



SOUTH AFRICAN LOCAL
GOVERNMENT ASSOCIATION

SALGA

Inspiring service delivery

**CGCSA FSI
Compliance Committee
meeting
12 September 2018**

**Role of Municipalities in Food
Control**

PURPOSE OF THE PRESENTATION

The purpose of this presentation is to:

- Outline the role of SALGA as it relates to municipalities
- Outline the functions of municipalities in relations to food control
- Share the challenges experienced by municipalities in executing its mandate
- To hear from the industry their experiences on the delivery of food control function by municipalities
- Establish mechanisms for enhancing cooperation and communication between municipalities and industry

ABOUT SALGA



- South African Local Government Association is an autonomous association of all 257 South African local governments, comprising of a national association, with one national office and nine provincial offices.
- Section 163 of the South African Constitution (1996) calls for organised local government (OLG) to represent municipalities in the intergovernmental and cooperative governance system, by making provision for OLG to participate in the National Council of Provinces (NCOP) and the IGR platforms

SALGA'S MANDATE

SALGA MANDATE

Transform local government to enable it to fulfill its development mandate.

Lobby, Advocate & Represent

Lobby, advocate, protect and represent the interest of local government at relevant structures and platforms.

Employer Body

Act as an employer body representing all municipal members and associate members as per agreement..

Capacity Building

Build the capacity of the municipality as an institution as well as leadership and technical capacity of both Councillors and Officials.

Support & Advice

Support and advise our members on a range of issues to assist effective execution of their mandate.

Strategic Profiling

Build the profile and image of local government within South Africa as well as outside the country.

Knowledge & Information Sharing

Serve as a hub for local government knowledge, intelligence and innovation

The voice of local government

CONSTITUTIONAL PROVISIONS

- Section 24(a) of the constitution states that everyone has a right to an environment that is not harmful to their health and wellbeing
- 152. (1) The objects of local government are—
 - (b) to ensure the provision of services to communities in a sustainable manner;
 - (d) to promote a safe and healthy environment; and
- (2) A municipality must strive, within its financial and administrative capacity, to
- achieve the objects set out in subsection (1).

CONSTITUTIONAL PROVISIONS

- Schedule 4 (Part B) of the Constitution lists municipal health services as a functional area of local government.
- Section 156. (1) states that a municipality has executive authority in respect of, and has the right to administer—(a) the local government matters listed in Part B of Schedule 4 and Part B of Schedule 5; and (b) any other matter assigned to it by national or provincial legislation.
- 155(7) The national government, subject to section 44, and the provincial governments have the legislative and executive authority to see to the effective performance by municipalities of their functions in respect of matters listed in Schedules 4 and 5, by regulating the exercise by municipalities of their executive authority referred to in section 156(1).

LEGISLATIVE AND POLICY FRAMEWORK

- **The Municipal Structures Act, 1998 (Act No. 117 of 1998) as amended, Section 84 (1) (i)** list municipal health services as a district municipality function and allows for the authorization of municipal health services to local municipality in consultation with the member of the executive committee of local Government.
- **The National Health Act 2003 (Act 61 of 2003) Section 32 (1)** states that Every metropolitan and district municipality must ensure that appropriate municipal health services are effectively and equitably provided in their respective areas.
- **The National Health Act** further defines municipal health services as including: Water quality monitoring; Food control; Waste management; Health surveillance of premises; Surveillance and prevention of communicable diseases, excluding immunization; Vector control; Environmental pollution control; Disposal of the dead, and Chemical safety
- The Minister of Local Government and Housing entrusted in Government Notice No. 826, dated 13 June 2003, the delivery of Municipal Health Services (MHS) with effect from 1 July 2004 to District Municipalities which necessitated the devolution of the service from the province and local municipalities.

FOOD CONTROL FUNCTIONS

Food Control is:

- “A mandatory regulatory activity of enforcement by national or local authorities to provide consumer protection and ensure that all foods during production, handling, storage, processing and distribution are safe, wholesome and fit for human consumption; conform to quality and safety requirements; and are honestly and accurately labelled as prescribed by law”
- The Government Notice No. R. 698, dated the 26 June 2009, Regulations defining the Scope of the Profession of Environmental Health: Amendment, in the Annexure, section 2, clearly outlines the Food Control functions as:

FOOD CONTROL FUNCTIONS

- (a) Ensuring food safety in respect of acceptable microbiological and chemical standards, quality of all food for human consumption and optimal hygiene control throughout the food supply chain from the point of origin, all primary raw material or raw products production, up to the point of consumption;
- (b) inspecting food production, distribution and consumption areas;
- (c) monitoring informal food trading;
- (d) Inspecting food premises and any nuisances emanating therefrom;
- (e) enforcing food legislation and the Codex Alimentarius;
- (f) applying food quality monitoring programmes and principles through various techniques, e.g. Hazard Analysis and Critical Control Points System (HACCP System) audits;
- (g) promoting the safe transportation, handling, storage and preparation of foodstuffs used in the Primary School Nutrition Programme (PSNP), prisons, health establishments, at airports, etc.;
- (h) promoting the safe handling of meat and meat products through, amongst others, meat inspections and examination of abattoirs;
- (i) promoting the safe handling of milk and milk products.

FREQUENCY OF INSPECTION

In executing their mandate with regard to food control, municipalities are required to adhere to set National Environmental Health Norms and Standards for premises and acceptable Monitoring Standards for Environmental Health Practitioners for implementation published in terms Section 21(2) (b)(ii) of the National Health Act, 2003 (Act No. 61 of 2003) as amended.

With regard to inspection of food handling premises environmental health practitioners are required to conduct inspections at least once a quarter. Below are other premises which environmental health practitioners must inspect at stipulated intervals

INSPECTIONS OF PREMISES AND FREQUENCY

Consideration is also given to the risk profile of specific premises. Inspections of high risk premises are conducted as follows:

- (i). Not less than once every three months for high-risk food premises;
- (ii). Not less than once every six months for moderate-risk food premises; and
- (iii) Not less than once every twelve months for low-risk food premises.

Follow-up inspections of food handling premises are conducted as necessary to address:

- (i). Issues of non-compliance with relevant legislation;
- (ii) Investigation of food-borne illnesses and food-borne outbreaks;
- (iii) Investigation of consumer complaints; and
- (iii) Action on food recalls, fires, floods, and other emergencies.

POWERS AND FUNCTIONS OF INSPECTORS(Not exhaustive)

FCDA 11(1) An inspector may at all reasonable times enter upon any premises on or in which any foodstuff ,cosmetic or disinfectant is or is suspected to be manufactured ,treated, graded is or is suspected to be manufactured, treated, graded, packed, marked, labelled, kept stored, conveyed, sold, served or administered or on or in which any other operation or activity with or in connection with any foodstuff, cosmetic or disinfectant is or is suspected to be carried out, and may subject to the provisions of this act-

NHA 82. (1) A health officer may enter any premises, excluding a private dwelling, at any reasonable time and-

- (a) inspect such premises in order to ensure compliance with this Act;
- (b) question any person who he or she believes may have information relevant to the inspection;
- (c) require the person in charge of such premises to produce, for inspection or for the purpose of obtaining copies or extracts thereof or therefrom, any document that such person is required to maintain in terms of any law; and
- (d) take samples of any substance that is relevant to the inspection

APPLICABLE LEGISLATIONS(not exhaustive list)

1. Food stuffs Cosmetics and Disinfectants Act 54 of 1972(with its amendment Act 39 of 2007)
2. National Health Act 61 of 2003 (with its amendment Act No 12 of 2013)
3. National Water Act(Act 36 of 1998)
4. National Environmental Management Waste (Act 59 of 2008)
5. Tobacco Products Control Act(Act 83 of 1993)
6. National Building Regulations and Building Standards(Act 103 of 1977)

CHALLENGES(organizational and external)

- Inadequate resources (Inadequate number of EHP's, tools of trade)
- Lack of cooperation
- Intimidation
- Poor communication
- Bogus EHPS's

THANK YOU



THANK YOU