



**REPORT TO: PLANNING AND REGULATORY SERVICES COMMITTEE ON
19 DECEMBER 2023**

**SUBJECT: FOOD LAW ENFORCEMENT SERVICE DELIVERY PLAN
2023/2024**

**BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND
FINANCE)**

1. REASON FOR REPORT

- 1.1 To request the Committee to approve the Food Law Enforcement Service Delivery Plan 2023/2024
- 1.2 This report is submitted to Committee in terms of Section III (E) (16) of the Council's Scheme of Administration relating to exercising the statutory functions of the Council as The Environmental Health Authority.

2. RECOMMENDATION

- 2.1 **It is recommended that the Committee approves the Food Law Enforcement Service Delivery Plan 2023/2024**

3. BACKGROUND

- 3.1 Food Standards Scotland (FSS) was established by the Food (Scotland) Act 2015 and one of its key roles is to act as the central competent authority in overseeing official feed and food controls undertaken by local authorities. Powers enabling FSS to monitor and audit Local Authorities are contained in the Food Standards Act 1999 and the Official Feed and Food Controls Regulations 2009.
- 3.2 The Framework agreement on Official Feed and Food controls by local authorities issued by FSS recognises that service plans are an important part of the inspection/intervention process to ensure that national priorities and standards are addressed and delivered locally.
- 3.3 Moray Council's Food Law Enforcement Service Delivery Plan is developed annually to ensure compliance with the framework agreement. Due to the coronavirus outbreak however, food hygiene visits were suspended by the

Scottish Government to enable staff to be diverted to covid enforcement and no Service Plan was developed in years 2020/21, 2021/22 and 2022/23. This plan replaces previously approved plans. The plan for 2023/2024 is attached as **Appendix 1**

- 3.4 Service plans usually include a review of performance from the previous year however, as indicated previously, visits were suspended due to Covid.

4. SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

Assists the Council to meet its priorities.

(b) Policy and Legal

This authority has a statutory duty to comply with the framework Agreement in accordance with the Food Standards Act 1999. These include requirements for the planning, management and delivery of the local Food Law Enforcement Service.

(c) Financial implications

The Plan was developed with due consideration to available resources and will be delivered within existing budgets. It should be noted that any future budget cuts will adversely affect the performance achievable.

(d) Risk Implications

Failure to provide and implement the Service Plan could expose the Council to criticism and challenge from FSS for failing in its statutory duties. FSS can exercise its default powers to take over the running of the food service at full cost to the Council.

Failure to implement the Service Plan may result in increased food borne illness and complaints with a consequential cost to food businesses and the community. There may also be a negative impact on Moray's excellent reputation for food production.

(e) Staffing Implications

The Plan will be delivered within existing staff resources. There remain challenges in recruiting qualified staff.

(f) Property

None

(g) Equalities/Socio Economic Impact

None

(h) Climate Change and Biodiversity Impacts

Nil

(i) Consultations

Consultation has taken place with the Head of Economic Growth and Development, the Legal Services Manager, the Equal Opportunities Officer and Lissa Rowan (Committee Services Officer) and their comments incorporated into the report.

5. CONCLUSION

5.1 Moray Council is required to provide a Food Law Enforcement Service Delivery Plan 2023/2024.

5.2 Failure to approve and implement the plan could result in adverse action by the Food Standards Scotland.

Author of Report: Russell Anderson, Principal Environmental Health Officer

Background Papers:

Ref: