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SECOND ADDITIONAL CIRCULATION



To: Councillor Cooney, Convener; Councillor Jean Morrison MBE and Graham, Vice-Convener; and Councillors Allan, Copland, Corall, Crockett, Delaney, Dickson, Finlayson, Flynn, Grant, Laing, Milne, Noble, Samarai, Sandy Stuart, Thomson and Yuill.

Town House,
ABERDEEN 14 March 2016

COMMUNITIES, HOUSING AND INFRASTRUCTURE COMMITTEE

The undernoted items are circulated in connection with the meeting of the **COMMUNITIES, HOUSING AND INFRASTRUCTURE COMMITTEE** to be held here in the Town House on **TUESDAY, 15 MARCH 2016 at 2.00 pm.**

FRASER BELL
HEAD OF LEGAL AND DEMOCRATIC SERVICES

BUSINESS

- 10.2 Protective Services Food and Feed Regulatory Service Plan 2016-17 - CHI/16/004 (Pages 3 - 30)

Incorrect appendix was circulated in the main agenda

ITEMS WHICH THE COMMITTEE MAY WISH TO CONSIDER IN PRIVATE

- 14.2 AECC - Anaerobic Digestion Gas to Grid Facility - CHI/16/054 (Pages 31 - 42)

Should you require any further information about this agenda, please contact Emma Parr, tel 01224 522607 or email emparr@aberdeencity.gov.uk

ABERDEEN CITY COUNCIL
PROTECTIVE SERVICES
FOOD AND FEED REGULATORY SERVICE
PLAN

2016/2017

Introduction

Definition of the Statutory Food Regulatory Function

In January 2006 European Legislation came into force which applies directly to food businesses in the UK. The Food Hygiene (Scotland) Regulations 2006 provide the framework for the EU legislation to be enforced in Scotland.

The principle objective of the general and specific hygiene rules is to ensure a high level of consumer protection with regard to food safety.

An integrated approach is necessary to ensure food safety from the place of primary production up to and including placing the items on the market.

The legislation falls into two broad areas of 'Food Standards' and 'Food Safety'.

Food Standards relates to issues of description, labelling and composition of food. This legislation is aimed at ensuring that consumers are not misled and can make informed choices founded on basic information contained in labelling or advertisements about the type and composition of food for sale.

Food safety relates to the safety of food supplied for human consumption at all points after harvesting/slaughter. The term applies both to the condition of the food itself and to the conditions under which it is handled prior to consumption. Local Authorities have a statutory role in the enforcement of legislation that is intended to ensure the hygienic handling of food and the safety of the final product in terms of its wholesomeness and fitness for consumption.

The term 'enforcement' is not restricted to the use of legal sanctions to achieve the aims of the legislation. 'Enforcement' is also taken to include:

1. The provision of advice about the application and interpretation of legislation.
2. The provision of advice about best practice.
3. Encouragement of food businesses to achieve compliance and adopt good practice through awareness raising, promotion, education and provision of feedback.
4. Raising the awareness of consumers about safe food handling practices and about how to interpret labelling and descriptions of food in order to make informed choices.
5. Partnership arrangements with the business and voluntary sectors and other agencies.

Formal enforcement options include:

1. The use of enforcement notice procedures to require improvements to safety controls or prohibit or limit any dangerous operations.
2. The power to seize or detain unfit food.
3. In certain cases the regulation of activities through a system of prior approval.
4. Reporting matters to the Procurator Fiscal with a view to instigating prosecution.

The circumstances under which these options are judged appropriate are set out in the Food Safety Enforcement Policy

The actions associated with enforcement are concerned with the monitoring of food safety and food standards performance through the following:

1. Intervention and audit of food handling and manufacturing operations and processes.
2. Investigation of consumer complaints.
3. Sampling of food.
4. Investigation of issues passed on by other food authorities or Food Standards Scotland (FSS).
5. Investigation of cases of food-borne disease.
6. Review of guidance issued to businesses in the light of technical or legislative developments.

The term *food business* used in this report includes food provided by the voluntary sector, public sector and non-profit making organisations.

The Council also offers a service providing export certification for food manufactured or processed in the City in appropriate cases.

Key Partnership Agencies

Food Standards Scotland (FSS) oversee the enforcement process relating to both food standards and food safety in order to ensure that good practice is promoted and employed consistently between authorities. FSS also has powers to direct food authorities in the conduct of enforcement activities and to implement ministerial directives. One major area of joint involvement with food authorities is in the co-ordination and dissemination of 'Alerts' and similar notices. These are divided into four categories:

1. Food Alerts For Action (FAFAs)
2. Product Withdrawal Information Notices (PWINs)
3. Product Recall Information Notices (PRINs)
4. Allergy Alerts

FSS issues a 'Product Withdrawal Information Notice' or a 'Product Recall Information Notice' to let local authorities and consumers know about problems associated with food and are issued where a solution to the problem has been put in place – the product has been, or is being, withdrawn from sale or recalled from consumers, for example.

Allergy Alerts are issued when an issue is identified that poses a risk to consumers with a specific allergy or intolerance.

'Food Alerts for Action' provide local authorities with details of specific action to be taken on behalf of consumers and are often issued in conjunction with a product withdrawal or recall by a manufacturer, retailer or distributor.

Product Withdrawal Information Notices and /or Product Recall Information Notices are issued where a solution to the problem has been put in place – the product has been, or is being, withdrawn from sale or recalled from consumers, for example.

These warnings are issued to Food Authorities via e-mail.

FSS is responsible for the enforcement of food safety regulations at approved abattoirs, meat cutting establishments and catering butchers. Local authorities are generally responsible for all other aspects of enforcement in Scotland

NHS Grampian and the Local Authorities within Grampian have a responsibility for the prevention and control of infectious disease including food borne disease. A local Infectious Disease Incident Plan, has been produced and outlines in detail the roles and responsibilities shared by the various organisations included within the plan; this is reviewed periodically. NHS Grampian provides a designated medical officer (Consultant in Public Health Medicine (Communicable Disease/Environmental Health) to the Local Authority and has powers to exclude individuals, who present a public health risk, from work or school.

1. Service Aims and Objectives

Aims and Objectives

The aim of the Food Service is to protect public health, consumer interests and consumer confidence with respect to the safety, composition, description and labelling of food. This aim is pursued through a mix of interventions that include:

- a) Intervention, partial intervention, audit; both programmed preventative visits and also visits in response to complaints and enquires.
- b) Verification, to ensure specified requirements have been fulfilled at establishments
- c) Education, which includes advice given during interventions as well as the provision of education, training and the general promotion of food safety and food standards issues.
- d) Intelligence, which includes the gathering of information through food sampling, monitoring technological/legislative changes and inter-authority/ agency communication.

The main objectives of these enforcement approaches are:

Improvement in hygiene practices and standards within food business establishments.

The prevention of the causes and spread of food-borne disease.

The removal of unsafe food from the food chain.

The prevention of illegal and unfair trading practices.

A set of written procedures is in place detailing the way in which the Service is provided. These procedures are reviewed and updated as necessary.

The full scope of the service provided by Aberdeen City Council is set out in Section 2.3.

Linkage to Corporate Aims and Objectives

The Service has a flexible, skilled and motivated workforce who make best use of the financial resources available, delivering improvement in the specific service priorities in the most cost effective manner

1.1 Links to Aberdeen- the Smarter City

This Food Regulatory Service Plan has links with the visions contained within Aberdeen- the Smarter City. The Service assists with the promotion of Aberdeen as a great place to do business and visit and works with partners to promote the City as a place to export from.

1.2 Links to the Community Plan and Single Outcome Agreement

This Food Regulatory Service Plan contributes to making Aberdeen an attractive, clean, healthy and safe place to live and work; a City that is welcoming to business and values its business community.

2. Background

2.1 Profile of the Local Authority

Aberdeen City Council is a mainly urban port authority with a population of approximately 229,000. The City is the main port for the oil industry within Europe and retains a significant, if diminishing, fishing industry.

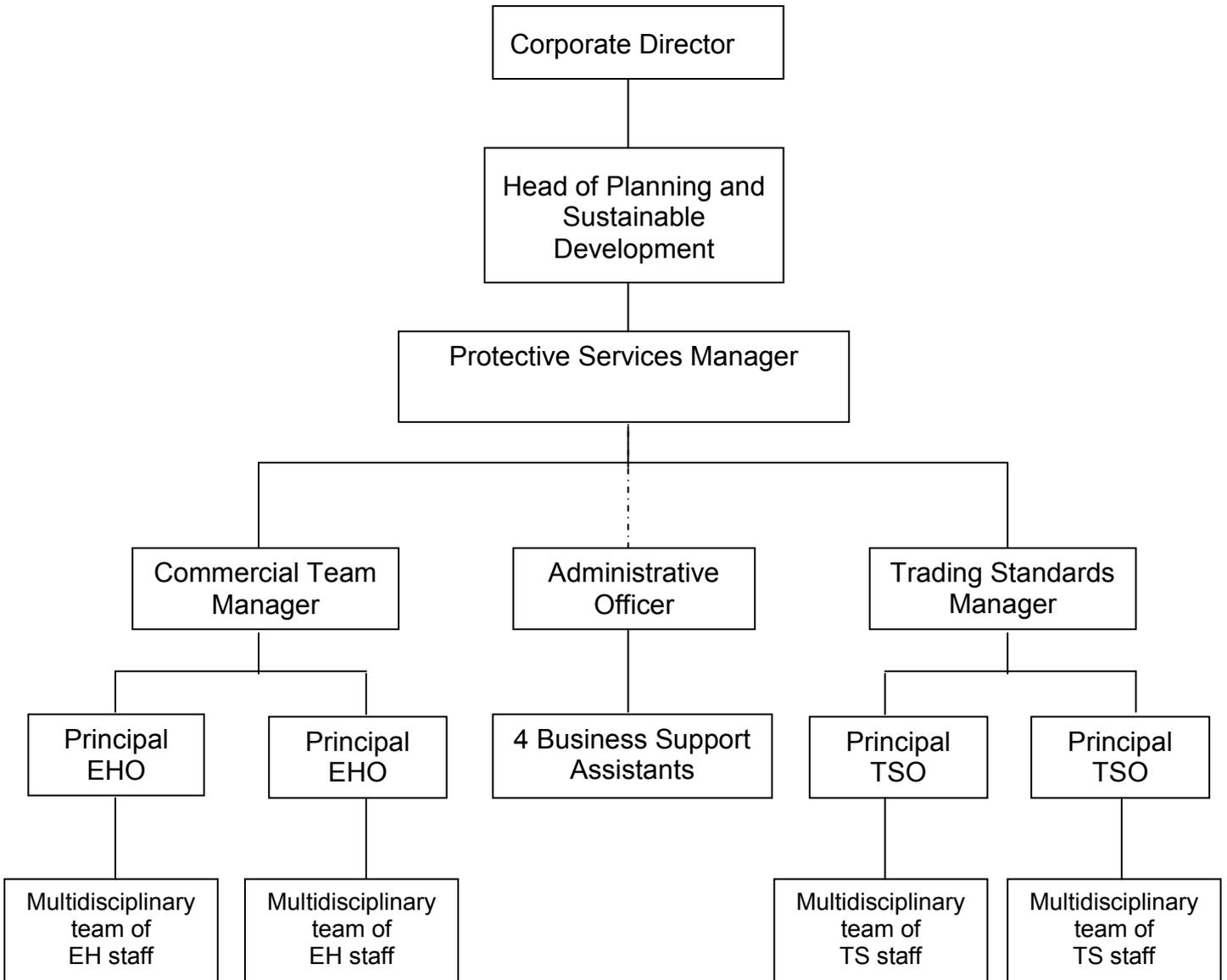
A moderate fish processing business sector exists however the authority is no longer served by a fish auction market. There is also a major manufacturing dairy and meat products factory within the City. Additionally, the City has a diverse catering sector producing a wide range of traditional and ethnic meals, the majority of which are contained within the city centre area. The City also has a thriving airport and seaport.

2.2 Organisational Structure

2.2.1 The Food Regulatory Service

The food regulatory service is provided from within the Environmental Health Commercial Section of the Communities, Housing and Infrastructure Service by a mix of staff that includes Environmental Health Officers, Authorised Officers and administration staff. A number of the staff have joint responsibility for both food enforcement and enforcement of Health and Safety at Work. The section also has responsibilities for port health work, liaison with the Licensing Board and Licensing Committee and for liaison over building warrant applications with a view to providing advice on environmental health issues that may be involved. Control of feeding stuffs falls within the responsibility of the Trading Standards Section

The Service structure is detailed below:



Feed Enforcement and Animal Feed Registration

Enforcement of the Agriculture Act 1970 and the animal feed registration requirements is a Trading Standards function.

From 1st April 2014 until 31st December 2015, we received no complaints about Animal Feed and only 4 complaints about Pet Food. Additionally, there are no Intelligence reports on this subject matter logged on the national Trading Standards Intelligence Database, MEMEX.

The Trading Standards Service will continue to contribute to the SCOTSS Quality sub-group and the national and regional sampling plans they develop regarding feed and fertilizer.

With respect to the animal feed registration requirements stipulated by FSS, colleagues in Aberdeenshire Trading Standards have in the past agreed to carry out this work on behalf of Aberdeen City Council. However, we have not yet asked them to carry out any such work on our behalf because there has been no need; we have been able to do this work ourselves.

Ultimately, the work required to be done by this Service with regard to Animal Feed Registration is laid down by FSS on an annual basis. This may change in 2017 as FSS Governance Board have agreed to take this function in-house. They will ask Scottish Government to change the law so that this statutory function moves from Scottish Local Authorities to FSS. This could be in place by April 2017 if ministers agree.

2.2.2 Committee Structure

The Following Committees operate within Aberdeen City Council:

- Audit, Risk and Scrutiny
- Education and Children's Services
- Finance, Policy and Resources
- Communities, Housing and Infrastructure
- Social Care, Wellbeing and Safety
- Petitions
- Planning Development Management
- Licensing
- Appeals
- Corporate Health and Safety

The bulk of food related matters are reported to the Communities, Housing and Infrastructure Committee. When appropriate, food related matters may also be reported to the Finance Policy and Resources or the Audit, Risk and Scrutiny Committees (e.g. outcomes from the FSS audit).

2.3 Scope of the Food Service

The authority has a responsibility for the provision of food law enforcement protection services covering approximately 2000 food businesses. Table 1 illustrates the number and type of food businesses within Aberdeen City.

At this time it is impossible to predict accurately the number of food businesses that will be operating within the City in 2016/2017 however looking at the figures for the last few years it can be assumed that there will be a slight increase in the number of caterers.

Table 1: Number and Type of Food Businesses within Aberdeen City

Food business Type	Establishments	
	1 April 2014	1 April 2015
Primary Producers	4	4
Manufacturers & Packers	60	58
Importers/Exporters	1	0
Distributors/Transporters	40	44
Retailers	457	460
Restaurant & Caterers	1520	1529
Total	2082	2095

The principal responsibility is the intervention and audit of these establishments, however there is also responsibility to investigate food complaints relating to the safety or standards of food sold from these establishments. This includes a responsibility to investigate, where appropriate, on behalf of other enforcement agencies under the Home Authority Principle.

Additionally, the authority has responsibility for co-ordinating a monitoring and surveillance programme for foods produced in the area.

Many of the staff carrying out food safety interventions also have responsibilities for inspecting premises under health and safety legislation as detailed in Section 2.2. As an urban authority there is little involvement in feeding stuffs controls as explained above.

The Service utilises Aberdeen Scientific Services, also based within the Council, to analyse and examine food samples.

2.4 Demands on the Food Service

2.4.1 Food Establishment Profile

The number of approved fish processing establishments is a particular feature of demand in the area. In addition requests for export certificates for fishery products are a complementary aspect of the overall international trade in fish and fish products. The City also contains a high concentration of large 'superstore' retail outlets which serve a significant number of consumers beyond the Aberdeen City boundary.

The City has a comparatively small number of major manufacturers outside the fish processing sector.

All local authorities have responsibility for imported food controls to ensure that food imported from outside the EU is safe and complies with EU and UK requirements. Significant amounts of food of non-animal origin will not have been physically checked at ports of entry and products of animal origin may be illegally imported. Resources are therefore allocated to this area during routine interventions.

2.4.2 Approved Establishments

Establishments producing products of animal origin have to adhere to specific health rules and require approval under specialist legislation.

Currently there are 41 approved establishments in the City . These are categorised as follows:

Fishery products	37	establishments
Dairy products	2	establishments
Meat products	4	establishments

*One business in the City is approved in all three categories.

2.4.3 Primary Production

Regulation EC 852/2004 on Hygiene of Foodstuffs applies to primary producers of food and is executed and enforced in Scotland by the Food Hygiene (Scotland) Regulations 2006. Primary production is the rearing or growing of primary products including harvesting, fishing, milking and farmed animal production prior to slaughter.

The frequency of primary production food hygiene inspections undertaken is determined by risk assessment as described in Annex 10 of The Food Law Code of Practice (Scotland). Membership of a recognised farm assured scheme is factored into the risk assessment as it may help the business to comply with hygiene requirements.

The primary production enforcement regime applies only to land based agricultural activities; arable, horticulture and livestock including farmed game. It does not include dairy, egg, fish or shellfish production. Due to the small number of these establishments in the Aberdeen area only 5 require to be inspected annually. These inspections are funded by Food Standards Scotland.

2.4.4 Service delivery points

The staff of the service are based at Marischal College, Broad Street. The general philosophy is that the service is taken to the client in relation to intervention of businesses or public contact. The licensing liaison services are based at Marischal College for the purposes of most meetings with clients (or more usually their agents), with field visits as necessary.

The Service can be accessed by businesses and public by telephone or in person at Marischal College between the hours of 8:30am and 5:00pm Monday to Friday. Telephone calls made outside these hours will be recorded by the telephone answering service. At weekends and evenings an Environmental Health duty officer is on standby for emergencies. There is also provision for some charged for non-emergency visits to be conducted out of hours (Export Certification and Ship Sanitation Certificates). The Service can also be accessed at any time via e-mail, although e-mails will only normally be accessed by the service staff during office working hours.

2.5 Enforcement Policy

The Food Safety Enforcement Policy was last reviewed in 2013 to take account of legislative changes.

3. Service Delivery

3.1 Food Premises Interventions

The requirement to carry out periodic inspections of food business establishments using a risk based approach is derived from EC Regulations 882/2004 and the Framework Agreement on Food Law Enforcement in respect of legislation relating to Scotland.

Standards of food hygiene and safety for businesses in the European Community are set out in the EC Regulation 852/2004 on the Hygiene of Foodstuffs. These contain both structural and operational requirements that apply to all food businesses. Additional requirements for food businesses that must obtain approval in relation to the production of products of animal origin are contained in EC Regulations 853/2004, and microbiological requirements for foods are contained in EC Regulation 2073/2004.

A Code of Practice issued under Section 40 of the Food Safety Act 1990, Regulation 24 of the Food Hygiene (Scotland) Regulations 2006 and Regulation 6 of the Official Feed and Food Controls (Scotland) Regulations 2006, together with associated practice guidance and industry guides assist enforcement authorities in performing their duties. The Food Law Code of Practice (Scotland) was last revised in 2015 to reflect the creation of Food Standards Scotland.

Interventions

Interventions are defined within the Code of Practice as activities that are designed to monitor, support and increase food law compliance within a food establishment. They include, but are not restricted to official controls, which are defined at Article 2(1) of Regulation 882/2004.

Methods for carrying out tasks described as official controls are specified in Article 10 of Regulation 882/2004.

These include:-

- Monitoring,
- Surveillance,
- Verification
- Audit,
- Inspection
- Sampling and Analyses

Non-official controls are:-

- Education, advice and coaching
- Information and intelligence gathering

The majority of official controls are undertaken unannounced. However in some circumstances an appointment may be necessary. For example if the business is a domestic premises or successive attempts to gain access have been unsuccessful.

3.1.1 Frequency of Interventions

Interventions will take place at a minimum frequency determined by an interventions risk rating assigned at the last inspection/intervention. This date can be bought forward if a problem has been identified (e.g. through a complaint investigation, notification of an issue from another authority, poor sampling result etc) Dependent upon the gravity of the problem the intervention rating may be reconsidered along with the appropriateness of the next planned intervention

All interventions should be planned so that they are carried out by the due date.

Food business establishments are inspected at intervals ranging between 6 months and 2 years, depending on a national risk rating system which is required to be followed by all Scottish food authorities. An alternative enforcement strategy may be used for very low risk establishments.

The projected number of programmed interventions due for 2015-2016 was 679 for food safety (Table 2) and 297 for food standards (Table 3). Approximately 50% of establishments will require one or more revisits following a food hygiene intervention. In addition the actual number of interventions required could vary slightly from the forecast at the beginning of each year due to changes in risk ratings during the year.

3.1.2 Control of Cross Contamination Strategy

In 2011 FSA published guidance on the Control of Cross Contamination in response to the serious outbreaks of E coli O157 in Scotland in 1996 and Wales in 2005. A strategy to target resources to relevant establishments was agreed for 3 years up to April 2015. Low risk and unrated food businesses were only subject to reactive interventions during the initiative period unless resources dictated otherwise.

Those businesses removed from the work programme that have still not been visited will be included in the 2016/2017 schedule. This will result in additional low risk inspections that require to be carried out within the year. As always high and medium risk establishments will be inspected as a priority with lower risk establishments being addressed when resources allow

Table 2: Number of business due for food hygiene interventions in 2015/2016

Risk category	Inspection Frequency	Number of establishments
A	6 months	17
B	12 months	206
C	18 months	211
D	24 months	74
Not risk rated	N/A	134
E	Alternative Enforcement Strategy every 3 years	37
Total		679

The table above illustrates the number of businesses that were due for food hygiene interventions in the current financial year.

At this time it is impossible to predict accurately the number of food hygiene interventions required for each category of business within the City in 2016/2017 however following

examination of the figures for the last few years it can be assumed that there will be a slight increase in intervention numbers due to the emergence of new catering businesses.

Our aim is to hit 100% of Category A, B and C establishments on or before the due date for intervention.

Low risk food hygiene interventions, Category D establishments, and low risk food standards interventions will be carried out when competing service demands allow. Work will be prioritised firstly by the risk and secondly by the length of time the intervention has been overdue. Category E establishments requiring food hygiene interventions and Category C establishments due a Food Standards intervention will be tackled by an Alternative Enforcement Strategy (AES) in the form of a telephone questionnaire that will be undertaken by the Administration Team.

Scottish, UK and EU Food Hygiene legislation sets out the duty of food business operators to produce food safely. Another key feature of this legislation is the requirement of most food businesses, including caterers, to establish, and document, food safety management procedures (FSMP) based on the application of Hazard Analysis Critical Control Point (HACCP) principles.

Table 3: Number of business due for food standards intervention in 2015/2016

Risk category	Inspection Frequency	Number of establishments
A	12 months	12
B	24 months	39
C	Alternative Enforcement Strategy every 5 years	79
Not risk rated		167
Total		297

At this time it is impossible to predict accurately the number of food standards interventions required for each category of business within the City in 2016/2017 however following examination of the figures for the last few years it can be assumed that there will be a slight increase in intervention numbers due to the emergence of new catering businesses.

To maximise the use of existing staffing resources, interventions of different types will be carried out at a single visit, where practicable. For example, food hygiene and food standards

interventions will be, wherever possible, synchronised. However, savings made through this type of rationalisation have to be carefully balanced against the cost of bringing a programmed action to an earlier date and hence increasing the overall frequency of interventions.

FSS are aiming to introduce a pilot study in 2016/17 involving the amalgamation of food hygiene and food standards in to a single food control intervention. We are in the process of considering participating within this pilot.

3.2 Food and Feeding Stuffs Complaints/Service Requests (Including Food Hygiene Complaints)

The trend over recent years has been for a year on year increase in the number of food related complaints received. Based on previous years it is anticipated that there will be in the region of 600 service requests received in 2016-2017.

Food complaints/service requests are evaluated on receipt by the Principal Environmental Health Officer (EHO) (Food) or in her absence the Commercial Team Manager or other Commercial Team Principal EHO within 1 working day. The decision making process for action on a given complaint is informed by the documented food complaints procedure of the Commercial Section and the Service's Food Safety Enforcement Policy. Handling food complaints is a resource intensive process and action in relation to individual complaints will be proportionate to risk. Complainants are informed of the proposed course of action and also of the progress and outcome of their complaint.

Control of Feeding stuffs is the responsibility of the Trading Standards Service and the complaint investigation policy is contained within the Trading Standards Service Plan.

3.3 Home Authority Principle and Primary Authority Scheme

The food safety and food standards service procedures fully acknowledge the home authority principle and Primary Authority Scheme. In cases where a designated home authority exists, they will be contacted prior to taking formal enforcement action in order to assess best enforcement practice in relation to the issue at hand.

From April 2009, Food Authorities in England had the choice to become the Primary Authority for a food business operator that has establishments in more than one Local Authority area. The current Primary Authority scheme does not apply to Scotland and Scottish Authorities have been advised to treat Primary Authorities as if they were the "Home Authority". The Regulatory Reform (Scotland) Act 2014 created a framework for a separate primary authority scheme in Scotland.

Home Authorities are also informed of food complaints both as an aid to Aberdeen City's enforcement assessment and in order to ensure that the relevant home authorities are able to gain the fullest picture of the food safety/standards performance of their partner businesses.

The Service procedures also acknowledge the duty of Aberdeen City Council to respond to requests for originating authority reports from any food authority whose investigations have led to a point where a manufacturer or supplier within Aberdeen should require to be included in the overall investigation.

Aberdeen City Council is not formally registered as a home authority for any of the businesses producing food within in its area. However, the City Council acts as originating authority for any such businesses. The current policy is to investigate all Home/Originating Authority referrals thoroughly in order to fully meet the requirements of the referring authority. On average this authority receives less than 10 such referrals per year and so this is not particularly demanding of resources. This level of service will be maintained.

3.4 Advice to Businesses

The service provides advice, to potential business start-ups or when significant refurbishment is being considered.

The bulk of additional advisory work is carried out during interventions and visits. The dual capabilities of some staff on both food hygiene and food standards aspects also assists by enabling advice on any aspect of food regulation to be provided at any food regulatory visit regardless of the specific purpose of that visit.

The Service also provides advice on request to both businesses and consumers. Over the past few years the number of enquiries from businesses and the public relating to food safety has increased. Enquiries relating to food standards have also increased. On this basis the service can expect to receive approximately 180 food safety enquiries and 30 food standards enquiries in the forthcoming year.

3.5 Food Intervention and Sampling

This Service actively participates in a food sampling programme which is coordinated by Aberdeen Scientific Services. This involves taking routine surveillance samples as well as participating in both national and regional surveys.

Programmed sampling does not include formal sampling, which is required where formal enforcement action is anticipated, and is usually in response to prior information from investigation of a complaint, or failure of an informal sample taken by an enforcement officer.

Environmental Health Officers and Authorised Officers assisted by members of the admin team carry out sampling.

The Council provides food analytical services and bacteriological examination services through Aberdeen Scientific Services, which is accredited to all the necessary standards. Aberdeen Scientific Services also acts as the Council's Appointed Food Examiner. This Service has a Service Level Agreement with this organisation to perform analysis of the bulk of food samples. From time to time, other appropriately accredited laboratories may carry out specific analyses.

3.6 Control and Investigation of Outbreaks and Food Related Infectious Disease

The food regulatory service has a number of staff appropriately trained to deal with potential or actual cases or outbreaks of food poisoning and food borne disease. The Service has adopted the Health Board's Infectious Disease Incident Plan. Where issues of public health dictate, staff will be diverted from pro-active intervention and sampling work and from lower priority response work.

The Service has out-of-hours arrangements via a 'duty officer' stand-by system. The Service also holds a list of out of hours contact details for its food enforcement staff, which can be utilised in situations where there is a serious threat to public health requiring an immediate response.

The food regulatory service currently carries out field investigations of food related infectious disease in all cases where it is judged by Environmental Health staff or the Health Board's designated Consultant in Public Health Medicine that a particular food premises is implicated. Around 80 alleged cases of food poisoning are reported to the Service every year, but not all warrant detailed investigation.

The Service also investigates sporadic cases confirmed as suffering from a food borne diseases such as salmonella and dysentery where no particular food establishments are implicated.

3.7 Food Safety Incidents

The Food Regulatory Service is advised of Food Alerts For Action (FAFAs), Allergy Alerts, Product Withdrawal and Product Recall Information Notices via e mail. Out-of-hours contact arrangements are registered with FSS, including communication via e-mail and text message to key personnel.

All service procedures for dealing with food hazards occurring within the authority are in line with the guidance contained in The Food Law Code of Practice (Scotland) and the associated Practice Guidance-which sets out the protocols for advising FSS and other authorities as circumstances dictate. Availability of staff in emergency situations is as described in section 3.6 above.

3.8 Liaison with Other Bodies

The principle vehicle for inter-authority liaison is the North of Scotland Food Liaison Group on which the authority is represented by the Principal EHO (Food Safety) who is the chairperson. The Principal EHO (Food Safety) also attends the Fish and Shellfish Working Group and represents the North of Scotland on the Scottish Food Enforcement Liaison Committee (SFELC) which meets quarterly.

The authority is represented by the Principal EHO (Food) at the monthly meeting of the multi-disciplinary Infectious Disease Group of NHS Grampian and at the NHS Grampian Health Protection Team's 6 monthly in depth review meetings.

These liaison arrangements demand approximately 14 days of Principal EHO time per year.

The Commercial Team Manager is the Chair of the Food Safety Sub Group of SFELC.

The Authority is also represented on a number of SFELC working groups.

It is intended that these existing liaison arrangements will be continued, as they not only assist the authority in ensuring a consistent enforcement approach with other Scottish Local Authorities but also enable efficiencies through partnership initiatives, particularly for staff training and promotional activities.

The Service also has internal liaison arrangements with the Building and Planning Control Services for prospective refurbishment of food business premises, and with the Licensing Committee for licensed food premises and Street Traders.

3.9 Food Safety and Food Standards Promotional Work

From time to time the authority participates in promotional activities with external agencies such as neighbouring local authorities and NHS Grampian.

EatSafe Project

This Service intends to continue with the Eat safe project this year.

Food Standards Scotland's Eat Safe award scheme is designed to promote excellence in food hygiene and food safety management and improve public confidence and consumer choice in catering establishments across the country.

The Eat Safe award scheme provides an incentive to caterers to strive for standards beyond those required by law, and helps consumers make informed choices about where to eat out in Scotland by providing a recognisable and well publicised sign of excellence in standards of food hygiene. Those establishments who meet the standards are

entitled to display the Eat Safe logo which is a readily recognisable symbol of high food hygiene standards across Scotland.

Eligible establishments are assessed for the Eat Safe award as part of scheduled food hygiene interventions. In Scotland there have been over 1000 Eat safe awards issued. Aberdeen City currently has 19 Eatsafe award holders. This is a reduction from last year, as 4 awards were issued, but 9 were removed as either the businesses changed or they did not maintain the standards.

This Service reviews Eat Safe award status at every planned food hygiene intervention.

Food Hygiene Information Scheme

The Food Hygiene Information Scheme was launched in Scotland in 2006. It provides consumers with an insight into the hygiene standards found at food hygiene inspections. The scheme was developed to increase consumer confidence and help people make informed choices about where they eat or buy their food.

The results can be viewed on the FSS and Aberdeen City websites (at time of drafting, an IT issue means that the information on the ACC site is out of date), and in addition to the scheme a copy of the most recent inspection report is also displayed on the Aberdeen City website. Some reports will not be available where legal action is pending- these are withheld until the outstanding matters are resolved. This project has now been rolled out nationally and the majority of Scottish local authorities have agreed to take part.

The scheme applies to all food outlets that supply food directly to consumers. Each is asked to display a certificate on the door or window of their premises, confirming that they have passed their most recent food hygiene inspection. The inspection outcome applies to a business trading at a particular address, so that a change of business operator at a given address will require a fresh assessment. The outcomes of the assessments are divided into four categories as detailed below:

Pass

A 'Pass' indicates that the business broadly met the legal requirements. These requirements include the hygiene conditions found during the inspection and the management procedures in place for providing safe food.

Improvement Required

Where a business has failed to meet these requirements it will not be issued with a "Pass" certificate. This outcome will appear as an "Improvement Required" on the website.

Exempt Premises

A very small number of premises may be registered as food businesses in circumstances where it is unlikely that customers will view them as food premises. The assessment for such premises will have concluded that the food safety risk is negligible.

In such cases (and only with the agreement of the business), a certificate will not be issued and the information on the local authority website will indicate that the business is currently exempt from the food hygiene information scheme.

Awaiting Inspection

Where a business has not yet been inspected, it will be issued with a temporary certificate advising consumers of that fact. This will appear as 'Awaiting Inspection' on the website. Premises will also require to be re-inspected where they have changed ownership.

The scheme is applied throughout the City.

FSS is in the process of considering the compulsory display of the FHIS outcome by businesses.

4.10 Food Fraud

Food fraud is committed when food is deliberately placed on the market, for financial gain, with the intention of deceiving the consumer. Although there are many kinds of food fraud the two main types are:

i) the sale of food which is unfit and potentially harmful, such as:

- recycling of animal by-products back into the food chain
- packing and selling of beef and poultry with an unknown origin
- knowingly selling goods which are past their 'use by' date

ii) the deliberate mis-description of food, such as:

- products substituted with a cheaper alternative, for example, farmed salmon sold as wild, and Basmati rice adulterated with cheaper varieties
- making false statements about the source of ingredients, i.e. their geographic, plant or animal origin

Food fraud may also involve the sale of meat from animals that have been stolen and/or illegally slaughtered, as well as wild game animals like deer that may have been poached.

Resources will be invested in tackling food fraud in the City, including training for officers. The Service will work in partnership with colleagues in other agencies including Food Standards Scotland, other local authorities, the police and HMRC.

4. Resources

4.1 Financial Allocation

The financial allocation for the food regulatory service is set out in Table 4 below.

Table 4: Financial allocation for the food service¹ 2016/2017

Expenditure		Food Total £
	Staffing	1,019,755*
	Training	17,496*
	Sampling	219,236*
	Other operating costs	136,520*
	Total Expenditure	1,393,007*
Income		
	Total Income	67,996*
Net Cost		1,325,011*

*Provisional figures based on allocation for 15/16

4.2 Staffing Allocation

The current allocation of full time equivalent staff to the Food Regulatory Service is detailed in Table 5 below.

Table 5: Allocation of full time equivalent staff to the Food Service

Full Time Equivalent Staff	Food
<u>Section Management</u>	
Protective Services Manager	0.1
Commercial Team Manager	0.6
Principal Environmental Health Officers	1.2
<u>Field Staff</u>	
Environmental Health Officers	7.7
Senior Authorised Officers	1.4
Authorised Officers	3.7
<u>Section Support</u>	
Administration Staff	2.5
Total	17.2

4.3 Staff Development Plan

The service ensures that:

¹ Estimate based on number of full time equivalent staff working in support of the food enforcement service

- a) All staff involved in food safety interventions are qualified Environmental Health Officers or hold the SFSORB Higher Certificate in Food Premises Inspection.
- b) All staff involved in the seizure or assessment of foods are Environmental Health Officers or Authorised Officers with specialist qualifications in food inspection. Additional specialist qualifications are required for the seizure of red meat and fish.
- c) All staff involved in the assessment of quality systems have had suitable specialist training.

The Service is committed to taking advantage of all opportunities to send staff on courses relating to law enforcement and HACCP auditing. It is intended that all food enforcement staff who have not previously attended a recognised HACCP auditing course do so at the earliest possible opportunity.

It is also intended to send a proportion of staff on the REHIS sponsored Food Update Course each year subject to budget availability, course content and the availability of places.

Technical update meetings will continue to be held every month to disseminate information on policy, new legislation and new developments in food enforcement and the food industry in a structured way. These meetings promote consistency of enforcement approach between enforcement staff.

5. Quality Assessment

The Service has established a Quality Monitoring System for intervention activity, which is designed to ensure:

- a) Properly planned and resourced risk based food hygiene interventions are undertaken;
- b) Officers with the appropriate levels of experience and training are selected to carry out interventions;
- b) The consistent application of the Councils' food enforcement policy;
- c) That the intervention itself is viewed as more than a specific visit;
- d) Appropriate training, guidance and coaching is provided to enforcement officers in the furtherance of the objective of continuous professional development;
- e) Consistency of enforcement approach between enforcement officers.

Outstanding sample results are monitored for each Officer on a regular basis by the Principal EHO.

6. Review

6.1 Review Against the Service Plan

The Service Plan will be reviewed on an annual basis.

6.2 Identification of any Variation from the Service Plan

Review of the plan will include assessment of performance against the plan, identify areas for improvement and forecast the demands on the service and the appropriate service mix required to meet those demands. The Service Plan will be revised as appropriate.

6.3 Areas for Improvement

- a) Review and update of Policy and Procedures as required.
- b) Continue to establish partnership agreements for promotional and educational initiatives where possible.
- c) Implementation of mobile working for food hygiene inspections
- d) Continued involvement in the food sampling programme.
- e) Continued application and support of Food Hygiene Information Scheme.
- f) Continued involvement in the EatSafe Project.
- g) Promote careers as Environmental Health Officers/Food Safety Officers at school careers fairs whilst reinforcing the message and importance of food safety.
- h) Continue to implement an alternative enforcement strategy whereby category E (low risk) premises will be assessed by telephone questionnaire.
- i) Continue to update feed database
- j) Dedicate resources to food fraud investigation

Food Regulatory Service Plan Review

2014/2015

1. Food Hygiene Interventions

The number of food hygiene interventions achieved between 1 April 2014 and 31 March 2015 within the target time were as follows:

Risk Category	2013/14		2014/15	
	Inspections Due	Inspections Achieved	Inspections Due	Inspections Achieved
A (High)	32	31	34	32
B (High)	178	177	137	133
C (Medium)	Removed	Removed	183	171
D (Low)	94	84	0	0
TOTAL	304	292	354	336

The figures indicate that the performance achievement in respect of high risk premises was 97 %.

Medium risk establishments were returned into the programme in July 2014 having been removed from the inspection programme in line with the SFELC document relating to cross contamination. Performance achievement was 93%.

In 2011 FSA published guidance on the Control of Cross Contamination in response to the serious outbreaks of E coli O157 in Scotland in 1996 and Wales in 2005. The strategy allowed local authorities to focus resources on addressing cross contamination controls until 31st March 2015. During this time the frequency of planned interventions of high risk food premises and manufacturing establishments requiring approval remained unchanged. Low risk and unrated food businesses were only subject to reactive interventions during the initiative period unless resources dictated otherwise. This meant that some of these businesses fell overdue for inspection during the implementation period. However establishments presenting a greater risk to the public were being targeted.

Category D low risk premises were removed from the programme to allow resources to be concentrated on higher risk businesses.

It must also be noted that the total number of food hygiene inspections that were carried out in 2014/15 was 848; 494 more inspection jobs than were in the work programme for the year. These additional inspections are attributed to both new establishments that have begun trading in the City and catching up with the Category C businesses that were previously removed from the programme.

The percentage of “broadly compliant” premises is 92 % for 2015. Broadly compliant businesses with no critical risks to food safety, and few minor non recurring contraventions will receive a Pass certificate in the Food Hygiene Information Scheme.

The continued implementation of the Scheme has encouraged food business operators to carry out necessary work on minor recurring contraventions promptly in order to obtain a Pass certificate for display at the premises.

2. Food Standards Interventions

The number of food standards interventions undertaken between 1 April 2014 and 31 March 2015 was 535, an increase of 241 from the previous year. This figure will fluctuate year on year depending on how many food standards inspections are due. The number of new businesses that began trading in the area also affects this figure as each new business will require both a food hygiene and food standards inspection at start-up.

3. Formal Enforcement Action

118 Hygiene Improvement Notices were served under Regulation 6 of the Food Hygiene (Scotland) Regulations 2006 in respect of 42 food premises. This figure has increased from the previous year. The number of notices fluctuates year on year depending on the inspections that are due during that period.

A breakdown of the non-compliances contained within the Notices is as follows:

Non Compliance	2013/14	2014/15
Facilities and equipment	20	25
Food Safety Management System	21	31
Structural repair	20	22
Training	3	0
Pest control	0	0
Cleaning	14	40
Other	1	0
TOTAL	79	118

In addition 16 Remedial Action Notices were also served. These notices immediately restrict operations.

It is proposed to continue the practice of serving formal notices on food business operators at the first revisit stage following the notification of a contravention of the Regulations including an appropriate time scale for improvement in line with the enforcement policy.

Four reports were submitted to the Procurator Fiscal during the year. One resulted in a successful prosecution with an £800 fine; two resulted in no further action as the businesses ceased trading. The outcome is awaited for the fourth case.

4. Food Complaints

A total of 133 food complaints in respect of food and food premises were received in 2014/2015. These were dealt with according to the Services' food complaints procedure and Enforcement Policy. It should be noted that on average complaints form only a proportion of the total number of requests for service. In all categories bar one there has been an increase in the number of requests received.

A breakdown of food service requests received is as follows:

Service Requests	2013/14	2014/15
Suspected food poisoning	61	84
Food Hygiene Enquiry	191	166
Food Standards Enquiry	17	28
Food Observations	42	62
Food Condemnation	1	4
Food Hygiene Complaint	40	26
Hygiene of Food Premises	114	87
Food Standards Complaint	83	107
FHIS Revisit Request	38	45
Waste Complaint	7	24
Water Cut Off	1	2
Carrier Bag Charge Complaint	-	7
TOTAL	595	642

5. Food Sampling

There is no statutory target in respect of obtaining and submitting food samples.

Aberdeen Scientific Services Laboratory operates a unit charging scheme and a fixed number of units is allocated, on an annual basis, in respect of food microbiological examination and food chemistry analysis.

Sampling targets for the year were calculated as 240 chemical and 264 microbiological. These totals include general monitoring, local targeted exercises and regional and national surveillance surveys. They do not include re-active samples such as those taken as a result of consumer complaints or as part of investigations of food poisoning outbreaks.

The actual samples submitted for laboratory analysis or examination during 2014/2015 totalled 384 chemical which equates to 160% of the target figure and 431 microbiological which equates to 163% of the target figure. The

increase in sampling numbers can be attributed to additional samples taken as part of special surveys and food complaints.

All sample failures were followed up and the results provided to the food businesses. Premises visits to discuss required remedial action were also undertaken and repeat samples procured to assess legal compliance.

6. Notification, Control and Investigation of Outbreaks of Foodborne Disease

Notifications received from NHS Grampian in respect of foodborne disease totalled 68. This figure includes 13 instances of viral illness associated with schools, nurseries and residential institutions.

All were investigated fully in partnership with the NHS Health Protection Team without the necessity of any formal action.

A breakdown of specific diseases is as follows:

Disease	2013/14	2014/15
Salmonella	36	40
E.Coli O157	1	4
Hepatitis E	3	5
Dysentery	7	5
Campylobacter	2	1
TOTAL	49	55

Officers from the Service conducted interviews with patients gathering information for Enteric Disease Surveillance Forms. This information is shared with colleagues in the Grampian Health Board Health Protection Team. The 2014/15 statistics are not that dissimilar from the previous year.

No major foodborne disease outbreaks occurred during the year .

7. Food Alerts

The food alerts/notifications received from the Food Standards Agency during 2014/2015 are classified and compared to previous year's trends below.

Category of Notification	2013/2014	2014/2015
Food Alert For Action	9	2
Recall	34	29
Withdrawal	2	1
Allergy Alert	47	46
TOTAL	92	78

Officers are made aware of the withdrawal, recall and allergy alerts and accordingly check for products on sale when they are carrying out routine inspections and premises visits. In the case of the Alerts for Action the premises believed to stock the items in question are specifically targeted at the time the Alert is issued to ensure that there is no product on site.

8. Export Certificates

The Service issued 248 Export Certificates for fishery products during 2014/2015 some 119 less than the previous year. The number of certificates issued will fluctuate annually depending on the export market.

Performance on Areas for Improvement 2014/2015

Areas for Improvement	Action
Review of Policy and Procedures as required	Target met
Continue to Establish Partnership Agreements for promotional and educational initiatives where possible	Officers participated in Food Safety week again this year. Stalls providing information about food safety matters were positioned in the three main shopping centres in Aberdeen throughout the event. S3 pupils also received talks on food safety as part of the curriculum.
Implementation of mobile working for food hygiene inspections	Delayed due to IT issues
Continued involvement in the food sampling programme	Target met
Continued application and support of the Food Hygiene Information Scheme	Target met
Continued involvement in the EatSafe Project	Target met
Promote careers as Environmental Health Officers/Food Safety Officers at school careers fairs whilst reinforcing the message and importance of food safety	Representation at school Careers Events promoting careers in Environmental Health
Continue to implement an alternative enforcement strategy whereby category E (low risk) premises will be assessed by telephone questionnaire	Members of the admin team contacted low risk businesses throughout the year by telephone.
Maintenance of the strategy to deal with the risk of cross contamination in food businesses	Target met

Exempt information as described in paragraph(s) 6, 9 of Schedule 7A of the Local Government (Scotland) Act 1973.

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