

**Surrey Heath Borough Council**  
**Licensing Committee**  
**14<sup>th</sup> June 2023**

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**Draft Food Safety and Health & Safety Service Plan 2023/24**

<b>Strategic Director/Head of Service</b>	Nick Steevens
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<b>Key Decision:</b>	No
<b>Wards Affected:</b>	All

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**Summary and purpose**

The Council is required by the Food Standards Agency (FSA) to have a food safety service plan to ensure that national food safety enforcement priorities and standards are addressed and delivered locally. The FSA Framework Agreement on Local Authority Food Law Enforcement, advises that the plan should be submitted to the relevant member forum for approval to ensure local transparency and accountability.

The Council is also required to 'make arrangements for enforcement' of health and safety at work legislation under section 18 of Health and Safety at Work etc Act 1974 SWA and the National Local Authority Enforcement Code.

This report presents the draft Food Safety and Health and Safety Service Plan for 2023/24 for approval.

**Recommendation**

The Committee/Council is advised to RESOLVE that

- (i) the Food Safety and Health & Safety Service Plan 2023/24 attached at Annex A to this report be approved and adopted.

**1. Background and Supporting Information**

- 1.1 The national Competent Authority for the arrangement of food official controls is the Food Standards Agency (FSA). Statutory guidance on how official controls should be carried out is provided in the Food Law Code of Practice and this is supported by non-statutory guidance in the Food Law Practice Guidance. Further guidance is provided by the FSA with respect to the delivery of official controls by food authorities in the Framework Agreement on

Local Authority Food Law Enforcement which also sets out the Agency's arrangements for food authorities.

- 1.2 The FSA requires all food authorities to have a food safety service plan to ensure that national priorities and standards are addressed and delivered locally. It is advised that the plan is submitted to the relevant member forum for approval to ensure local transparency and accountability.
- 1.3 Health and Safety Law is enforced by officers employed by Local Authorities (LAs) and the Health and Safety Executive (HSE). The Health and Safety (Enforcing Authority) Regulations 1998 set out which business activities are enforced by the HSE (for example, factories, hospitals and schools etc) and which are enforced by LAs (for example, shops, offices and leisure/service sector etc). The Health and Safety at Work etc. Act 1974 (HSWA) specifies authorisation requirements for officers and general requirements for duty holders. This Act is an umbrella for a variety of specific Regulations and mandatory guidance. The Council is required to 'make arrangements for enforcement' of health and safety at work legislation under section 18 of HSWA and the National Local Authority Enforcement Code (National Code).
- 1.4 The FSA and the HSE Local Authority Unit (LAU) require all LAs to complete annual returns providing data on the enforcement activity carried out and to monitor that LAs have adequate arrangements in place and are performing their enforcement duties.
- 1.5 The Surrey Heath draft Food Safety and Health and Safety Service Plan for 2023/24 is attached at Annex A. The draft plan sets out how the Council will deliver the food safety and health and safety service in accordance with the FSA and HSE requirements and provides information about the service, how it is provided and the arrangements for monitoring and reviewing the service.

## **2. Reasons for Recommendation**

- 2.1 To approve a Food Safety and Health & Safety Service Plan for 2023/24 for the delivery of the Council's statutory duties for food safety and health & safety enforcement.

## **3. Proposal and Alternative Options**

- 3.1 The proposal is to approve or amend/approve the attached Food Safety and Health & Safety Service Plan for 2023/24.

## **4. Contribution to the Council's Five Year Strategy**

- 4.1 The delivery of Food Safety and Health & Safety Service contributes to the Health and Quality of Life; Economy; Efficient & Responsive priorities in the Council's Five Year Strategy and Annual Plan 2023/24, protecting public health and workplace safety and supporting businesses in ensuring regulatory compliance.

## **5. Resource Implications**

5.1 There are no additional resource implications arising from this report.

## **6. Section 151 Officer Comments:**

6.1 The proposals in the plan will be contained within existing budget provision.

## **7. Legal and Governance Issues**

7.1 The enforcement of food safety and health & safety at work are statutory functions of the Council. The Council is required by the FSA to have a food safety service plan to ensure that national food safety enforcement priorities and standards are addressed and delivered locally and to 'make arrangements for enforcement' of health & safety at work legislation under section 18 of HSWA and the National Local Authority Enforcement Code.

## **8. Monitoring Officer Comments:**

8.1 No direct impacts.

## **9. Other Considerations and Impacts**

### **Environment and Climate Change**

9.1 No direct impacts.

### **Equalities and Human Rights**

9.2 The Council's Equality Strategy has been considered in the drafting of this plan.

### **Risk Management**

9.3 Failure to have an approved food law enforcement service plan may result in criticism/action by the FSA and could have a detrimental effect on the reputation of the Council.

### **Community Engagement**

9.4 Customer feedback on the food safety and health and service is reflected in the draft service plan.

## **Annexes**

Annex A – Draft Food Safety and Health & Safety Service Plan 2023/24

Appendix 1 – FHRS Breakdown

## **Background Papers**

None