

REPORT FOR: **CABINET**

Date of Meeting:	23 June 2010
Subject:	Community Safety Services Food Law Enforcement Policy
Key Decision:	Yes
Responsible Officer:	John Edwards, Divisional Director Environmental Services
Portfolio Holder:	Councillor Phillip O'Dell, Portfolio Holder for Environment and Community Safety
Exempt:	No
Decision subject to Call-in:	Yes
Enclosures:	Food Law Enforcement Policy

Section 1 – Summary and Recommendations

It is a requirement of the Food Standards Agency (FSA) that all Councils approve a stand-alone food law enforcement policy. The Council already has a general enforcement policy for Environmental Health functions. The Food Law Enforcement Policy incorporates the enforcement principals contained in the existing policy, to create a stand-alone policy for the enforcement of food safety legislation.

Recommendations:

Cabinet is requested to consider and approve the food law enforcement policy.

Reason: (For recommendation)

It is a requirement of the National Food Framework Agreement published by the FSA that Councils approve a stand-alone food law enforcement policy. The Framework Agreement sets out the mechanisms by which the FSA expects Councils to undertake their statutory food safety functions, as contained within the Food Standards Act 1990.

Section 2 – Report

2.1 Introduction & background

- 2.1.1. Harrow Council is committed, through its food safety team, to ensure that food and drink intended for sale for human consumption, which is produced, stored, distributed or handled within the London Borough of Harrow is without risk to public health or consumer safety.
- 2.1.2. The Food Law Enforcement Policy sets out the principles, which the Council will follow when enforcing food safety legislation. It will be used in conjunction with statutory Codes of Practice, national guidance issued by various government departments, the FSA, the Local Authority Co-ordinating Body on Regulation (LACORS) and the Department for Business Enterprise, the Local Better Regulation Office (LBRO). The purpose is to ensure that our approach to business regulation is balanced and in the public interest.
- 2.1.3 The combined enforcement and public education actions of the Council directly or indirectly contribute to achieving the Councils vision and corporate priorities and the following National Indicators:

NI 55: Obesity in primary school age children in reception

NI 56: Obesity in primary school age children in year 6

- Inspections of schools to ensure food hygiene and nutritional labeling requirements are being met
- Provision of healthy eating information to schools and suppliers
- Promotion of healthy eating to residents and businesses

NI 120: All-age all cause mortality rate

NI 121: Mortality rate from all circulatory diseases at ages under 75

NI 124: People with a long-term condition supported to be independent and in control of their condition

- Ensuring imported and domestically produced food is safe and compliant with UK Law
- Promoting greater understanding of food labelling so that consumers are able to choose healthier options
- Helping to prevent food incidents and so increase consumer confidence in food
- Targeting food sampling activities to highlight the saturated fat, sugar and salt content of foods

NI 136: People supported to live independently through social services

NI 139: The extent to which older people receive the support they need to live independently

NI 141: Percentage of vulnerable people achieving independent living

NI 142: Percentage of vulnerable people who are supported to maintain independent living

- Promoting how to avoid food poisoning through the provision of practical advice to care homes
- Promotion of the understanding of food labels, especially durability dates
- Training of residents in food hygiene

NI 171: New business registration rate

- Promoting the registration of all food businesses within the Borough

NI 172: Percentage of small businesses in an area showing employment growth

- Supporting food businesses with start up support and advice, legal compliance advice and guidance, training programmes and information on ways to seek business help

NI 191: Residual household waste per household

- Promotion and understanding of food labels, especially use-by and best before dates, helping reduce the amount of waste food being discarded through the household waste stream
- Promotion of recycling / Reducing Packaging in the food business sector (Contributing to Harrows Target of 227kg per person in 2010/2011)

3.1 Options considered

There is an expectation that the Council will concur with the requirement in the National Food Framework agreement issued by the FSA. The options are to approve the policy as currently written or to make appropriate changes, whilst following the NFF agreement.

4.1 Current situation

- 4.1.1 This is the first specific policy for the council in respect of food law enforcement. All current food law enforcement activities are dealt with in accordance with the existing generic Harrow Council Environmental Health Enforcement Policy.

5.1 Why a change is needed

- 5.1.1 To implement a new FSA requirement.

4.1 Resources, costs and risks

There are no additional resource, costs or risks associated with the acceptance of this recommendation

5.1 Staffing and workforce

- 5.1.1 There are no additional staffing and workforce considerations associated with this recommendation

6.1 Equalities Impact considerations

6.1.1 A separate equalities impact assessment has been completed for this report. The assessment followed the screening methodology recommended in the Councils Equalities Impact Assessment. The Councils Policy Officer for Equalities and Diversity has approved the assessment and outcomes.

7.1 Financial Implications

- 7.1.1 There are no additional financial implications in approving this policy for either the current budget plans or for the Medium Term Budget Strategy.

8.1 Performance Issues

- 8.1.1 The policy does not impact on LAA targets but may impact on two National Indicators

- NI 182, Satisfaction of business with regulatory services. There is no national target for this indicator, although local benchmark groups are steadily becoming established. Harrow Council's performance for 2008/9 was 69%. Our target for 2010/11 is for 69% Final 2009-10 performance is not yet available (target 70%), interim results showed an improvement but were based on only a small sample. Our target for 2010/11 is for 75%. Median performance for nearest neighbours in 2008-9 was 74%.
- NI 184, Food establishments broadly compliant with food hygiene law (food safety). The national target for this indicator is 75%. Harrow Council's performance for 2008/9 was 75.5%. Our target for 2009/10 is 78% .

8.1.2 All food safety services are subject to random auditing from the FSA. Failure to demonstrate compliance with the Framework Agreement may attract adverse reporting from the FSA. The FSA have the authority to remove the Council's food safety powers.

8.1.3 In the event that this policy is not approved, it will mean the Council will be acting contrary to the Framework Agreement and statutory Food Law Code of Practice (England). The FSA after consulting with the relevant government minister can direct a Council to comply with the code of practice..

9.1 Environmental Impact

9.1.1 The policy is not expected to have any significant direct positive or negative effect on the environment. However, any reduction in food waste from either the commercial or domestic sector will contribute towards delivery of the council's Waste Management and Climate change strategies

Approving the food law enforcement policy does not require an Environmental Impact Assessment.

10.1 Risk Management Implications

10.1.1 This policy is not included on the Directorate or any other risk register.

11.1 Equalities Implications

11.1.1 Separate and independent equalities impact assessment has been commissioned for this report.

12.1 Corporate Priorities

12.1.1 The Council has three priorities. The Food Service Plan links with these, in particular Building Stronger Communities, through changing the culture of food businesses in terms of hygiene, standards and health promotion. There are also links to the Cleaner and Safer Streets priority. Food businesses are responsible for producing significant amounts of commercial waste. Inappropriate storage and disposal of this waste has a negative visual impact on the environment and peoples' perception of their locality.

The Food Safety Service is also linked to the key themes of Harrows Local Area Agreements including health & wellbeing educating people and driving up knowledge to build safer and stronger communities.

Section 3 - Statutory Officer Clearance

Name: Kanta Hirani	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 25 May 2010		
Name: Sarah Wilson	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 3 June 2010		

Section 4 – Performance Officer Clearance

Name: David Harrington	<input checked="" type="checkbox"/>	on behalf of the Divisional Director Partnership, Development and Performance
Date: 3 June 2010		

Section 5 – Environmental Impact Officer Clearance

Name: Andrew Baker



on behalf of the
Divisional Director
(Environmental
Services)

Date: 24 May 2010

Section 6 - Contact Details and Background Papers

Contact: Taiq Chowdry, Service Manager 020 8736 6236
taiq.chowdry@harrow.gov.uk

Background Papers: None.

**Call-In Waived by the
Chairman of Overview
and Scrutiny
Committee**

NOT APPLICABLE

*(for completion by Democratic
Services staff only)*