

ABERDEEN CITY COUNCIL

PROTECTIVE SERVICES  
FOOD REGULATORY SERVICE PLAN

2023/2024

## Introduction

### Definition of the Statutory Food Regulatory Function

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

The United Kingdom (UK) left the European Union on 31 January 2020 and in accordance with the Withdrawal Agreement, the UK is now officially a third country to the EU. EU Food Law has become part of the legal framework and is referred to as Retained EU Law.

The principal 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.

Food safety and food standards are addressed by means of a single Food Law Intervention, introduced 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 law 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 food law 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**

### **1.1 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 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 last three years have been particularly challenging due to the Covid 19 pandemic and the Service has been working continuously to ensure that public health is protected., The Service has seen a significant increase in the number

of new businesses registering during this time in particular during the last 12 months and have been assisting them and ensuring they have the necessary information to allow them to trade safely.

The full scope of the service provided is set out in Section 2.3.

## **1.2 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. The flexibility of the workforce was demonstrated during the pandemic with staff quickly adapting to homeworking and continuing to deliver the service despite disruption. This has resulted in a hybrid model of working between home and office and a refresh of both related documentation and approach to conducting interventions.

## **1.3 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. Throughout the pandemic resources were concentrated on businesses that were exporting products to allow them to continue to trade.

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 an urban port authority with a population of approximately 227,500. 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. The new South Harbour is now operational and several large cruise ships are expected throughout the year.

## 2.2 Organisational Structure

### The Food Regulatory Service

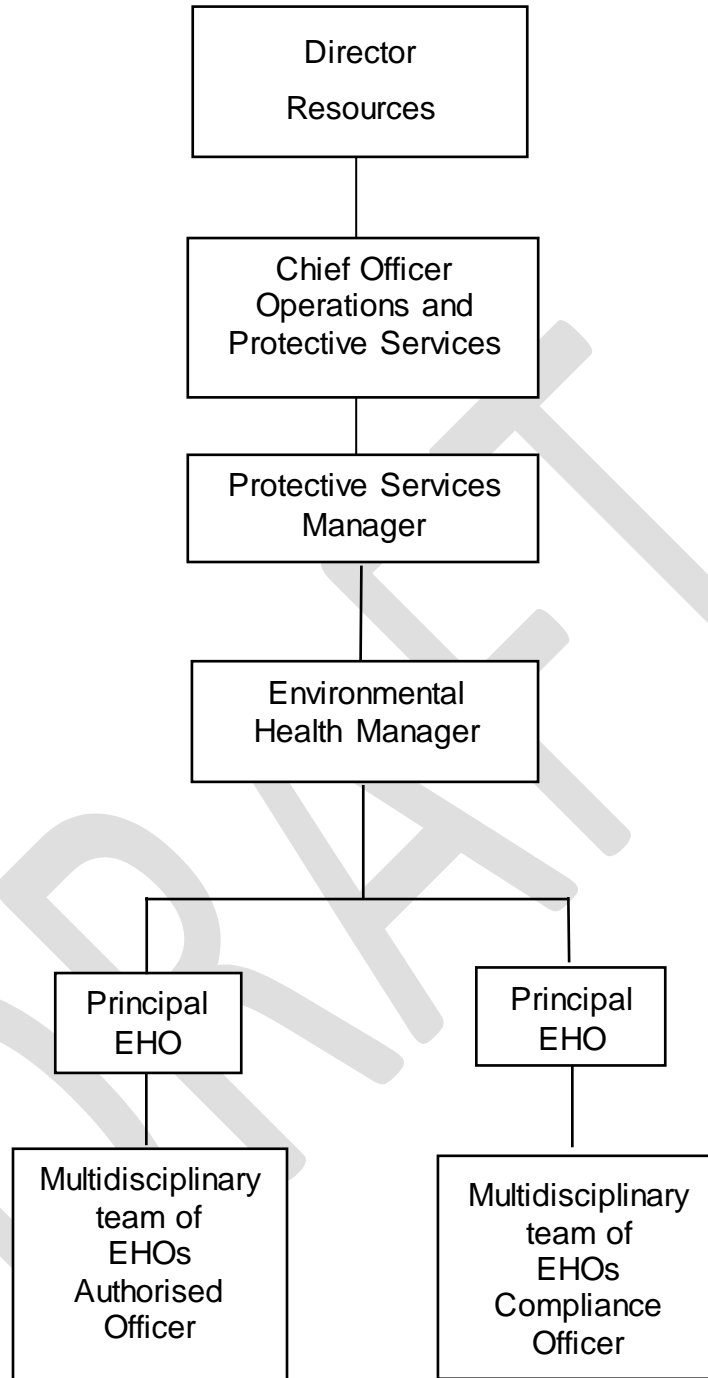
The food regulatory service is provided from within the Environmental Health Commercial Section of Protective Services within Operations and Protective Services by a mix of employees that includes Environmental Health Officers, an Authorised Officer and a Compliance Officer.

The Service recently established the permanent post of Compliance Officer, to assist the team in service delivery of statutory duties that do not necessitate the need for an Environmental Health Officer (EHO)/Authorised Officer (AO).

Officers are also involved in the enforcement of health and safety, port health and animal health & welfare. The section also has responsibility 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.

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The Service structure is detailed below:



## 2.3 Committee Structure

Food related matters are currently reported to the following Committees:

Communities Housing and Public Protection  
Audit, Risk and Scrutiny

## 2.4 Scope of the Food Service

The authority has a responsibility for the provision of food law enforcement protection services covering approximately 2750 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 2023/2024 however considering 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 2023
Primary Producers	7
Manufacturers & Packers	44
Importers/Exporters	2
Distributors/Transporters	39
Retailers	623
Restaurant & Caterers	2018
Fishing Vessels	7
<b>Total</b>	<b>2740</b>

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.

Service delivery has been modified since March 2020 due to the restrictions associated with the pandemic. Food Standards Scotland permitted local authorities to temporarily deviate from the Interventions Code 2019 and the Food Law Code of Practice (Scotland) 2019 to direct resources to address Covid 19 related matters.



Officers in the Service are multifunctional and deal with matters relating to Food, Health and Safety, Licensing, Port Health and Animal Health and Welfare. The food law intervention programme was placed on hold during the pandemic and resumed in September 2021.

The Authority also has responsibility for co-ordinating a monitoring and surveillance programme for foods produced in the area and the Council's Aberdeen Scientific Services, based at the Hutton Institute, provide Public Analyst services related to food analysis and examination.

## **2.4 Demands on the Food Service**

### **2.4.1 General**

In 2021 Food Standards Scotland recognised the disruption of the COVID pandemic to normal service provision and agreed that measures to address the situation should be considered and that a recovery process be designed and implemented in order to enable all local authorities to rectify the position in a consistent manner. Subsequently [Recovery Guidance](#) was produced by a working group convened by the Scottish Food Enforcement Liaison Committee which advised how the intervention programme should be reset.

### **2.4.2 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. Additional import controls are to be introduced later this year; the detail of which has yet to be finalised. Resources will continue to be allocated to this area during routine interventions.

### **2.4.3 Approved Establishments**

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

Currently there are 29 approved establishments in the City. These are categorised as follows:

Fishery products	24	establishments
Meat products	2	establishments

Cold Stores                    3           establishments

The Service will continue to implement Official Control Verification(OCV) undertaking an enhanced approach to the inspection and auditing of approved establishments and other manufacturers. This enhanced approach provides greater scrutiny and therefore an increased level of assurance in establishments to produce safe food. This has been identified as a crucial piece of work to support businesses retaining access to export markets especially those in the EU. This approach will continue in the year 2023/2024 and will require resource to be redirected from lower risk activities.

#### **2.4.4 Export Health Certificates**

An Export Health Certificate (EHC) is required for all consignments of Products of Animal Origin, (for Aberdeen based businesses, primarily fish and fishery products) being exported from the UK, except for direct landings of product from UK registered fishing vessels to EU ports.

EHCs provide assurances regarding the health and hygiene standards of products for export and were previously only required for UK exports to third countries. There is no statutory requirement to provide these certificates however businesses are unable to trade without them. Certificates can only be signed by suitably qualified enforcement officers, or appropriately authorised veterinarians.

Demand for EHCs fluctuates, approximately 75 are issued per annum and includes certificates for products being exported to EU and non-EU Countries. Depending on the number of requests resources may have to be directed from elsewhere.

#### **2.4.5 Primary Production**

Retained 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.

#### **2.4.6 Service delivery points**

Officers continue to work to a hybrid model using both home and the office as bases. Businesses and the public can make contact via email or telephone and these are the most favoured routes rather than direct face to face contact in the Council Offices. The general philosophy is that the service is taken to the client in relation to intervention of businesses or public contact.

The Service can be accessed 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 reached at any time via e-mail, although e-mails will only normally be accessed, by officers, during office working hours.

#### **2.4.7 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 conduct periodic inspections of food business establishments using a risk-based approach is derived from EC Regulations, Retained EU 2017/625 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 Retained 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 Retained EC Regulation 853/2004, and microbiological requirements for foods are contained in Retained 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 2009, 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 Retained EU Regulation 2017/625

Methods for carrying out tasks described as official controls are specified in Article 14 of Retained Regulation 2017/625.

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**

The Recovery Guidance allows for deviation from the Code of Practice, within defined boundaries, to accommodate the volume of work due. It also facilitates the scheduling of higher risk businesses as a priority.

The Food Law Rating Scheme has inspection frequencies ranging from one month to three years; depending on levels of compliance and business type. Resources will continue to be focused and prioritised on dealing with high-risk businesses.

Interventions will take place at a minimum frequency determined by an interventions risk rating assigned at the last inspection/intervention or through the desktop exercise as detailed in the Recovery Plan Guidance. This date can be brought forward if a problem has been identified (e.g. through a complaint investigation, notification of an issue from another authority, poor sampling result etc.) Where increased risk is identified. 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 as a result of inspections being due more than once in a year; new businesses starting operations and other businesses ceasing operations. It is anticipated that a significant number of premises, estimated around 20 %, will require one or more revisits following the initial intervention under the current rating scheme.

**Table 2: Predicted Number of Inspections 1<sup>st</sup> April 23- 31<sup>st</sup> March 2024**

<b>Food Business Group</b>	<b>Number of Premises per Group</b>	<b>Multiplier to account for Inspections due more than once per year</b>	<b>Anticipated number of Inspections due</b>
<b>Group 1 B</b>	<b>11</b>	<b>none</b>	<b>11</b>
<b>Group 1 C</b>	<b>4</b>	<b>Due every 6 months (x2)</b>	<b>8</b>
<b>Group 2D</b>	<b>23</b>	<b>Due every 3 months (x4)</b>	<b>92</b>
<b>Group 2E</b>	<b>3</b>	<b>Due every 1 month (x12)</b>	<b>36</b>
<b>Totals</b>	<b>41</b>		<b>147</b>

The Service aims to prioritise interventions in high risk establishments. This will include all new Group1, current Group 1, Group 2E, Group 2D and Group 3D (there are currently no 3D inspections in the programme however they would be inspected should they arise during the year). In addition to this a proportion of unrated Group 2 establishments (new businesses) will also be inspected when resources allow. Details about the businesses that fall into each category are contained in Appendix 1. These are classed as Priority 1 and Priority 2 as defined in the [Local Authority Recovery Guidance](#). However staff may be diverted to deal with issues of greater public health significance as required.

Lower risk food law interventions in Groups 2 and 3 ( see Appendix 1) will be carried out when competing service demands allow. Businesses in this category are regarded as demonstrating broad compliance with food law and have therefore not been included in the programme for this year. A proportion of Group 3A establishments will be assessed by alternative means where there is minimal inherent risk and will not be inspected unless intelligence or a justified complaint is received which suggests that the nature of the activities may have changed.

### **3.1.2 New Businesses**

On receipt of a Food Business Registration Form a new record will be created for the business and the business will be allocated a business Group. Each month the list of unrated Group 2 businesses will be assessed, and a proportion of those will be added to the monthly inspection programme, dependant on risk,

where capacity allows. Those businesses deemed higher risk will be added to the programme first irrespective of when they registered.

### **3.1.3 EU Exit Inspection of Fishing Vessels**

In addition to the routine food law inspections and OCV visits that require to be undertaken all fishing vessels that are registered with the Authority also must be regularly inspected to allow them to continue to supply fish that is exported to the EU. As a City Authority we have fewer than 10 vessels registered, and an arrangement was made with colleagues in Aberdeenshire to undertake this work on our behalf.

### **3.1.4 Inspection of Approved Premises**

The inspection regime for approved premises sits outwith the Food Law Rating Scheme and these businesses are covered by Official Control Verification (OCV) Guidance.

The objective of the guidance is to provide a framework to ensure a methodical and consistent approach that meets the legislative requirements and secures a high level of public health protection and protects the reputation of Scottish food businesses.

This method differs from traditional inspections, where a suite of visits looking at different aspects of the operation comprises the inspection, rather than an individual inspection. OCV is an elevated level of intervention requiring an increase in officer hours and dedicated resources throughout the year. The OCV process provides assurance to other countries receiving exported Scottish products that there has been a high level of scrutiny and that products are compliant with all relevant food law. It also allows officers to issue Export Health Certificates (EHCs) and Support Attestations with confidence. Support Attestations provide the necessary sanitary assurances to other Authorities who are completing EHCs for product not produced in their area.

## **3.2 Food Complaints/Service Requests (Including complaints about hygiene of premises)**

The trend over recent years has been for a decrease in the number of food related complaints received. Recently more complaints have been reported concerning businesses trading through online platforms and it can be challenging to ascertain if these businesses are based within the City. This issue had been raised both nationally and with Food Standards Scotland. Based on previous years it is anticipated that there will be in the region of 280 complaints about food or hygiene of premises in the next 12 months.

Food complaints/service requests are evaluated on receipt by a Duty Officer. 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 of the progress and outcome of their complaint. Procedures for dealing with service requests have been reviewed to ensure that resources are directed to those requests of significant public health concern.

### **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 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 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 to fully meet the requirements of the referring authority. On average this authority receives fewer than 5 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. There continues to be a year on year increase in the number of new businesses trading in the City. Support, information, and advice is offered to these new traders in relation to food safety controls and it is expected that this demand will continue. A small fee for this service is payable 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 matters has fluctuated. The service can expect to receive approximately 100 enquiries in the forthcoming year.

However, the bulk of additional advisory work is conducted 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. The number of samples planned this year has been significantly reduced due to limited staffing resources it is estimated the number taken will be in the region of 150. Capacity for sampling will be reviewed on a monthly basis and will be programmed accordingly depending on available resources.

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. It is estimated that there will be less than 10 samples which fall into this category during the year

To deliver increased efficiencies, assistance with sample procurement is being provided by the Compliance Officer. 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 and Public Analyst. 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 conduct 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 proactive intervention and sampling work and from lower priority response work.

The current Joint Health Protection Plan details the arrangements for dealing with future pandemics or other similar incidents. It is difficult to predict in advance how much resource would be required; that would be assessed on a case-by-case basis.

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 used in situations where there is a serious threat to public health requiring an immediate response.



The food regulatory service currently conducts 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 has previously investigated sporadic cases confirmed as suffering from a food borne diseases such as salmonella and dysentery where no particular food establishments are implicated. This work has been undertaken over the last couple of years by the Health Protection Officers at Grampian Health Board but may revert to the Service in future.

### **3.7 Food Law 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 Food Standards Scotland (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 principal 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 Joint Health Protection Co-ordination Group of NHS Grampian.

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

Other working groups may be established throughout the year which may require officer representation. Attendance at these will be considered if appropriate and where resources allow.

It is intended that 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.

There is also an agreement between Local Authorities that mutual aid will be provided to deal with any emergencies. This facility was used by this Service at the height of the pandemic, and we would reciprocate should another authority require help. Assistance would also be provided to the Local Health Board to deal with public health associated emergencies.

### **3.9 Food Law Promotional Work**

From time to time, where resources allow, the authority participates in promotional activities with external agencies such as neighbouring local authorities and NHS Grampian and Food Standards Scotland.

3.10 The Service may undertake some project work this year, resources allowing, in addition to other statutory duties. The intention is that this will be beneficial to the protection of public health and will complement the existing intervention process along with enhancing compliance with food law.

### **3.11 Eat Safe 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 8 Eat Safe award holders.

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

### 3.12 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/sticker 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 currently in the early stages of reviewing the Scheme.

### 3.13 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. Following the pandemic EU Exit and fuel price rises there may be an upsurge in food crime;

officers will be vigilant during visits and will address any issues identified. 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, Police Scotland, HMRC, the Home Office Immigration Intelligence Unit and other local authorities

## 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 service<sup>1</sup> 2023/2024**

<b>Expenditure</b>		<b>Food Total £</b>
	Staffing	552,706
	Training	Centralised funding
	Sampling	300,000
	Travel and subsistence	4,537
	Legal	0
	<b>Total Expenditure</b>	<b>857,243</b>
<b>Income</b>		
	<b>Total Income</b>	<b>10,000</b>
<b>Net Cost</b>		<b>847,243</b>

### 4.2 Staffing Allocation

<sup>1</sup> Estimate based on number of full-time equivalent employees working in support of the food enforcement service

The current allocation of full-time equivalent officers to the Food Regulatory Service is detailed in Table 5 below. There is a national project underway, SAFER to help Local Authorities determine the resources required to provide food law related activities in future.

Food Standards Scotland are also currently collating information to produce national data which will assist local authorities with annual resource calculations. Once this information is available it will be used to determine the resources required.

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

Full Time Equivalent Officers	Establishment	In Post
<u>Section Management</u>		
Protective Services Manager	0.2	0.2
Environmental Health Manager	0.4	0.4
Principal Environmental Health Officers	1.2	1.2
Environmental Health Officers	8.95	5.29
Authorised Officers	2.25	0.75
Compliance Officer	0.8	0.8
Admin Support	0.1	0.1
Total	13.9	8.74

#### 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 or Food Practice.
- 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 Approved Premises 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 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.

## **6. Review**

### **6.1 Review Against the Service Plan**

The Service Plan will be reviewed on an annual basis. The review of the 22-23 can be found in Appendix 2.

### **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 hybrid working for food inspections including where possible digital generation and sharing of inspection outcomes.
- d) Continued involvement in the food sampling programme where resources allow.
- e) Continued application and support of Food Hygiene Information Scheme.
- f) Continued involvement in the Eat Safe Project.
- g) Promote careers as Environmental Health Officers/Food Safety Officers at school careers fairs where resources allow whilst reinforcing the message and importance of food safety.
- h) Dedicate resources to food fraud investigation

## Appendix 1

### 5. Food Law Rating System

#### 5.1 The Ladder

Group 1 Business	Performance Levels	Band	Intervention Frequency
<ul style="list-style-type: none"> <li>Manufacturer of High Risk Foods.</li> <li>Manufacturer, Caterer, Processor or Retailer that undertakes a specific method of processing that has the potential to increase the risk to public health beyond that of normal preparation, storage or cooking.</li> <li>Manufacturers of Foods for Specific Groups.</li> <li>All Exporters.</li> <li>Manufacturers, Processors, Importers, Wholesaler, Distributor, Food Broker, Packers of Food at enhanced risk of food fraud, substitution, adulteration or contamination.</li> </ul>	Sustained Compliance	1A	18 Months
	Compliant and confident in compliance going forward	1B	12 Months
	Minor Non-compliance and/or gaps in confidence in compliance going forward	1C	6 Months
	Significant Non-Compliance and/or no confidence in compliance going forward	1D	3 Months
	Sustained non-compliance and/or Issues of Public Health Significance or Fraudulent Activity	1E	Intensive Intervention. 1 Month.
Group 2 Business	Performance Levels	Band	Intervention Frequency
<ul style="list-style-type: none"> <li>All other Manufacturers, Processors, and Caterers.</li> <li>Importers, packers, wholesalers and distributors of high-risk foods not in Group 1.</li> <li>Head Office Business that undertakes a regional/national decision making function.</li> <li>Retailers handling open high-risk foods.</li> </ul>	Sustained Compliance	2A	24 Months
	Compliant and confident in compliance going forward	2B	18 Months
	Minor Non-compliance and/or gaps in confidence in compliance going forward	2C	12 Months
	Significant Non-Compliance and/or no confidence in compliance going forward	2D	3 Months
	Sustained non-compliance and/or Issues of Public Health Significance or Fraudulent Activity	2E	Intensive Intervention. 1 Month.
Group 3 Business	Performance Levels	Band	Intervention Frequency
<ul style="list-style-type: none"> <li>All other retailers, Food Brokers, Importers, packers, wholesalers and distributors.</li> <li>Public Houses and similar Licenced Business not providing catering.</li> <li>Business providing limited refreshments (e.g. tea, coffee, soft drinks) as an adjunct to main activity.</li> <li>Child minders.</li> <li>Supported Living Business.</li> <li>Business producing low risk food based from a domestic dwelling.</li> <li>Bed &amp; Breakfasts.</li> </ul>	Sustained Compliance or Businesses where information available at point of registration, indicates there is minimal inherent risk	3A	No proactive Intervention or 60 months.
	Compliant and confident in compliance going forward	3B	36 Months
	Minor Non-Compliance and/or gaps in confidence in compliance going forward	3C	24 Months
	Significant Non-Compliance and/or no confidence in compliance going forward	3D	3 Months.
	Sustained Non-Compliance and/or Issues of Public Health Significance or Fraudulent Activity	3E	Intensive Intervention. 1 month.

## Appendix 2

### Food Regulatory Service Plan Review

**2022/2023**

#### 1. Food Law Interventions

The number of food law interventions achieved in high risk premises between 1 April 2022 and 31 March 2023 within the target time were as follows:

Risk Category	2022/23	
	Inspections Due	Inspections Achieved
Group 1A	0	0
Group 1B	5	5
Group 1C	5	5
Group 1D	0	0
Group 1E	0	0
Group 2E	5	5
Group 2D	43	40
Total	58	55

The figures indicate that the performance achievement in respect of high risk premises was 94.8 %. Three premises were not inspected on time due to increased service demand at the time the interventions were due. These have since been inspected.

In addition to the premises included in the table above 115 planned interventions were also performed in the year. A further 132 interventions that were not scheduled were also undertaken; a number of these premises were brought to the attention of the Service as complaints had been received relating to the businesses.

#### 2. Official Controls Verification

22 Approved premises were visited in the 2022-2023 year. An intervention at these premises consists of a series of visits and interactions rather than an individual inspection.

#### 3. Formal Enforcement Action

60 Hygiene Improvement Notices were served under Regulation 6 of the Food Hygiene (Scotland) Regulations 2006 in respect of 16 food premises.

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:

Facilities and equipment	14
Food Safety Management System	16
Structural repair & Cleanliness	26
Personal Protective Equipment	1
Training	2
Pest control	1

It is proposed to continue the practice of serving formal action 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.

#### 4. Food Complaints

A total of 276 food complaints in respect of food and food premises were received in 2022/2023. 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 addition to the figures detailed below there were 104 requests for advice which includes those relating to information sought when setting up a new food business. There were also 6 requests from businesses asking for their Food Hygiene Information Scheme (FHIS) rating to be reviewed

A breakdown of food service requests received is as follows:

Alleged food poisoning	81
Food Law	17
Food Hygiene Complaint	16
Hygiene of Food Premises	94
Food Standards Complaint	68
FHIS Revisit Request	6
Total	282

#### 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.

Samples are taken for general monitoring and both national and local surveillance surveys. In addition re-active samples, as a result of consumer complaints or as part of investigations of food poisoning outbreaks, may also be taken from time to time.

The actual samples submitted for laboratory analysis or examination during 2022/2023 totalled 119 chemical with 30 sample failures and 48 microbiological samples with just one failure.

Of the 119 chemical samples, 15 were taken as part of a Food Standards Scotland Survey, 3 of which failed.

24 of the samples taken for general monitoring purposes failed along with a further 3 food complaint samples.

In relation to the microbiological samples 43 were taken as part of a Food Standards Scotland Survey with no fails. 5 additional samples were also taken; the one failure related to a food complaint.

Sample failures were followed up and the results provided to the food businesses or product manufacturer.

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

Notifications received from NHS Grampian in respect of confirmed foodborne disease totalled 3.

A breakdown of specific diseases is as follows:

Salmonella	0
E.Coli	1
Hepatitis E	0
Dysentery	0
Campylobacter	2
Total	3

In addition 18 suspected cases of food borne disease originating in schools, nurseries, nursing homes and a hotel were also reported to the Service via the Health Board.

All were investigated without the necessity of any formal action.

No major foodborne disease outbreaks occurred during the year.

#### 7. Food Hazard Warnings

The food alerts received from the Food Standards Agency during 2022/2023 are detailed below.

Category of Alert	2022/2023
Food Alert For Action	0
Product Recall Information Notice	56
Product Withdrawal Information Notice	0
Allergy Alert	74
TOTAL	130

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 known 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 Health Certificates

The Service issued 67 Export Health Certificates for fishery products during 2022/2023. This is a significant reduction from pre EU Exit levels.

9. Ship Sanitation Exemption Certificates

The Service issued 172 Ship Sanitation Exemption Certificates and 10 Ship Sanitation Exemption Extension Certificates in the year.

**Performance on Areas for Improvement 2022/2023**

<b>Areas for Improvement</b>	<b>Action</b>
Review and update of Policy and Procedures as required	Target met
Establish Partnership Agreements for promotional and educational initiatives where possible	Officers attended Robert Gordon University (RGU) Recruitment Fair in February 2023. Two talks delivered to students at RGU. Talk delivered to Aberdeen College students
Implementation of hybrid working for food inspections including where possible digital generation and sharing of inspection outcomes	Target met. Officers working between home and office base. Majority of letters and inspection paperwork issued via e mail.
Continued involvement in the food sampling programme	Target met
Continued application and support of Food Hygiene Information Scheme	Ongoing
Continued involvement in the EatSafe Project	One Eatsafe award issued this year
Promote careers as Environmental Health Officers/Food Safety Officers at school careers fairs whilst reinforcing the message and importance of food safety	Ongoing when opportunities arise
Dedicate resources to food fraud investigation	Ongoing