ABERDEEN CITY COUNCIL

COMMITTEE:	Housing and Environment
DATE :	12th March 2013
DIRECTOR:	Pete Leonard
TITLE OF REPORT:	Review and Update of the Environmental Health Food Safety Enforcement Policy
REPORT NUMBER:	H&E/13/007

1. PURPOSE OF REPORT

This report advises the Committee of changes to the Environmental Health Services' Food Safety Enforcement Policy.

The Enforcement Policy has been reviewed and updated to reflect the recent changes to food safety legislation and incorporate the subsequent amendments to the associated Food Law Code of Practice (Scotland).

2. RECOMMENDATION(S)

That the Committee notes these changes and approves the adoption of the updated Food Safety Enforcement Policy.

3. FINANCIAL IMPLICATIONS

None relating to this report

4. OTHER IMPLICATIONS

Legal

The Framework Agreement between the Food Standards Agency and Local Authorities requires Food Enforcing Authorities to have an Enforcement Policy. Failure to do so will result in the Food Standards Agency reporting a non-conformity during audit of the Service. The Food Standards Agency has default powers by virtue of any order made by ministers under Section 42 of the Food Safety Act to discharge the duties of an authority where the authority has not been discharging its obligations satisfactorily under the Act, and to recover the costs of so doing from the local authority.

Resources

Personnel
None relating to this report

Systems and Technology
None relating to this report

Property
None relating to this report

Equipment
None relating to this report

Other implications

Health and Safety
The work of the Food Enforcement Service has been risk assessed and is subject to the Services' Health and Safety procedures.

Risk Management
The Enforcement Policy must be regularly updated to reflect changes in legislation and codes of practice. Failure to do this could expose the Council to criticism and prejudice any legal proceedings against Food Business Operators.

Human Rights/Equalities/Diversity
These are implicit in the Enforcement Policy which ensures a level playing field for food business operators.

Sustainability
None relating to this report

Environmental
Businesses which comply with laws relating to food safety will also contribute to the maintenance of good environmental standards within the City of Aberdeen.

Social
Ensuring the production and sale of wholesome food within the City of Aberdeen is a key aim of the Environmental Health Service and is of value to those who consume food which is produced and sold within the city.

Economic
The production and sale of wholesome food within the City of Aberdeen enhances the reputation of local businesses and the City as a whole.

5. BACKGROUND/MAIN ISSUES

Food enforcement services provided by Aberdeen City Council are located in the Environmental Health and Trading Standards Service within Housing and Environment. Food enforcement work in the 2000 food businesses within the City is undertaken mainly by officers of the Commercial Section of the Service.

The Framework Agreement between the Food Standards Agency and Local Authorities requires Food Enforcing Authorities to have an Enforcement Policy. This policy was last updated and approved in 2007.

The purpose of the Food Safety Enforcement Policy is to serve as:

- A constant source of reference for Aberdeen City Council staff involved in food safety enforcement.
- An agreed basis for service delivery between the Council and the regulatory service providers.
- An open source of reference for food business operators and the general public, against which they may assess whether a business has been considered in a manner consistent with the policy.

The areas of the policy that have been changed and updated from the 2007 amended document are:

1. Legislation detailed in section 2.1.11 and 2.1.12 of has been replaced by The Trade in Animals and Related Products (Scotland) Regulations 2012.

2. The legal sanction of Remedial Action Notices formerly only available for use in Approved Premises has been extended to cover all food businesses. These notices may be served on a food business operator, where any requirement of the Hygiene Regulations is being breached or where an inspection under the Hygiene Regulations is being hampered. The notice may i) prohibit the use of any equipment or any part of the establishment, or ii) impose conditions upon or the carrying out of any process, or iii) require the rate of operation to be reduced or stopped.

6. IMPACT

Corporate:

Links to Aberdeen- the Smarter City

The Enforcement Policy has links with the visions contained within Aberdeen-the Smarter City. The Service assists with the promotion of Aberdeen as a great place do business and visit, and works with partners to promote the city.

Links to the Community Plan and draft Single Outcome Agreement.

The Enforcement Policy encompasses a range of actions which will be used to address and improve matters of food safety within the City. Where possible the aim is to use an educational role to achieve its objective by encouraging and supporting a responsible and pro-active approach by food business operators within the City. To this end the policy has links with the long term focus of the draft Single Outcome Agreement to move from reactive problem solving to root cause prevention.

Links to the 5 year Corporate Business Plan

The Enforcement Policy contributes towards the vision contained within the 5 year Corporate Business Plan to deliver our statutory responsibilities effectively and efficiently.

Links to the Service Plan

The Enforcement Policy details the approach, aims, and working mechanisms/tools used by food safety enforcement staff to achieve a high level of consumer protection with regard to food safety.

Public:

This report may be of interest to the public as it details how issues relating to food safety are enforced within the City. The public are aware that the potential exists to contract food poisoning or suffer other harmful effects from food which not been produced in accordance with the law.

7. BACKGROUND PAPERS

Food Standards Agency Framework Agreement on Official Feed and Food Controls by Local Authorities.
http://www.food.gov.uk/multimedia/pdfs/enforcement/frameworkagreementno5.pdf

Appendix 1 Aberdeen City Council Food Safety Enforcement Policy January 2013.
Appendix 2 Aberdeen City Council Food Regulatory Service Plan 2013/2014.
Appendix 3. Equality and Human Rights Impact Assessment.

8. REPORT AUTHOR DETAILS

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