

ABERDEEN CITY COUNCIL

COMMITTEE	Housing and Environment
DATE	11 March 2014
DIRECTOR	Pete Leonard
TITLE OF REPORT	Environmental Health Food Regulatory Service Plan 2014/2015 including Review of the 2012/2013 Service Plan
REPORT NUMBER:	H&E/13/069

1. PURPOSE OF REPORT

The Food Standards Agency's 'Framework Agreement' requires local authorities to prepare a service plan and annually review their performance against it.

The report presents to the Committee a revised Food Regulatory Service Plan (Appendix A) for approval by the Committee which also contains an improvement plan for the forthcoming year.

At this time it is impossible to predict accurately the number of food businesses that will be operating in the City or the number of hygiene interventions required for each category of business in 2014/2015; however following examination of the figures for the last few years it can be assumed that there will be a slight increase in intervention numbers due to the emergence of new catering businesses.

The review of performance against the 2012/2013 Food Safety Service Plan is also presented to the Committee.

2. RECOMMENDATION(S)

1. That the Committee approves in principle the maintenance and development of food regulatory services necessary to satisfy the requirements of the Food Standards Agency Framework Agreement
2. That the Committee approves the Food Regulatory Service Plan 2014/2015.(Appendix A)
3. That the Committee notes the Review of the 2012/2013 Food Regulatory Service Plan.(Included in Appendix A)

3. FINANCIAL IMPLICATIONS

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

4. OTHER IMPLICATIONS

Risk Management:

Failure to provide a Food Regulatory Service Plan and associated implementation of that plan is a failure to comply with the Framework Agreement. Ultimately the Food Standards Agency has default powers by virtue of any order made by ministers under section 42 of the Food Safety Act to discharge the duties of an authority. If it is considered that the authority has not been discharging its obligations satisfactorily under the Act. The powers also allow the Agency to recover any reasonable expenses incurred by them from the defaulting local authority.

5. BACKGROUND/MAIN ISSUES

Food enforcement services provided by Aberdeen City Council are located in the Environmental Health and Trading Standards Service, a city-wide service within Housing and Environment. The majority of food enforcement work takes place within the Commercial Section of this Service, with a number of enforcement officers having a dual role being qualified to enforce both food and health and safety law.

A number of enforcement staff have left the Service over the last year and steps are currently being taken to recruit new officers.

Local authorities are required by the Food Standards Agency's (FSA) 'Framework Agreement on Official Feed and Food Controls by Local Authorities to prepare a Service Plan and review their performance against it on an annual basis.

The FSA 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.

The FSA suggest a common format for Food Regulatory Service Plans which should assist local authorities in performance reviews under the Best Value regime.

The FSA has a key role in overseeing local authority food enforcement activities and is proactive in setting and monitoring standards and auditing local authorities' enforcement activities in order to ensure these are effective and undertaken on a consistent basis. Powers to enable the Agency to monitor and audit local authorities are contained in the Food Standards Act 1999. It should be noted that the FSA has default powers by virtue of any order made by ministers under section 42 of the Food Safety Act to discharge the duties of an authority in its place.

Aberdeen City Council, as a 'food authority', is subject to routine audit by the Food Standards Agency. The results of the audit are published on the Agency's web-site. The FSA has powers to require an action plan after audit which authorities must implement within a specified period.

6. IMPACT

Corporate

The work of the Environmental Health Service contributes to making Aberdeen a highly successful City which is a great place to live, work and visit.

1. Links to the 5 year Corporate Business Plan

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

2. Links to Community Planning Single Outcome Agreement 2013

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

3. Links to Aberdeen- the Smarter City

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

Public

This report may be of interest to the public as it details how the food safety regulatory service is provided within the City. The Public are aware that there is the potential to contract food poisoning after consuming food made in premises that do not comply with food hygiene legislation.

7. BACKGROUND PAPERS

Food Standards Agency's (FSA) 'Framework Agreement on Official Feed and Food Controls by Local Authorities

9. REPORT AUTHOR DETAILS

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**Appendix A 2014/2015 Food Regulatory Service Plan including
the Review of Performance against the 2012/2013
Food Regulatory Service Plan**

ABERDEEN CITY COUNCIL
ENVIRONMENTAL HEALTH
FOOD REGULATORY SERVICE PLAN
2014/2015

Introduction

Definition of the Statutory Food Regulatory Function

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

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

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

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

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

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

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

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

Formal enforcement options include:

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

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

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

1. Intervention and audit of food handling and manufacturing operations and processes.
2. Investigation of consumer complaints.
3. Sampling of food.
4. Investigation of issues passed on by other food authorities or the Food Standards Agency.
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

The Food Standards Agency (FSA) oversees 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. The FSA 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 'Food Alerts'. These are divided into three categories:

1. Food alerts for action where food in the supply chain is considered to be unfit
2. Product Withdrawal
3. Product Recall

The FSA issues a 'Product Withdrawal Information Notice' or a 'Product Recall Information Notice' to let local authorities and consumers know about problems associated with food. '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.

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

These warnings are issued to Food Authorities via e-mail. They are also distributed through a secure on-line communications network ('EHC Net').

The *Meat Hygiene Service* (MHS) is an executive arm of the FSA and is responsible for the enforcement of food safety regulations at licensed slaughter-houses, meat cutting establishments and catering butchers. The objective of the MHS is to provide an integrated traceable system of controls on fresh meat from the slaughter-house to the wholesale outlet. Local authorities are generally responsible for all other aspects of enforcement in Scotland. Enforcement of the Regulations in cold stores was handled by the MHS but under the new Regulations this has transferred to Local Authorities.

Grampian Health Board and the Local Authorities within Grampian have a responsibility for the prevention and control of infectious disease including food poisonings. 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. The Health Board provides a designated medical officer (Consultant in Public Health Medicine (Communicable Disease/Environmental Health) to the Local Authority who has powers on behalf of the Local Authority 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 premises.

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

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 will be 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

1. Business Plan

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 Single Outcome Agreement 2013

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

1.3 Links to Aberdeen- the Smarter City

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

2. Background

2.1 Profile of the Local Authority

Aberdeen City Council is a mainly urban port authority with a population of approximately 225,000. The City is the main port for the oil industry within Europe and retains a significant, if diminishing, fishing industry.

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

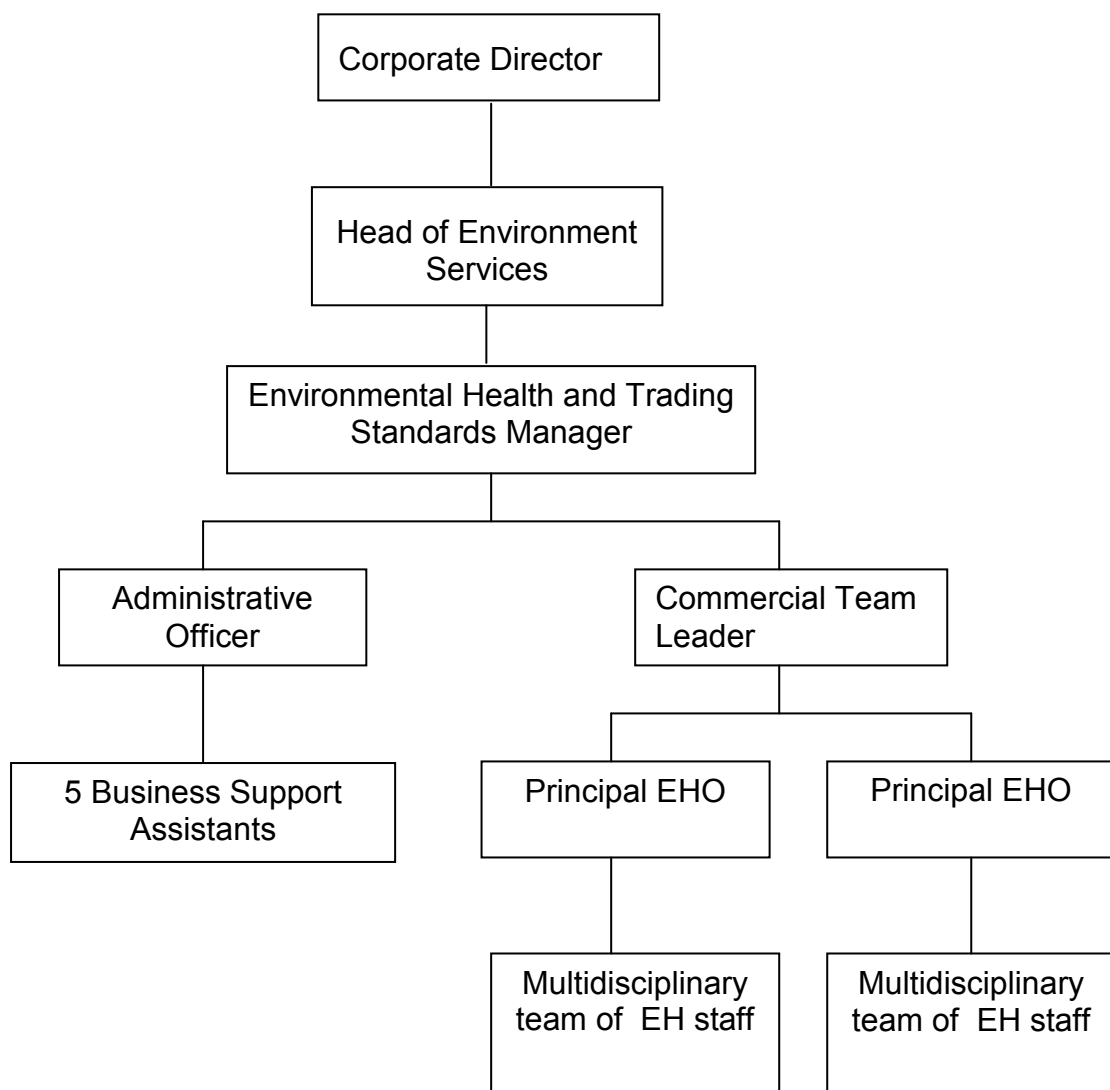
2.2 Organisational Structure

2.2.1 The Food Regulatory Service

The food regulatory service is a city-wide service provided from within the Environmental Health Commercial Section of the Housing and Environment Service by a mix of staff that includes Environmental Health Officers, Authorised Officers and administration staff. A number of the staff have joint responsibility for both food enforcement and enforcement of Health and

Safety at Work. The section also has responsibilities for port health work, liaison with the Licensing Board and Licensing Committee and for liaison over planning and building warrant applications with a view to providing advice on environmental health issues that may be involved. Control of feedingstuffs falls within the responsibility of the Trading Standards Section and arrangements for this function are detailed within the Trading Standards Service Plan.

The Commercial Team is currently composed of 2 multi-disciplinary area based teams.



2.2.2 Committee Structure

The Following Committees operate within Aberdeen City Council:

Audit and Risk
Education Culture and Sport
Enterprise, Strategic Planning and Infrastructure
Finance, Policy and Resources
Housing and Environment
Social Care, Wellbeing and Safety
Petitions
Planning Development Management
Licensing
Appeals
Pensions Panel

The bulk of food related matters are reported to the Housing and Environment Committee. When appropriate, food related matters may also be reported to the Finance and Resources or the Audit and Risk Committees.

2.3 Scope of the Food Service

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

At this time it is impossible to predict accurately the number of food businesses that will be operating within the City in 2014/2015 however looking at the figures for the last few years it can be assumed that there will be a slight increase in the number of caterers.

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

Food business Type	Premises	
	1 April 2012	1 April 2013
Primary Producers	4	4
Manufacturers & Packers	63	61
Importers/Exporters	1	1
Distributors/Transporters	39	41
Retailers	450	445
Restaurant & Caterers	1453	1487
Total	2010	2039

The principal responsibility is the intervention and audit of these premises, however there is also responsibility to investigate food complaints relating to the safety or standards of food sold from these establishments. This includes

a responsibility to investigate, where appropriate, on behalf of other enforcement agencies under the Home Authority Principle.

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

Many of the staff carrying out food safety interventions also have responsibilities for inspecting premises under health and safety legislation as detailed in Section 2.2. As an urban authority there is little involvement in feedingstuffs controls. Detailed arrangements for control of feedingstuffs are contained within the Consumer Protection Section Service Plan and Quality Management systems.

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 Premises Profile

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

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

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

2.4.2 Approved/Licensed Premises

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

Currently there are 44 approved premises in the City . These are categorised as follows:

Fishery products	40	premises
Dairy products	2	premises
Meat products	4	premises

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

2.4.3 Primary Production

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

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

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

2.4.4 Service delivery points

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

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

2.5 Enforcement Policy

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

3. Service Delivery

3.1 Food Premises Interventions

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

Standards of Food hygiene and safety for businesses in the European Community are set out in the EC Regulation 853/2004 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.

Codes of Practice issued under Section 40 of the Food Safety Act 1990 and Regulation 6 of the Official Feed and Food Controls (Scotland) Regulations 2006, together with associated practice guidance and industry guides assist enforcement authorities in performing their duties. The Food Law Code of Practice (Scotland) was last revised in 2009 principally to replace the inspection focussed approach to food law enforcement with one whereby local authorities can use a wider range of interventions to monitor, support and increase business compliance. The Code has recently undergone another revision; the draft of which was consulted on at the beginning of 2014 - a final version is awaited. The aim stated by the Food Standards Agency and endorsed by this Service is to ensure that resources are directed at those food businesses that present the greatest risk to public health. Previously inspections were conducted at food businesses, these have now been replaced with a suite of interventions as defined below.

Interventions

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

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

These Include:-

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

Non-official controls are:-

- Education, advice and coaching
- Information and intelligence gathering

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

3.1.1 Frequency of Interventions

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

All interventions should be planned so that they are carried out no later than 28 days after the due date.

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

The projected number of programmed interventions due for 2013-2014 is 470 for food safety (Table 2) and 440 for food standards (Table 3). Approximately 50% of premises will require one or more revisits following a food hygiene intervention. It is important to note that these figures exclude the category C risk rated premises as these have been removed from the inspection programme. In addition the actual number of interventions required could vary slightly from the forecast at the beginning of each year due to changes in risk ratings during the year.

3.1.2 Control of Cross Contamination Strategy

In February 2011 the Food Standards Agency published guidance on the Control of Cross Contamination in response to the serious outbreaks of E coli O157 in Scotland in 1996 and Wales in 2005.

The guidance was developed for use by food businesses and clarified the steps required to control the risk of food becoming contaminated and detailed the steps to be taken to protect customers. It was also to be used by local authority food law enforcement officers when inspecting those businesses.

Although E coli O157 is the key focus of the guidance, the measures outlined will also assist in the control of other pathogenic bacteria such as campylobacter and salmonella.

In order to assist local authorities in implementing the Control of cross contamination guidance, a Cross Contamination Initiative Strategy was developed by the Scottish Food Enforcement Liaison Committee and agreed by The Food Standards Agency in Scotland to allow Scottish local authorities to engage with medium risk food businesses outwith the annual planned food intervention programme.

The strategy allows local authorities to focus resources on addressing cross contamination controls until 31st March 2015. During this time the frequency of planned interventions of high risk food premises and manufacturing establishments requiring approval will remain unchanged.

As a result of this strategy both high and medium risk rated food businesses will be subject to focused inspections dealing primarily with the control of cross contamination and once an initial inspection is carried out the business will be re-visited repeatedly until compliance with food law has been achieved.

Low risk and unrated food businesses will only be subject to reactive interventions during the initiative strategy period unless resources dictate otherwise. This will mean that some of these businesses may fall overdue for inspection during the implementation period. However it should be remembered that this is because premises presenting a greater risk to the public are being targeted.

The implementation of the strategy will result in an increase in the number of focused interventions of medium risk premises. It is more than likely that revisits to some premises will also be required to ensure compliance. It will not be possible to estimate the number of premises that will require formal intervention or additional visits until the project has been running for a period of time.

The national emphasis on cross contamination will result in an increase in the use of formal sanctions where there are instances of loss of control and food hygiene risks are being inadequately addressed by business proprietors. These formal sanctions will include the issue of the following notices: Remedial Action Notices, allowing certain practices to be stopped

immediately; Hygiene Improvement Notices requiring works to be done within a specified time and Hygiene Emergency Prohibition Notices requiring the business to shut immediately. Reports to the Procurator Fiscal may also be prepared where there is continuing non-compliance with legislation. This formal approach has been encouraged by the Food Standards Agency.

Any increase in the level of formal enforcement action will place an additional burden on the Environmental Health Service.

Table 2: Number of business due for food hygiene Interventions in 2013/2014

Risk category	Inspection Frequency	Number of premises
A	6 months	17
B	12 months	191
C	18 months	Currently excluded
D	24 months	149
Not risk rated	N/A	100
E	Alternative Enforcement Strategy every 3 years	89
Overdue from previous year		13
Total		559

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

At this time it is impossible to predict accurately the number of food hygiene interventions required for each category of business within the City in 2014/2015 however following examination of the figures for the last few years it can be assumed that there will be a slight increase in intervention numbers due to the emergence of new catering businesses.

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

Category C premises will be dealt with under the Control of Cross Contamination Strategy as described in 3.1.2.

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

UK Food Hygiene legislation was updated in January 2006 providing officers with a set of European Regulations and The Food Hygiene (Scotland) Regulations 2006.

This legislation sets out the duty of food business operators to produce food safely.

Another key feature of this legislation is the requirement of most food businesses, including caterers, to establish, and document, food safety management procedures (FSMP) based on the application of Hazard Analysis Critical Control Point (HACCP) principles.

Table 3: Number of business due for food standards intervention in 2013/2014

Risk category	Inspection Frequency	Number of premises
A	12 months	20
B	24 months	125
C	Alternative Enforcement Strategy every 5 years	155
Not risk rated		140
Total		440

At this time it is impossible to predict accurately the number of food standards interventions required for each category of business within the City in 2014/2015 however following examination of the figures for the last few years it can be assumed that there will be a slight increase in intervention numbers due to the emergence of new catering businesses.

To maximise the use of existing staffing resources, interventions of different types will be carried out at a single visit, where practicable. For example, food hygiene and food standards interventions will be, wherever possible, synchronised. However, savings made through this type of rationalisation have to be carefully balanced against the cost of bringing a programmed action to an earlier date and hence increasing the overall frequency of interventions.

3.2 Food and Feedingstuffs Complaints/Service Requests (Including Food Hygiene Complaints)

The trend over recent years has been for a year on year increase in the number of food related complaints received. Based on previous years it is anticipated that there will be in the region of 600 service requests received in 2014-2015.

Our aim is to ensure all food complaints/service requests are evaluated on receipt by the Principal EHO (Food) or in her absence the Commercial Team

Leader or other Commercial Team Principal EHO. The decision making process for action on a given complaint is informed by the documented food complaints procedure of the Commercial Section and the Service's Food Safety Enforcement Policy. Handling food complaints is a resource intensive process and action in relation to individual complaints will be proportionate to risk. Complainants are informed of the proposed course of action and also of the progress and outcome of their complaint.

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

3.3 Home Authority Principle and Primary Authority Scheme

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

From April 2009, Food Authorities in England had the choice to become the Primary Authority for a food business operator that has establishments in more than one Local Authority area. Scottish Authorities have been advised to treat Primary Authorities as if they were the "Home Authority"

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

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

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

3.4 Advice to Businesses

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

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

The Service also provides advice on request to both businesses and consumers. Over the past few years the number of enquiries from businesses and the public relating to food safety has increased. Enquiries relating to food standards have also increased. On this basis the service can expect to receive approximately 140 food safety enquiries and 15 food standards enquiries in the forthcoming year.

3.5 Food Intervention and Sampling

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

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

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

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

3.6 Control and Investigation of Outbreaks and Food Related Infectious Disease

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

The Service has out-of-hours arrangements via a 'duty officer' stand-by system. The availability of staff for drafting in over holiday periods cannot be guaranteed but it is statistically unlikely that insufficient staff would be available due to the number of staff potentially available and the number likely to be required at short notice. The Service also holds a list of out of hours contact details for its food enforcement staff, which can be utilised in situations where there is a serious threat to public health requiring an immediate response.

The food regulatory service currently carries out field investigations of food related infectious disease in all cases where it is judged by Environmental

Health staff or the Health Board's designated Consultant in Public Health Medicine that a particular food premises is implicated. Around 90 alleged cases of food poisoning are reported to the Service every year, but not all warrant detailed investigation.

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

3.7 Food Safety Incidents

The Food Regulatory Service is advised of Food Alerts (FA), Allergy Alerts, Product withdrawal and Product recall information via e mail. Out-of-hours contact arrangements are registered with the FSA, including communication via e-mail and text message to key personnel.

All responses to Food Alerts will continue to be in keeping with the category of the warning either for action or information. 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 the FSA and other authorities as circumstances dictate. Availability of staff in emergency situations is as described in section 3.6 above.

In terms of numbers, the trend appears to be towards a decreasing number of Food Alerts from the FSA.

3.8 Liaison with Other Bodies

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

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

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

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

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

3.9 **Food Safety and Food Standards Promotional Work**

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

EatSafe Project.

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

Food Standards Agency Scotland's (FSAS) 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 premises 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 has issued 30 awards to date.

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

Food Hygiene Information Scheme

The Food Hygiene Information Scheme was launched in Scotland on 6 November 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.

Aberdeen City was one of the five pilot authorities in Scotland to introduce this scheme and the results can be viewed on the Aberdeen City website. In addition to the scheme a copy of the most recent inspection report is also displayed on the website. Some reports will not be available where legal action is pending- these are withheld until the outstanding matters are resolved. This project has now been rolled out nationally and the majority of Scottish local authorities have agreed to take part.

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

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

Improvement Required:

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

Exempt Premises:

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

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

Awaiting Inspection:

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

The scheme is applied throughout the City.

4. Resources

4.1 Financial Allocation

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

Table 4: Financial allocation for the food service¹ 2014/2015

Expenditure		Food Total £
	Staffing	365113
	Training	12000
	Sampling	220000
	Other operating costs	56448
	Total Expenditure	653561
Income		
	Total Income	44441
Net Cost		609120

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

4.2 Staffing Allocation

The current allocation of full time equivalent staff to the Food Regulatory Service is detailed in Table 5 below. Due to staff shortages, the actual staffing level is significantly below the number of established posts.

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

Full Time Equivalent Staff	Food
<u>Section Management</u>	
Trading Standards and Commercial Premises Manager	0.3
Commercial Team Leader	0.5
Principal Environmental Health Officers	1.2
<u>Field Staff</u>	
Environmental Health Officers	5.0
Senior Authorised Officers	1.6
Authorised Officers	2.8
<u>Section Support</u>	
Administration Staff	2.6
Total	14.0

4.3 Staff Development Plan

The service ensures that:

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

The Service is committed to taking advantage of all opportunities to send staff on the Royal Environmental Health Institute of Scotland Law Enforcement School and a HACCP auditing course. The majority of staff have attended the necessary HACCP auditing course and current shortfalls have only reflected the availability and frequency of courses. It is intended that all food enforcement staff who have not previously attended a recognised HACCP auditing course do so at the earliest possible opportunity.

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

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

5. Quality Assessment

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

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

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 of Policy and Procedures as required.
- [b] Continue to establish partnership agreements for promotional and educational initiatives where possible.
- [c] Implementation of mobile working for food hygiene inspections
- [d] Continued involvement in the food sampling programme.

- [e] Continued application and support of Food Hygiene Information Scheme.
- [f] Continued involvement in the Eatsafe Project.
- [j] Promote careers as Environmental Health Officers/Food Safety Officers at school careers fairs whilst reinforcing the message and importance of food safety.
- [k] Continue to implement an alternative enforcement strategy whereby category E (low risk) premises will be assessed by telephone questionnaire.
- [l] Maintenance of the strategy to deal with the risk of cross contamination in food businesses

Food Regulatory Service Plan Review

2012/2013

1. Food Hygiene Interventions

The number of food hygiene interventions achieved between 1 April 2012 and 31 March 2013 within the target time were as follows:

Risk Category	2011/12		2012/13	
	Inspections Due	Inspections Achieved	Inspections Due	Inspections Achieved
A (High)	16	16	28	28
B (High)	161	161	160	158
C (Medium)	484	462	407	393
D (Low)	87	84	112	102
TOTAL	748	723	707	681

The figures indicate that the performance achievement in respect of high risk premises decreased by 1% to 99% from the previous year with two premises missed.

The performance achievement in respect of medium risk premises improved from the previous year to 97%.

The performance achievement in respect of low risk premises decreased by 6%, however, the number of inspections required increased by 29%.

It must also be noted that the total number of food hygiene inspections that were carried out in 2012/13 was 874; 193 more inspection jobs that were not in the work programme for the year. These additional inspections are mainly attributed to new premises that have begun trading in the City.

The percentage of "broadly compliant" premises is 92% for the period 1 April 2012 to 31 March 2013. Broadly compliant businesses with no critical risks to food safety, and few minor non recurring contraventions will receive a Pass certificate in the Food Hygiene Information Scheme.

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

2. Food Standards Interventions

The number of food standards interventions undertaken between 1 April 2012 and 31 March 2013 was 537, a decrease of 345 from the previous year. This figure will fluctuate year on year depending on how many food standards

inspections are due. The number of new businesses that began trading in the area also effects this figure as each new business will require both a food hygiene and food standards inspection at start-up.

3. Formal Enforcement Action

106 Hygiene Improvement Notices were served under Regulation 6 of the Food Hygiene (Scotland) Regulations 2006 in respect of 38 food premises. This represents an increase of 5 % from the previous year. The number of notices fluctuates year on year depending on the inspections that are due during that period.

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

Non Compliance	2011/12	2012/13
Facilities and equipment	31	27
Food Safety Management System	36	33
Structural repair	23	17
Personal Protective Equipment	0	0
Training	7	3
Pest control	4	4
Cleaning	0	22
TOTAL	101	106

In addition 5 Remedial Action Notices were also served. These notices immediately stop the storage, handling, preparation and sale of either ready to eat or non ready to eat foods.

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.

It is also anticipated that the service of formal Notices will increase significantly with the implementation of the Control of Cross Contamination initiative as all Scottish Local Authorities have been strongly recommended by the Food Standards Agency in Scotland to adopt a robust enforcement regime when finding any loss of such control.

Five reports were submitted to the Procurator Fiscal during the year. Two resulted in successful prosecutions; one in a fiscal fine, another still has to be dealt with by the Fiscal Service and the fifth is set for trial in the Sherriff Court in February 2014.

4. Food Complaints

A total of 131 food complaints in respect of food and food premises were received in 2012/2013. These were dealt with according to the Services' food complaints procedure and Enforcement Policy. It should be noted that on average complaints form only a proportion of the total number of requests for service. In all categories bar one there has been an increase in the number of requests received.

A breakdown of food service requests received is as follows:

Service Requests	2011/12	2012/13
Suspected food poisoning	71	88
Food Hygiene Enquiry	142	174
Food Standards Enquiry	14	17
Food Observations	28	45
Food Condemnation	1	2
Food Hygiene Complaint	78	44
Hygiene of Food Premises	30	101
Food Standards Complaint	79	87
FHIS Revisit Request	26	28
TOTAL	469	586

5. Food Sampling

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

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

Sampling targets for the year were calculated as 384 chemical and 220 microbiological. These totals include general monitoring, local targeted exercises and regional and national surveillance surveys. They do not include re-active samples such as those taken as a result of consumer complaints or as part of investigations of food poisoning outbreaks.

The actual samples submitted for laboratory analysis or examination during 2012/2013 totalled 410 chemical which equates to 107 % of the target figure and 416 microbiological which equates to 189 % of the target figure. The increase in sampling numbers can be partially attributed to the additional samples taken during the horse meat investigation.

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

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

Notifications received from NHS Grampian in respect of foodborne disease totalled 53. This figure includes 5 instances of viral illness associated with care homes and residential institutions, one instance connected to a nursery and one case of suspected legionella.

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

A breakdown of specific diseases is as follows:

Disease	2011/12	2012/13
Salmonella	39	38
E.Coli O157	9	0
Hepatitis E	2	1
Dysentery	7	5
Campylobacter	1	2
TOTAL	58	46

Officers from the Service conducted interviews with patients gathering information for Enteric Disease Surveillance Forms. This information is shared with colleagues in the Grampian Health Board Health Protection Team. The 2012/13 statistics are not that dissimilar from the previous year apart from the E Coli O157 figure. In the 2012/13 year the Health Protection team dealt with these investigations.

No major food borne disease outbreaks occurred during the year .

7. Food Hazard Warnings

The food alerts received from the Food Standards Agency during 2012/2013 are classified and compared to previous year's trends below.

Category of Alert	2011/2012	2012/2013
For Action	2	17
Recall	38	34
Withdrawal	3	3
Allergy Alert	41	61
TOTAL	84	115

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 Certificates

The Service issued 269 Export Certificates for fishery products during 2012/2013 some 62 less than the previous year. The number of certificates issued will fluctuate annually depending on the export market.

Performance on Areas for Improvement 2012/2013

Areas for Improvement	Action
Review of Policy and Procedures as required	Target met
Continue to Establish Partnership Agreements for promotional and educational initiatives where possible	<p>Officers participated in Food Safety week where talks were given to over 500 primary school children in six schools in the area.</p> <p>S3 pupils also received talks on food safety as part of the curriculum.</p> <p>Representation at school Careers Events promoting careers in Environmental Health</p>
All staff to complete the HACCP course by the end of 2013	Constrained due to course availability
Continued involvement in the food sampling programme	Target met
Continued application and support of the Food Hygiene Information Scheme	Target met
Continued involvement in the Eatsafe Project	Target met
Promote careers as Environmental Health Officers/Food Safety Officers at school careers fairs whilst reinforcing the message and importance of food safety	Target met
Continue to implement an alternative enforcement strategy whereby category E (low risk) premises will be assessed by telephone questionnaire	Members of the admin team contacted low risk businesses throughout the year by telephone. This will be an on-going requirement in 2013/14
Maintenance of the strategy to deal with the risk of cross contamination in food businesses	Category C premises have been inspected in the last quarter of the year. This strategy will continue in 2013/14.