

## **Protective Services, Environmental Health Food Service Plan 2022/23**

### **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 2021/22
- ii) note the likely impact of the current staffing position regards the inability to successfully recruit due the national shortage of EHOs, and
- iii) approve the Environmental Health Food Service Plan 2022/23

#### **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 2022/23.

**Date 25 July 2022**

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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 2022/23

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 2022/23 is attached at Appendix A.

#### 3.4 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 2021/ 2022 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 2022/23

### 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 2022/23

**Appendix B – Review of service performance against the 2021/ 2022  
Food Service Plan**  
**Appendix C - Additional Report Implications**  
**Appendix D - Background information/Links**

