within the Service Plan 2023/24

4.2 Digital

There are no digital implications identified at this time.

4.3 Risk

Section 1 of the Food Law Code of Practice (Scotland) requires the statutory obligations be brought to the attention of local authority officials and / or elected member bodies responsible for agreeing budgets or other service arrangements relevant to the delivery of official controls.

Environmental Health is a statutory function and the Food Service Plan is produced in pursuance of this function. Failure to produce and implement a food service plan leaves the local authority open to both the challenge of failing in its statutory duty and increased reputational risk.

4.4 Ensuring Equalities (if required a separate IIA must be completed)

There are no known equality issues arising from the provisions of this annual plan.

4.4 Additional Report Implications (See Appendix C)

See Appendix C

Appendices

Appendix A – Food Service Plan 2023/24

Appendix B – Review of service performance against the 2022/ 2023 Food Service Plan

Appendix C - Additional Report Implications

Appendix D - Background information/Links

APPENDIX C – Report Implications

C.1 Key Priorities within the Single Midlothian Plan

In terms of the key priorities of Midlothian Council the delivery of the food enforcement role as detailed in the Food Service Plan 2023/24 significantly contributes to reducing the gap in health outcomes. This is achieved by ensuring the safety of food and reducing the gap in economic circumstances by ensuring consistent and appropriate enforcement on all aspects of the industry engaged with.

C.2 Key Drivers for Change

Key drivers addressed in this report:

- Holistic Working
- Hub and Spoke
- Modern
- Sustainable
- Transformational
- Preventative**
- Asset-based
- Continuous Improvement**
- One size fits one
- None of the above

C.3 Key Delivery Streams

Key delivery streams addressed in this report:

- One Council Working with you, for you**
- Preventative and Sustainable
- Efficient and Modern
- Innovative and Ambitious
- None of the above

C.4 Delivering Best Value

This report relates to the delivery of statutory obligations.

C.5 Involving Communities and Other Stakeholders

The Midlothian Council Food Service Plan is a requirement produced in accordance with Food Standards Scotland guidance to ensure delivery of the Council's statutory obligations.

APPENDIX D

Background Papers/Resource Links

Food Standards Agency Framework Agreement on Official Feed and Food Controls by Local Authorities

[Interventions Food Law Code of Practice \(Scotland\) 2019 | Food Standards Scotland](#)