

**Environmental Health Food Safety Enforcement Policy and Revised Food Safety Service Plan**

**Report by Chief Officer – Place**

**Report for Approval**

**1 Recommendations**

Cabinet to approve the Environmental Health Service Food Safety Enforcement Policy and Revised Food Safety Service Plan (October 2021 – March 2022).

**2 Purpose of Report**

The purpose of this report is to make Cabinet aware of the obligation upon the Council to approve a Food Safety Service Plan; and to seek approval for the revised Food Safety Service Plan and associated Food Safety Enforcement Policy.

Date: 21<sup>st</sup> February 2022

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### **3. Background: Food Safety Enforcement Policy**

- 3.1 The Food Law Code of Practice (Scotland) requires that each Food Authority must have an up to date, documented Food Law Enforcement policy which is readily available to food business operators or food business establishments, and consumers.
- 3.2 In 2015, the Scottish Regulators' Strategic Code of Practice was produced by the Scottish Government. It directs regulators to consider how they support the economic growth of compliant businesses.
- 3.3 Officers will follow a graduated approach to enforcement, in general, but where there are serious breaches of legislation, or there is imminent risk to the health or welfare of people, immediate enforcement action may be considered.
- 3.4 The Service's approach to enforcement is underpinned by the five principles of better regulation: proportionality, accountability, consistency, transparency and targeted only where necessary.

### **4. Background: Food Safety Service Plan**

- 4.1 Since the 1 April 2015, Food Standards Scotland (FSS) is responsible for all strategic and policy aspects of food standards, food safety and feed safety in Scotland. This is a responsibility previously undertaken for the whole of the UK by the Food Standards Agency.
- 4.2 There are specific legal obligations placed on local authorities in regard to delivering food safety official controls. Section 1 of the Food Law Code of Practice (Scotland) requires the statutory obligations covered to 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.
- 4.3 The obligations that apply to the delivery of official controls by local authorities include ensuring:
  - The effectiveness and appropriateness of official controls.
  - That controls are applied at an appropriate risk-based frequency.
  - That they have a sufficient number of suitably qualified and experienced competent staff and adequate facilities and equipment to carry out their duties properly.
  - That staff are free from conflicts of interest.
  - That they have access to an adequate laboratory capacity and capability for testing.
- 4.4 The revised Food Safety Service Plan (October 2021-March 2022) outlines how these obligations are being met and pursued within Midlothian, in light of the Covid pandemic and the significant contribution and actions of the Environmental Health Service during the response and recovery phases.

## 5 Report Implications (Resource, Digital, Risk and Equalities)

### 4.1 Resource

Detailed within the Service Plan.

### 4.2 Digital

None

### 4.3 Risk

An Enforcement Policy ensures a consistent approach to regulatory activities that are executed by qualified and competent personnel. There are specific legal obligations placed on local authorities in regard to delivering food safety official controls. Section 1 of the Food Law Code of Practice (Scotland) requires the statutory obligations covered to 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.

### 4.4 Ensuring Equalities

Not applicable

## 5 Single Midlothian Plan and Business Transformation

By

- Community safety
- Adult health, care and housing
- Getting it right for every Midlothian child
- Improving opportunities in Midlothian
- Sustainable growth
- Business transformation and Best Value
- None of the above

## 6 IT Issues

None identified.

### Background Papers:

- Food Safety Enforcement Policy
- Food Safety Service Plan (October 2021-March 2022)