

Public Document Pack

ADDITIONAL CIRCULATION



To: Councillor Jennifer Stewart, the Depute Provost, Convener; Councillor Lesley Dunbar, Vice Convener; ; and Councillors Al-Samarai, Cameron, Duncan, Greig, Houghton, Townson and Wheeler.

Town House,
ABERDEEN 11 June 2019

PUBLIC PROTECTION COMMITTEE

The undernoted items are circulated in connection with the meeting of the **PUBLIC PROTECTION COMMITTEE** to be held here in the Town House on **THURSDAY, 13 JUNE 2019 at 10.00 am.**

FRASER BELL
CHIEF OFFICER - GOVERNANCE

BUSINESS

16 Food Service Plan (Pages 3 - 32)

This item was omitted from circulation due to a technical issue.

Should you require any further information about this agenda, please contact Derek Jamieson, tel 01224 523057 or email derjamieson@aberdeencity.gov.uk

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SUBMISSION OF LATE REPORT

NAME OF COMMITTEE : Public Protection Committee

DATE OF COMMITTEE : 13 June 2019

TITLE OF REPORT : Food Service Plan

Please explain why this report is late.

Please explain:

- **why this report must be submitted to the next meeting of the Council/Committee; and**
- **why it cannot be submitted to a meeting of the Council/Committee at a later date.**

This report was contained within the intended publication pack however for technical reasons has not been published.

Director Fraser Bell, Chief Officer - Governance

Date 11 June 2019

The following section must be completed by the Convener where a report must be submitted less than three clear days¹ before a meeting of the Council/Committee.

By law, an item of business must be open to inspection by members of the public for at least three clear days before a meeting.

An item of business not open to inspection for three clear days may be considered at a meeting only by reason of special circumstances, which shall be specified in the minutes, and where the Convener is of the opinion that the item should be considered as a matter of urgency.

Please explain why you are of the opinion that the item should be considered as a matter of urgency.

This report was omitted from publication due to a technical issue.



Convener Councillor J.Stewart, the Depute Provost

Date 11 June 2019

¹ For example if a letter is posted on Monday advising of a meeting on Friday, it gives 3 clear days notice (i.e. Tuesday, Wednesday, Thursday). Saturday, Sunday and public holidays are included within the definition of Clear Days.

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ABERDEEN CITY COUNCIL

COMMITTEE	Public Protection
DATE	13 June 2019
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Protective Services Food and Feed Regulatory Service Plan 2019/2020
REPORT NUMBER	OPE/19/261
DIRECTOR	Rob Polkinghorne
CHIEF OFFICER	Mark Reilly
REPORT AUTHOR	Andrea Carson
TERMS OF REFERENCE	3.3

1. PURPOSE OF REPORT

- 1.1 The Food Law Code of Practice (Scotland) 2019 requires Local authorities to prepare an annual Service Plan which details the intended activity of the Service based on the resources allocated; this plan must be approved by Committee.

2. RECOMMENDATION(S)

- 2.1 That the Committee: -

Approves the Protective Services Food and Feed Regulatory Service Plan 2019/2020 (Appendix A);

3. BACKGROUND

- 3.1 Food and Feed enforcement services provided by Aberdeen City Council are located in Protective Services, a city-wide service within Operations. The majority of food enforcement work takes place within the Commercial Section of this Service, with a number of enforcement officers also involved in the enforcement of health and safety, port health, licensing and animal health & welfare.

- 3.2 Enforcement of the Agriculture Act 1970 and the animal feed registration requirements is a Trading Standards function. Due to the very small number of relevant establishments within Aberdeen, Aberdeenshire Trading Standards agreed to carry out animal feed enforcement visits in concert with Aberdeen City Council officers. This is because there are an insufficient number of visits required to be carried out in the City that would allow our officers to meet the experience element of Food Standards Scotland (FSS) competency requirements (50% of time spent on feed controls). These visits are joint inspection visits where City officers organise the visits and deal with any advice and enforcement work that stems from them. There are currently no scheduled feed inspections in 2019/2020 however if there were the presence of Aberdeen City Council staff would ensure that such inspections would be carried out in accordance with the Plan.
- 3.3 Following a UK wide review of feed controls, The FSS Board agreed to centralise feed official controls, as the existing fragmented approach was deemed to no longer be effective. A regional delivery model is anticipated, and a feed officer has been appointed by FSS to take this forward in 2019/20.
- 3.4 Local authorities are required by the 'Food Law Code of Practice' to prepare a Service Plan and review their performance against it on an annual basis.
- 3.5 FSS sees the Service Plan as an important part of the process to ensure national priorities and standards of food enforcement are addressed and delivered locally. Service plans also:
- a. Focus debates on key delivery issues;
 - b. Provide an essential link with financial planning;
 - c. Set objectives for the future, and identify major issues that cross service boundaries; and
 - d. Provide a means of managing performance and making performance comparisons.
- 3.6 FSS suggests a common format for Food and Feed Regulatory Service Plans which should assist local authorities in performance reviews under the Best Value regime.
- 3.7 The power to set standards, monitor and audit the performance of enforcement authorities was conferred on FSS by Sections 3 and 25 of the Food (Scotland) Act 2015 and Regulation 7 of the Official Feed and Food Controls (Scotland) Regulations 2009. FSS has established external audit arrangements intended to ensure competent authorities are providing an effective and consistent service for the delivery of official controls and are meeting the general criteria laid out in Regulation (EC) No 882/2004.
- 3.8 It should be noted that FSS has powers, following consultation with Ministers, to issue a Direction to a local authority requiring it to take specified steps to comply with the Code of Practice issued. Directions are enforceable through Court of Session Orders.

4. FINANCIAL IMPLICATIONS

- 4.1 Currently the service as proposed within the Regulatory Service Plan can be provided within the existing budget.

5. LEGAL IMPLICATIONS

- 5.1 The exact implications of EU Exit in relation to the Regulatory Service Plan are still uncertain. However, depending upon the negotiations, the potential implications of EU Exit on future delivery could be very significant. This is particularly the case in relation to the Import and Export of food, as greatly enhanced regimes could be required. Until there is more clarity on the planned arrangements, it is not possible to quantify the impact on the Service. There is the potential for resource to be diverted away from service delivery during 2019/20 to enable appropriate systems and controls to be implemented.

6. MANAGEMENT OF RISK

- 6.1 Failure to provide a Food Regulatory Service Plan and associated implementation of that plan would be classed as a “hazard risk” in accordance with the Enterprise Risk Management model. This could potentially damage the reputation of the Council as well as putting the citizens of Aberdeen at risk if food businesses are allowed to operate unchecked. Ultimately, FSS may, after consulting with Scottish Ministers, direct a Food Authority requiring it to take any specified steps in order to comply with the requirements of food law or Food Law Code of Practice (Scotland). Any such direction is enforceable by an order of the Court of Session under Section 45 of the Court of Session Act 1988. The powers also allow FSS to recover any reasonable expenses incurred by them from the defaulting local authority.

The outcome of EU Exit may also have an effect on the ability to deliver the Service Plan.

	Risk	Low (L), Medium (M), High (H)	Mitigation
Financial	<p>Failure to produce and deliver a service plan could contribute to default powers being exercised and the associated costs.</p> <p>FSS may, after consulting with Scottish Ministers, direct a Food Authority requiring it to take any specified steps in order to comply with the requirements of food law or Food Law Code of Practice (Scotland). FSS may recover any reasonable expenses incurred by them from the defaulting local authority.</p> <p>There may be financial implications depending on the outcome of EU Exit</p>	<p>L</p> <p>M</p>	Produce and deliver against the service plan.
Legal	<p>ACC is bound by statute to deliver a food law enforcement service, including the provision of a service plan.</p> <p>FSS may, after consulting with Scottish Ministers, direct a Food Authority requiring it to take any specified steps in order to comply with the requirements of food law or Food Law Code of Practice (Scotland). Any such direction is enforceable by an order of the Court of Session under Section 45 of the Court of Session Act 1988.</p>	L	Deliver a food law enforcement service, including the provision of a service plan.
Employee	N/A		

Customer	<p>Failure to provide an effective food law enforcement service could result in consumers being exposed to an unacceptable health risk.</p> <p>Failure to deliver the required level of service post EU Exit to businesses exporting product may result in reduced levels of trade.</p>	L M	Provide an effective food law enforcement service
Environment	N/A		
Technology	N/A		
Reputational	Failure to produce and deliver a service plan could contribute to default powers being exercised and the associated reputational damage.	L	Produce and deliver against the service plan.

7. OUTCOMES

Local Outcome Improvement Plan Themes	
	Impact of Report
Prosperous Economy	In addition to securing protection of the public, business compliance with legislation reduces the risk to them of criminal proceedings and/or litigation. It is also beneficial for them individually and for the economy as a whole.
Prosperous People	People who are adequately protected from threats to their health, safety, and mental and economic wellbeing are more likely to prosper than those who are not.

Design Principles of Target Operating Model	
	Impact of Report
Governance	Appropriate oversight of services delivering public protection provides assurance to both the organisation and the public in terms of meeting the Council's statutory duties, and also contributes to compliance with agreed standards.

8. IMPACT ASSESSMENTS

Assessment	Outcome
Equality & Human Rights Impact Assessment	Full EHRIA not required
Privacy Impact Assessment	Not required
Duty of Due Regard / Fairer Scotland Duty	Not applicable

9. BACKGROUND PAPERS

Food Law Code of Practice (Scotland) 2019

10. APPENDICES

Appendix A: Protective Services Food and Feed Regulatory Service Plan 2019/2020

11. REPORT AUTHOR CONTACT DETAILS

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ABERDEEN CITY COUNCIL

PROTECTIVE SERVICES
FOOD AND FEED REGULATORY SERVICE
PLAN

2019/2020

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 Food Standards and Hygiene (Miscellaneous Amendments) (Scotland) Regulations 2019 update EU law references and implement EU law in preparation for EU Exit.

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.

Aberdeen City were involved in a pilot project, which commenced in 2016, combining food safety and standards inspections within a single food law inspection. The pilot has now concluded and the new regime, including a revised risk rating scheme will be planned to be formally implemented in July 2019.

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 – e.g. the product has been, or is being, withdrawn from sale or recalled from consumers.

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.

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 food law 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.

1.2 Links to Community Planning Aberdeen– Local Outcome Improvement Plan 2016-26

This Food Regulatory Service Plan contributes to helping all people, families, businesses and communities to do well, succeed and flourish. In addition, it supports internationalisation by assisting businesses that export food from the City allowing them to benefit from international trade and investment opportunities.

Furthermore, the Plan helps to ensure that Aberdeen is a place where everyone feels safe by regulating businesses that produce food.

People who are adequately protected from threats to their health, safety, mental and economic wellbeing are more likely to prosper than those who are not.

2. Background

2.1 Profile of the Local Authority

Aberdeen City Council is a mainly urban port authority with a population of approximately 229,000¹. 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 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.

¹ Briefing Paper 2015/02 Population Report, Aberdeen City and Shire

2.2 Organisational Structure

The Food Regulatory Service

The food regulatory service is provided from within the Environmental Health Commercial Section of Protective Services within Operations and Protective Services by a mix of employees that includes Environmental Health Officers, and Authorised Officers. Officers are also involved in the enforcement of health and safety, port health and animal health & welfare. The section also has responsibilities for 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.

Feed Enforcement and Animal Feed Registration

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

Historically, Aberdeenshire Trading Standards agreed to carry out animal feed enforcement visits in concert with Aberdeen City Council officers as there are insufficient number of visits to be carried out in the City that would allow city officers to meet the experience element of the FSS competency requirements. They are happy to continue to do so. These visits are joint inspection visits where City officers organise the visits and deal with any advice and enforcement work that stems from them. City officers are accompanied by an officer from Aberdeenshire who can provide the detailed advice on compliance if and when required.

Despite the intention in 2016 to centralise feed official controls, this has yet to be done and discussions between local authorities and FFS Board on agreeing the new structure are ongoing. The currently favoured model is a regional delivery model, but details on how this would work are not presently available. FSS has recently appointed a Trading Standards Officer to their team to lead on this.

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.

Committee Structure

The Following Committees operate within Aberdeen City Council:

Aberdeen City Region Deal
Audit, Risk and Scrutiny
Capital Programme
City Growth & Resources
Education Operational Delivery
Licensing
Operational Delivery
Pensions
Planning
Public Protection
Staff Governance
Strategic Commissioning
Strategic Transformation

Food related matters are reported to:
Public Protection;
Operational Delivery; and
Audit, Risk and Scrutiny Committees.

2.3 Scope of the Food Service

The authority has a responsibility for the provision of food law enforcement protection services covering approximately 2400 food businesses. Table 1 illustrates the number and type of food businesses within Aberdeen City.

It is not possible to predict accurately the number of food businesses that will be operating within the City during 2019/2020 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 during the year.

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

Food business Type	Establishments	
	1 April 2018	1 April 2019
Primary Producers	6	4
Manufacturers & Packers	63	63
Importers/Exporters	0	0
Distributors/Transporters	43	42
Retailers	478	473
Restaurant & Caterers	1766	1823
Total	2356	2405

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 officers carrying out food safety interventions also have responsibilities for inspecting establishments 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 imported food 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 37 approved establishments in the City. These are categorised as follows:

Fishery products	31	establishments
Dairy products	0	establishments
Meat products	3	establishments
Cold Stores	3	establishments

This Service participated in a pilot project undertaking an enhanced approach to the inspection and auditing of approved establishments and other manufacturers in 2018/19. This enhanced approach provides greater scrutiny and therefore an increased level of assurance in establishments to produce safe food. This project has been identified as a crucial piece of work to support businesses retaining access to export markets especially those in the EU. This approach is being formally adopted in the 2019/20 year and will require resource to be redirected from lower risk activities.

2.4.2.1 EU Exit

If the UK leaves the EU without a withdrawal agreement on 31st October 2019, businesses will have to follow new rules and processes to continue to trade with the EU.

An Export Health Certificate (EHC) will be required for all consignments of Products of Animal Origin, (for Aberdeen based businesses, primarily fish and fishery products) being exported from the UK due to arrive in the EU after 31st October 2019, except for direct landings of product from UK registered fishing vessels to EU ports.

EHCs are used to provide assurances regarding the health and hygiene standards of products for export and were previously only required for UK exports to third countries. Although it is not a statutory requirement to provide these certificates businesses are unable to trade without them. In addition, certificates can only be signed by suitably qualified enforcement officers, or appropriately authorised veterinarians.

Demand for EHCs fluctuates between 100-200 per annum. These certificates are currently issued to businesses exporting to third countries. It is estimated that should we leave the EU without a deal at the end of October 2019 and therefore have to provide certificates for EU exports as well the number of certificates we would be expected to provide could rise significantly. Potentially this could be as high as 10,000 per annum although changes in trading patterns and bulking up of consignments would likely reduce this figure significantly. Furthermore, it is expected that a significant number of these certificates would be required in evenings and weekends - outwith normal working hours. This would have a significant impact on available officer resources; and would result in prioritisation of other work according to risk and public health significance.

It is anticipated that if a deal is agreed, this would include a transition period before any changes were implemented. The impact would depend on the specific arrangements agreed for exports (and imports) of food.

2.4.3 Primary Production

Regulation EC 852/2004 on the 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 very few require to be inspected annually (there have been no inspections in the last few years).

2.4.4 Service delivery points

The officers 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 are dealt with by the Contact Centre. 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 officers 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 Establishment 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 Food Law Code of Practice 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 revised in 2019.

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 establishment or successive attempts to gain access have been unsuccessful.

3.1.1 Frequency of Interventions

In February 2014 the Scottish Food Enforcement Liaison Committee (SFELC) set up a Working Group to address recommendation 57 of the Scudamore Report commissioned by Scottish Ministers following the horse meat incident. The group were tasked with examining the existing arrangements in Annex 5 of the Food Law Code of Practice (Scotland) (which details the risk rating system that is applied post inspection) and assessing whether an alternative regime would deliver more effective prioritisation of Food Law enforcement in Scotland.

Aberdeen City participated in a pilot group that was established to test this theory and it was decided that the conflation of food safety and standards into one food law inspection would benefit local authorities, consumers and the industry. A combined inspection also allows local authorities to target resources on high risk and non-compliant businesses.

As a result of this piece of work an Interventions Food Law Code of Practice was developed containing a new risk rating system which is due to be implemented from July 2019.

Initially inspections will be scheduled based on the existing rating scheme, but will subsequently be rated in accordance with the new scheme and will be inserted into the schedule as appropriate.

The revised rating scheme has inspection frequencies of one month; three months; six months; twelve months; eighteen months; two years; and three years depending on levels of compliance and business type. It is intended to be cost neutral, but to allow resources to be targeted towards higher risk activities.

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

Interventions are planned so that they are carried out by the due date.

The number of inspections is currently anticipated to be as per table 2 below. This figure will be subject to in year changes due to the new rating scheme, inspections being due more than once in a year, new businesses starting operations and other businesses ceasing operations.

It is anticipated that approximately 50% of inspections will require one or more revisits following a food hygiene intervention under the current rating scheme, a proportion of these will now be considered to be inspections in relation to the new rating scheme.

Table 2: Number of currently anticipated inspections / interventions in 2018/2019

Risk category	Inspection Frequency	Number of establishments
A	6 months	20
B	12 months	247 (+4 overdue)
C	18 months	337 (+51 overdue)
D	24 months	123 (+380 overdue)
Not risk rated	N/A	255
E	Alternative Enforcement Strategy every 3 years	71

Our aim is to hit 100% of the current Category A and B establishments on or before the due date for intervention. We intend to inspect the majority of Category C businesses, but resources may be diverted to deal with issues of greater public health significance.

Low risk food law interventions, Category D establishments, 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 where there is minimal inherent risk will be not be inspected unless intelligence or a justified complaint is received which suggests that the nature of the activities may have changed.

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 1200 service requests received in 2019-2020.

Food complaints/service requests are evaluated on receipt by a Principal Environmental Health Officer (PEHO), within 2 working days. 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. Procedures for dealing with service requests have been reviewed in line with the Target Operating Model to ensure that resources are directed to those requests of significant public health concern.

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 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, but this has not been implemented.

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 an originating authority report from any food authority whose investigations have led to a point where a manufacturer or supplier within Aberdeen requires 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 both consumers and potential business start-ups as well as guidance when significant refurbishment is being considered. This year a small fee has been introduced for this service where a site visit is requested to assess an establishment prior to operation or extensive research is required before responding to queries.

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 related matters have also increased. On this basis the service can expect to receive approximately 250 food safety enquiries and 10 food standards enquiries in the forthcoming year.

However, the bulk of additional advisory work is carried out during interventions and visits.

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 intelligence – e.g. from investigation of a complaint, or failure of an informal sample taken by an enforcement officer.

In previous years Environmental Health Officers and Authorised Officers have undertaken all sampling. In order to deliver increased efficiencies, assistance with sample procurement is being provided by the employees at Aberdeen Scientific Services. This frees up enforcement officers and affords them time to concentrate on other areas of work.

The Council provides food analytical services and microbiological 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 officers 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, officers 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 officers, 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 officers from Environmental Health or the Health Board's designated Consultant in Public Health Medicine that a particular food establishment is implicated. In addition, approximately 80 alleged cases of food poisoning are reported to the Service every year by consumers, 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.

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 officers 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 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.

These liaison arrangements demand approximately 12 days of Principal EHO time per year.

The Protective Services 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 officer training and promotional activities.

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

3.10 **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 9 Eatsafe award holders. This is a further reduction from last year.

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

3.11 **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 website. The scheme applies to all food outlets that supply food directly to consumers. Each business is asked to display a certificate on the door or window of their establishment, 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 Establishments

A very small number of establishments may be registered as food businesses in circumstances where it is unlikely that customers will view them as food premises. The assessment for such establishments 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. Establishments will also require to be re-inspected where they have changed ownership.

FSS is in the process of reviewing the scheme, including consideration of the compulsory display of the FHIS outcome by businesses (In Wales and Northern Ireland, it is compulsory to display the FHRS outcome [FHRS is the equivalent system operated in England, Wales and Northern Ireland]). It is unlikely that this review will be completed until after EU Exit.

3.12 Food Fraud/Crime

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 service² 2019/2020

Expenditure		Food Total £
	Staffing	859,500
	Training	
	Sampling	223,564
	Total Expenditure	1,083,064
Income		
	Total Income	85,000
Net Cost		1,148,064

4.2 Staffing Allocation

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

Table 5: Allocation of full-time equivalent staff to the Food Service²

Full Time Equivalent Officers	Establishment	In Post
<u>Section Management</u>		
Protective Services Manager	0.3	0.3
Principal Environmental Health Officers	1.2	1.2
<u>Field Staff</u>		
Environmental Health Officers	9.4	6.7
Authorised Officers	3.7	2.3
Total	14.6	10.5

² Estimate based on number of full-time equivalent employees working in support of the food enforcement service

4.3 Officer Development Plan

The service ensures that:

- a) All officers involved in food safety interventions are qualified Environmental Health Officers or hold the SFSORB Higher Certificates in Food Establishment Inspection and Food Standards Inspection.
- b) All officers involved in the seizure or assessment of foods are Environmental Health Officers or Authorised Officers with specialist qualifications in food inspection.
- c) All officers involved in the assessment of quality systems have had suitable specialist training.

The Service is committed to taking advantage of all opportunities to enhance the skills and competence of officers. It is intended that all food enforcement officers who have not previously attended a recognised HACCP auditing course do so at the earliest possible opportunity. In addition, opportunities to undertake training in Official Control Verification and Investigation Skills will be pursued.

It is also intended to send a proportion of officers 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 officers.

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 inspections as part of the TOM
- 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 update feed database
- i) Dedicate resources to food fraud investigation

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