

Protective Services, Business Regulation Food Service Plan 2024 - 2025

Report by Chief Officer- Place

Report for Approval

1 Recommendations

It is recommended that Cabinet;

- i) note the Review of Performance of the Food Service for period 2023/24
- ii) note the likely impact of the current staffing position and the difficulties 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)
- iv) approve the Protective Services, Business Regulation Food Service Plan 2024/25; and
- v) approve the revised Food Law Enforcement Policy

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 an annual Food Service Plan; and to seek approval of the Protective Services, Business Regulation Food Service Plan for 2024/2025.

In addition, the Food Law Enforcement Policy, reviewed every 24 months, has been revised and requires Council approval.

Date: 10 May 2024

Report Contact: Gail McElroy

Tel No: 0131 271 3559

gail.mcelroy@midlothian.gov.uk

3 Background: Food Service Plan 2024/2025

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

The Food Standards Agency (FSA) Framework Agreement on Official Feed and Food Controls provides guidance to local authorities on the structure and content of a Food Service Plan and provides the basis on which they are monitored and audited by Food Standards Scotland. It sets out the expectations on Local Authorities in their delivery of official controls on food law.

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 The consistent application of controls by Local Authorities is essential in terms of the wellbeing of consumers, food businesses and the wider economy. The Food Law Code of Practice (Scotland) 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 include ensuring:

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

Local Authorities are required to have approved Food Service Plans that set out how and at what level food controls will be provided, in accordance with the Food Law Codes of Practice (Scotland). The Food Service Plan 2024/2025 details how these obligations are being met and pursued within Midlothian.

The draft Food Service Plan 2024/2025 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 pressure 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.

A 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.

Work on this was due to start in 2023 however, it was postponed by FSS with no planned start date set.

If work on this begins within the year 2024/2025, given the significance and scale of the work proposed, it is anticipated that the Food Service will be unable to complete the 2024/2025 Food Service Plan in its entirety. However, 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.

3.5 Review of the previous plan 2023/2024

The FSA Framework Agreement states that the Food Authority should review and set out information on the previous year's performance against that service plan. Along with the annual Food Service Plan the performance review should be approved at the relevant level established for that local authority.

The review of service performance against the 2023/ 2024 Food Service Plan is attached at Appendix B.

3.6 Food Law Enforcement Policy

The Food Law Code of Practice (Scotland) requires the Food Authority to have a documented and up-to-date Food Law Enforcement Policy available to Food Business Operators and consumers. Midlothian Council Food Service review this policy every 24 months.

The Framework Agreement requires that the policy be approved by the relevant Local Authority Member forum or delegated senior officer.

The revised Food Law Enforcement Policy is attached at Appendix C.

4 Report Implications (Resource, Digital and Risk)

4.1 Resource

This is detailed within the Food Service Plan 2024/2025

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 D)

See Appendix D

Appendices

Appendix A – Food Service Plan 2024/2025

Appendix B – Review of service performance against the 2023/2024 Food Service Plan

Appendix C – Food Law Enforcement Policy

Appendix D - Additional Report Implications

Appendix E - Background information/Links

APPENDIX D – 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 2024/2025 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 E

Background Papers/Resource Links

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



FSA
framework+agreem

Food Law Code of Practice (Scotland) 2019



Food_Law_Code_of
_Practice_2019.pdf

Interventions Food Law Code of Practice (Scotland) 2019



Interventions_Food
_Law_Code_of_Pract