

**TITLE: APPROVAL OF THE DRAFT FOOD SAFETY ENFORCEMENT POLICY**

Committee: Operational Services Committee

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**1.0 ISSUE**

1.1. The Council needs to update its Enforcement Policy in respect of Food Safety.

**2.0 RECOMMENDATION**

2.1. Note the consultation feedback and amendments to the policy as a result of the feedback.

2.2. To approve the final Food Safety Enforcement Policy in appendix 2.

**3.0 BACKGROUND/OPTIONS**

3.1. Officers authorised by East Cambridgeshire District Council carry out statutory functions according to Food Safety legislation.

3.2. Under the Food Safety Act 1990 and Food Standards Agency Framework Agreement (Amendment No. 5, 2010), the Food Standards Agency requires East Cambridgeshire District Council to have an enforcement policy.

3.3. The Food Standards Agency requires local authorities to present its food policy in accordance with its Framework Agreement Amendment.

3.4. In March this committee approved a draft policy to go out for a 12-week public consultation exercise. The results of that exercise are included in Appendix 1.

3.5. The policy was supported by a large majority of those who responded to the public consultation. As no significant comments were made on the Policy as a result of the consultation process, the opportunity was taken by officers to make some minor drafting and formatting changes in the interests of making the document shorter, more user-friendly and easier to read.

**4.0 ARGUMENTS/CONCLUSION(S)**

4.1. The enforcement policies allow the Council to satisfy the requirements of the Food Standards Agency to have an enforcement policy that satisfies the Regulators Code.

## **5.0 FINANCIAL IMPLICATIONS / EQUALITY IMPACT STATEMENT / CARBON IMPACT ASSESSMENT**

- 5.1. There are no financial implications arising from this report.
- 5.2. Equality Impact Assessment (EIA) is not required.
- 5.3. Carbon Impact Assessment (CIA) is not required.

## **6.0 APPENDICES**

Appendix 1 – Results of Consultation

Appendix 2 – Food Safety Enforcement Policy Statement

### **Background Documents:**

Food Safety Act 1990

Regulators Code 2014

Food Law Code of Practice (England) (March 2021)

Food Law Practice Guidance (England) (March 2021)

## **Appendix 1      Results of Consultation Exercise**

In order to recognise the updates to the principal guiding documents from both the Food Standards Agency, and the Health and Safety Executive, the relevant enforcement policies have been revised and updated. Therefore, the draft policies were brought to the Operational Services Committee on 27<sup>th</sup> March 2023 with the Committee's decision to push the policies out for a 12-week consultation period. That period ended on 16<sup>th</sup> July.

### **Methodology**

It was decided that the consultation period should be on line only, to save on the expense of posting copies of the policies out and then collating any responses. Responses were handled through a Survey Monkey form that asked a series of questions and provided free text fields for people to comment.

825 emails were sent out to business whose contact details on the property database included an email address. This represents a majority of the business that we have regular dealings with. In addition, the Council have a number of panels made up of people who are happy to be consulted on such matters. 47 emails were dispatched to members of that group. To increase the circulation wider the Cambridgeshire Chambers of Commerce and the Federation of Small Businesses were approached and, together with our own web team, some open promotion took place.

### **Results**

The council's web team have indicated that the relevant web page was visited 41 times over the 12-week period. In total 19 responses were submitted through the Survey Money form. 2 of these responses have been discounted as 1 gave no answer to any of the questions, and 1 indicated that the response was not completed correctly.

A full list of the questions and the responses is attached at the end of this appendix.

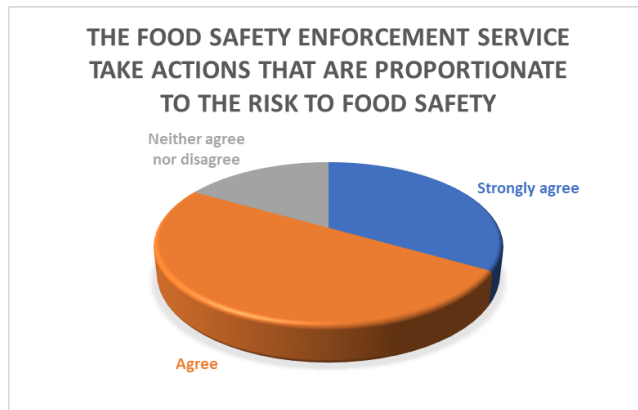
Of the seventeen remaining responses 47% (8) stated that they had contact with Environmental Services in the past year <sup>(Q1)</sup> with 29% (5) stating they had had engagement through Food Safety <sup>(Q2)</sup> and 12% (3) stating they been involved through Health and Safety <sup>(Q8)</sup>. The Survey Monkey Questions did allow for no answer to be submitted, this occurred on 41% of all possible occasions.

Of the seventeen responses there were two that expressed options in the free text boxes <sup>(Q7 and Q13)</sup>, one said the Food Enforcement Policy was too long and another that the Food Enforcement Policy favoured business over customers.

## The Questions

Q3 The Food Safety Enforcement service take actions that are proportionate to the risk to food safety:

The Food Safety Policy did not give any examples of actual enforcement action that had been taken.



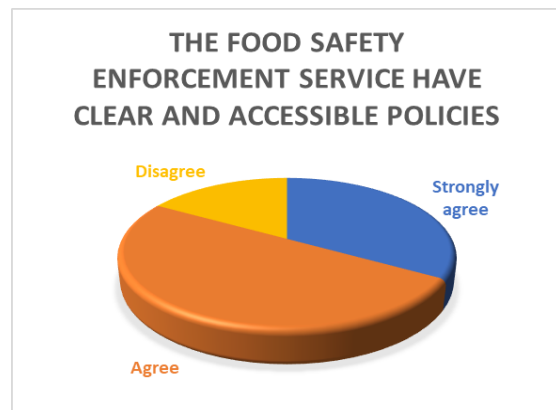
Therefore, it only detailed in the types of action that may attract differing enforcement sanctions, always based on the risk to the wider public health. Of those who answered the responses were generally positive..

It is taken from this that the overall aim of the policy and the language used strikes a good balance.

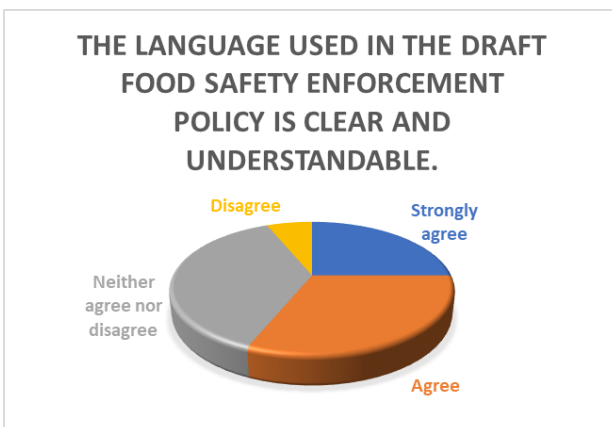
Q4 The Food Safety Enforcement service have clear and accessible policies

There was 1 response that disagreed with the statement that the service has clear and accessible policies. This response was from one who had received a recent Food Hygiene Intervention.

The principal aims of this exercise to have policies that are clear and accessible. The opportunity has been taken to review the policy for its clarity and the policies will be made accessible through the Council's Websites.



Q5 The language used in the draft Food Safety Enforcement policy is clear and understandable.

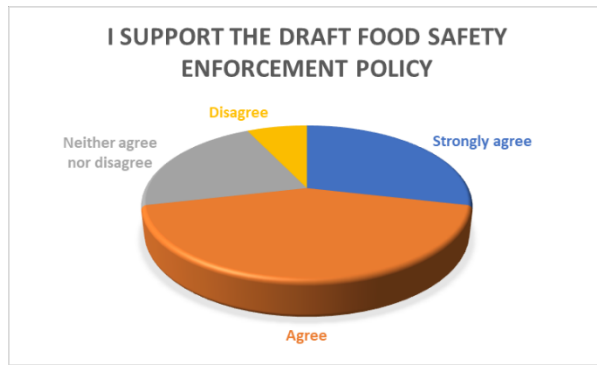


This is one of the few questions which almost 100% of respondents answered and over half accepted that the Policy was clear and understandable.

As part of the exercise the policy has been subjected to further scrutiny around this topic.

Q6 I support the draft Food Safety Enforcement policy.

72% of the responses stated that they supported the draft policy to some degree. This is seen as encouraging and proof that the document is pitched at the right level, however there is some room for improvement.



## **The Questions Asked**

- Q1 Have you had contact with our Environmental Health service in the last 12 months?
- Q2 Have you had contact through Food Safety?
- Q3 The Food Safety Enforcement service take actions that are proportionate to the risk to food safety
- Q4 The Food Safety Enforcement service have clear and accessible policies
- Q5 The language used in the draft Food Safety Enforcement policy is clear and understandable.
- Q6 I support the draft Food Safety Enforcement policy
- Q7 If you did not support elements of this policy or have any further comments on the draft Food Safety Enforcement policy then please comment below
  
- Q8 Have you had contact through Health and Safety?
- Q9 The Health and Safety Enforcement service take actions that are proportionate to the risk
- Q10 The Health and Safety Enforcement service have clear and accessible policies
- Q11 The language used in the draft Health and Safety Enforcement policy is clear and understandable.
- Q12 I support the draft Health and Safety Enforcement policy
- Q13 If you did not support elements of this policy or have any further comments on the draft Health and Safety Enforcement policy then please comment below

## **Question 7 text responses**

- #12 The balance is tipped in favour of businesses, not us. We should be the paramount concern.
  
- #19 It is far to complex and long, I got fed up reading it. Which makes me think so will small businesses. I also think premises should be shut down until processes and advice is completed. Also need something regarding these charity bakes with no ingredients, allergies or hygiene certificate listed. I am aware kids can help make these (yuck). Also concerns over goods on stalls and in coffee shops are not covered with domes especially at the market people sneezing coughing and flies yet nothing is covered, an issue that needs to be addressed.

	FOOD SAFETY QUESTIONS							HEALTH AND SAFETY QUESTIONS					
	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12	Q13
#1	YES	YES	STRONGLY AGREE	STRONGLY AGREE	STRONGLY AGREE	STRONGLY AGREE	RSQ	NO	RSQ	RSQ	STRONGLY AGREE	STRONGLY AGREE	RSQ
#2	YES	YES	STRONGLY AGREE	AGREE	RSQ	RSQ	RSQ	RSQ	RSQ	RSQ	RSQ	RSQ	RSQ
#3	YES	RSQ	AGREE	AGREE	AGREE	NEITHER	RSQ	NO	RSQ	RSQ	AGREE	NEITHER	RSQ
#4	YES	YES	AGREE	AGREE	NEITHER	AGREE	RSQ	YES	AGREE	AGREE	NEITHER	AGREE	RSQ
#5	NO	RSQ	RSQ	RSQ	AGREE	AGREE	RSQ	NO	RSQ	RSQ	AGREE	AGREE	RSQ
#6	YES	NO	RSQ	RSQ	STRONGLY AGREE	AGREE	RSQ	NO	RSQ	RSQ	NEITHER	NEITHER	RSQ
#7	YES	YES	AGREE	STRONGLY AGREE	STRONGLY AGREE	STRONGLY AGREE	RSQ	YES	STRONGLY AGREE	STRONGLY AGREE	STRONGLY AGREE	STRONGLY AGREE	RSQ
#8	YES	YES	NEITHER	DISAGREE	AGREE	NEITHER	RSQ	NO	RSQ	RSQ	NEITHER	NEITHER	RSQ
#9	YES	NO	RSQ	RSQ	NEITHER	AGREE	RSQ	NO	RSQ	RSQ	NEITHER	AGREE	RSQ
#10	NO	RSQ	RSQ	RSQ	AGREE	STRONGLY AGREE	RSQ	NO	RSQ	RSQ	AGREE	STRONGLY AGREE	RSQ
#12	NO	RSQ	RSQ	RSQ	AGREE	DISAGREE		NO	RSQ	RSQ	AGREE	AGREE	RSQ
#13	NO	RSQ	RSQ	RSQ	NEITHER	RSQ	RSQ	RSQ	RSQ	RSQ	RSQ	RSQ	RSQ
#14	NO	RSQ	RSQ	RSQ	NEITHER	RSQ	RSQ	RSQ	RSQ	RSQ	RSQ	RSQ	RSQ
#15	NO	RSQ	RSQ	RSQ	NEITHER	AGREE	RSQ	NO	RSQ	RSQ	RSQ	RSQ	RSQ
#17	NO	RSQ	RSQ	RSQ	NEITHER	AGREE	RSQ	NO	RSQ	RSQ	NEITHER	NEITHER	RSQ
#18	NO	RSQ	RSQ	RSQ	STRONGLY AGREE	STRONGLY AGREE	RSQ	NO	RSQ	RSQ	STRONGLY AGREE	STRONGLY AGREE	RSQ
#19	NO	RSQ	RSQ	RSQ	DISAGREE	NEITHER		NO	RSQ	RSQ	NEITHER	NEITHER	RSQ

rsq - respondent skipped this question

