

Council		
Report Title	Service Plan for Food Law Enforcement	
Key Decision	Yes	Item No. 9
Ward	All	
Contributors	Executive Director Customer Services	
Class	Part 1	Date: 29 June 2011

1 Summary and Purpose of the Report

- 1.1 This report seeks approval for the 2011/2012 service plan for the Food Safety Team. There is a requirement for the authority to produce and publish a food law enforcement plan which may be scrutinised and monitored by the Food Standards Agency [FSA]. The plan is attached at Appendix 1.
- 1.2 This plan forms the basis upon which local authorities are monitored and then assessed as to their provision of these respective services.
- 1.3 The objectives for the Food Safety Service are contained in the service Plan 2011-12 and include the following:
 - To ensure businesses comply with the relevant legislation in relation to Food Safety.
 - To provide an advisory service to businesses and residents in the borough on consumer rights.
 - To enforce regulation fairly and equitably by ensuring that all businesses compete on an equal basis.

2 Policy Context

- 2.1 The plan supports the significant delivery of the Sustainable Community Strategy (SCS). In particular 'dynamic and prosperous' in improving the quality and vitality of Lewisham's Town Centres and localities.
- 2.2 This is underpinned by the council's 10 corporate priorities which determine what contribution the Council will make towards delivery of the Community Strategy. The Food Safety Service plan contributes towards inspiring efficiency, effectiveness and equity: ensuring efficiency, effectiveness and equity in the delivery of excellent services to meet the needs of the community.
- 2.3 The Food Law Enforcement Plan is noted in article 4 of the Constitution is one of the items that make up the Council's policy framework (and is referred to at paragraph 2.1 within the plan).

- 2.4 Article 4 also refers to the Health & Safety at Work etc Act 1974.
- 2.5 Statutory guidance issued by the Health & Safety Commission (HSC) states that elected Member approval should be obtained for the Health & Safety Service Plan.

3 Recommendation

Full Council are recommended to :

- 3.1 Approve the Food Law Enforcement Plan for 2011-2012 for submission to Full Council.

4 Food Safety

4.1 Key issues for this service include:

- 4.1.1 Targeting 'non broadly compliant' premises (premises that do not meet the minimum legislative hygiene requirements). Taking robust enforcement action against premises that continually have poor hygiene standards. This has recently proven successful in terms of sending out a clear message to food business owners. This is reflected in the significant improvement in the number of broadly compliant premises.
- 4.1.2 To continue to target high risk priorities, reducing the burden on low risk and/or compliant businesses.
- 4.1.3 To focus on manufactures, importers and packers in respect to ensuring compliance with food standards (labelling regulations).
- 4.1.4 To focus on illegally imported foods on sale in the Borough. Targeting food of animal origin and products of non-animal origin that are subject to additional controls or as identified as high risk by the FSA. To increase sampling of these products and to seize and detain products that fail or are illegal.

5 Financial implications

- 5.1 There are no specific financial implications resulting from this report.
- 5.2 The services are all currently projected to operate within the overall net budget allocated for the 2011/12 financial year:
- Food Safety £514,000

6 Legal and Human Rights Implications

- 6.1 The Human Rights Act 1998, which came into force on 2 October 2000, incorporates the European Convention on Human Rights into UK law. The Council, as a public authority, is under a duty, by virtue of section 6 of the 1998 Act, to act compatibly with Convention rights in the exercise of their functions.

- 6.2 The rights that are of particular significance to Members' decisions in this matter are those contained in Article 2, the right to life, Article 6, the right to a fair trial, Article 7, no punishment without law, Article 8, right to respect for private and family life and Article 1 of The First Protocol namely the protection of property.
- 6.3 Articles 2 and 7 are 'Absolute Rights' and thus cannot be balanced with any general public interest. Article 6 provides certain limited rights including the right to have any allegations against a defendant explained to that defendant, the right for a defendant to make representations to defend any such allegations and to have any relevant tribunal hearing held within a reasonable period of time.
- 6.4 Article 8 is a qualified right and thereby enables the general public interest to be taken into account. Article 1 of the First Protocol, namely the protection of property is another qualified right. In determining the level of permissible interference in the enjoyment of possessions, the Courts have held that any interference must achieve a fair balance between the general interests of the community and the protection of the rights of individuals. There must be reasonable proportionality between the means employed and the aim pursued. The availability of an effective remedy and compensation to any affected persons is relevant in assessing whether a fair balance has been struck. The Protocol protects the rights of businesses other organisations as well as those of individuals.

7 Crime & Disorder implications

- 7.1 There are no specific implications.

8 Equalities Implications

- 8.1 The Food Service can positively impact upon the lives of the socially excluded and vulnerable groups. Examples are as follows:
- 8.1.1 By ensuring that food establishments visited by members of the public who are vulnerable or immuno compromised meet statutory requirements.
- 8.1.2 By working with West African communities to advise them of particular hazards associated with the consumption of Calabash Chalk. (taken for morning sickness and found to contain high levels of arsenic and lead).
- 8.1.3 By undertaking sampling surveys relating to nutrition targeting fast food premises located close to schools. The purpose was to identify sugar, salt and saturated fat levels in these foods. Giving advice to premises to try and reduce levels or experimenting using different methods of cooking and ingredients.
- 8.1.4 Working with Indian / Bangladeshi & Bengali food premises. Sampling foods for excessive colourings and salt & fat levels.
- 8.1.5 Through provision of advice and information to help consumers make informed choices through schemes such as "scores on the doors".

8.1.6 The removal of food which is not fit for sale from the market place and continued work around food labelling to ensure that consumers are not put at risk.

9 Environmental Implications

9.1 There are no specific implications.

10 Conclusion

10.1 The appended service plan seek to address relevant national and local issues and can demonstrate clear links to corporate objectives and priorities. Progress against the plans will be monitored and reported as part of the Directorate performance review system. Formal executive approval confirms that the significance of each of these services is recognised, addresses government expectation and also satisfies a statutory requirement.

11 Background papers and report author

11.1 There are no background papers to this report.

11.2 For more information on this report please contact Charlotte Faint, Environmental Health Manager or Paul Magrath Food Safety Manager on 0208 314 2108.