

TONBRIDGE & MALLING BOROUGH COUNCIL

STREET SCENE and ENVIRONMENT SERVICES ADVISORY BOARD

13 February 2018

Report of the Director of Planning, Housing and Environmental Health Services

Part 1- Public

Matters for Information

1 'REGULATING OUR FUTURE'- PROPOSED CHANGES TO THE DELIVERY OF FOOD SAFETY REGULATION BY THE FOOD STANDARDS AGENCY

SUMMARY

1.1 Since February 2016 the Food Standards Agency (FSA) has been consulting with consumers, food business and other stakeholders to develop their future approach to food regulation in England. By 2020 they plan to deliver a new regulatory model for food safety. This report outlines the new proposals.

1.2 Background

1.2.1 The existing approach to regulating the food industry has been in place for more than 30 years. The existing 'one size fits all' approach to regulating food businesses is ill-suited to the diverse nature of the industry. The current regulatory approach does not allow the FSA to have a complete picture of all food businesses and the risks they pose.

1.2.2 The new regulatory system is based on widespread agreement with stakeholders around five principles:

- i. Businesses are responsible for producing food that is safe and what it says it is, and should be able to demonstrate this.
- ii. FSA and regulatory partners' decisions should be tailored, proportionate and based on a clear picture of UK food businesses.
- iii. Regulators should take account of all available sources of information.
- iv. Businesses that do the right thing for consumers should be recognised and supported; action will be taken against those that do not.
- v. Businesses should meet the costs of regulation, which should be no more than they need to be.

1.3 The proposed model

- 1.3.1 The first element of the new model is helping new businesses understand their responsibilities for producing safe food.
- 1.3.2 The ideal outcome is to have a Permit to Trade requirement placed on all food businesses, to capture new businesses before they start selling food and help them set off on the right path. This would require new legislation and may take several years, so in the meantime an enhanced food registration system will be introduced. This aims to secure better information on which to identify and manage risk across the food chain.
- 1.3.3 The second theme is segmentation. This means introducing a new risk management framework that will determine the nature, frequency and intensity of controls that food businesses will be subject to. This framework will be based on wider information about the business, including information gathered at the point of registration and from other sources.
- 1.3.4 For some businesses the risk will be sufficiently low that they do not merit inspection. For others, inspection could be more rigorous than they have previously experienced.
- 1.3.5 Businesses will be given more options to prove that they are doing the right thing. Many businesses invest heavily in internal processes that provide them with data that they are managing food safety risks. Where these processes are robust and meet the standards, there will be a reduction in the amount of checks and inspections that local authorities are required to carry out, giving more opportunities to spend time on business support.. The inspection frequency will be determined by the quality of the information a business shares and how good their past performance has been. Primary Authority relationships will be key to this approach. Good responsible, compliant businesses will face less regulatory burden.
- 1.3.6 Intervening when things are not right is the forth element of the scheme. Using a wider range of assurance sources will free up capacity within local authorities to support new businesses, take appropriate and timely action against non-compliant businesses. Officers will continue to undertake a full range of interventions at businesses that do not have formal, recognised assurance systems.
- 1.3.7 The final element is the FSA's surveillance role. Having an oversight of the whole system, understanding businesses and anticipating risk will make it much easier to spot when problems arise, enabling local authorities to react quickly to emerging issues..

1.4 Legal Implications

- 1.4.1 The FSA and local authorities are considered to be the Competent Authorities for food safety enforcement in the UK. The changes outlined by the FSA are likely to be incorporate into a revision to the Food Law Code of Practice issued under Section 40(1) of the Food Safety Act 1990.

1.5 Financial and Value for Money Considerations

- 1.5.1 A new funding model will be introduced to enable cost recovery. This will involve a transparent charging regime. The businesses that require the most intervention will bear the highest costs. It is anticipated that the new delivery model will be met from current resources.

1.6 Risk Assessment

- 1.6.1 This programme of transformation is not intended to result in a reduction in local authority funding to deliver this key public protection activity. The planned changes, will lead, over time, to a different balance of activities at local authority level.

Background papers:

Nil

contact: Jane Heeley
Melanie Henbest

Steve Humphrey
Director of Planning, Housing and Environmental Health