
ABERDEEN CITY COUNCIL

COMMITTEE	Public Protection
DATE	5 October 2022
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Protective Services Food Regulatory Service Plan 2022/2023
REPORT NUMBER	OPE/ 22/154
DIRECTOR	Steven Whyte
CHIEF OFFICER	Mark Reilly
REPORT AUTHOR	Andrea Carson
TERMS OF REFERENCE	3.1

1. PURPOSE OF REPORT

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

2. RECOMMENDATION(S)

- 2.1 That the Committee: -

Approves the Protective Services Food Regulatory Service Plan 2022/2023 (Appendix A).

3. CURRENT SITUATION

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

- 3.2 There has been significant disruption to service delivery since the start of the Covid 19 Pandemic in March 2020. In April 2020 a Ministerial agreement was secured to allow relaxation of the Food Law Intervention (Inspection) Program, during which routine inspections were suspended to allow resources to be dedicated to Covid 19 related work.
- 3.3 The Service is currently in a recovery phase and Food Law interventions have recommenced however there is a significant backlog which is being exacerbated by a national shortage of suitably qualified officers to carry out interventions.
- 3.4 Local authorities are required by the 'Food Law Code of Practice' to prepare a Service Plan and review their performance against it on an annual basis.
- 3.5 Food Standards Scotland (FSS) sees the Service Plan as an important part of the process to ensure national priorities and standards of food enforcement are addressed and delivered locally. Service plans also:
 - a. Focus debates on key delivery issues.
 - b. Provide an essential link with financial planning.
 - c. Set objectives for the future, and identify major issues that cross service boundaries; and
 - d. Provide a means of managing performance and making performance comparisons.
- 3.6 FSS suggests a common format for Food and Feed Regulatory Service Plans which should assist local authorities in performance reviews under the Best Value regime.
- 3.7 The power to set standards, monitor and audit the performance of enforcement authorities was conferred on FSS by Sections 3 and 25 of the Food (Scotland) Act 2015 and Regulation 7 of the Official Feed and Food Controls (Scotland) Regulations 2009. FSS has established external audit arrangements intended to ensure competent authorities are providing an effective and consistent service for the delivery of official controls and are meeting the general criteria laid out in retained EU Regulation (EC) 2017/625.
- 3.8 FSS has powers, following consultation with Ministers, to issue a Direction to a local authority requiring it to take specified steps to comply with the Code of Practice issued. Directions are enforceable through Court of Session Orders.

4. FINANCIAL IMPLICATIONS

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

5. LEGAL IMPLICATIONS

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

6. ENVIRONMENTAL IMPLICATIONS

6.1 There are no direct environmental implications arising from the recommendations of this report.

7. RISK

The assessment of risk contained in the table below is considered to be consistent with the Councils Risk Appetite Statement

Category	Risks	Primary Controls/Control Actions to achieve Target Risk Level	*Target Risk Level (L, M or H) *taking into account controls/control actions	*Does Target Risk Level Match Appetite Set?
Strategic Risk	Unable to deliver service due to acute disruptive events	Business continuity plans in place to continue key service provision	L	Yes
Compliance	ACC is bound by statute to deliver a food law enforcement service, including the provision of a service plan.	Deliver a food law enforcement service, including the provision of a Service Plan.	L	Yes

	<p>FSS may, after consulting with Scottish Ministers, direct a Food Authority requiring it to take any specified steps to comply with the requirements of food law or Food Law Code of Practice (Scotland). Any such direction is enforceable by an order of the Court of Session under Section 45 of the Court of Session Act 1988.</p>			
Operational	<p>Qualified officers not available to carry out interventions</p>	<p>Only qualified undertake regulatory duties. Risk prioritisation of interventions when insufficient offices available. appropriate training, needs identified through CR+D ,121 discussions, effective management of staff workloads, achievable targets within the Service Plan</p>	M	Yes
Financial	<p>Failure to produce and deliver a service plan could contribute to default powers being exercised</p>	<p>Produce and deliver against the Service Plan.</p>	L	Yes

	<p>and the associated costs.</p> <p>FSS may, after consulting with Scottish Ministers, direct a Food Authority requiring it to take any specified steps to comply with the requirements of food law or Food Law Code of Practice (Scotland). FSS may recover any reasonable expenses incurred by them from the defaulting local authority.</p>			
Reputational	<p>Failure to produce and deliver a Service Plan could contribute to default powers being exercised and the associated reputational damage.</p>	<p>Produce and deliver against the Service Plan.</p>	L	Yes
Environment / Climate	<p>No significant risks identified</p>			

8. OUTCOMES

The proposals in this report have no impact on the Council Delivery Plan.

Aberdeen City Local Outcome Improvement Plan	
	Impact of Report
Prosperous Economy Stretch Outcomes	The proposals in this report support the delivery of LOIP Stretch Outcome 2 – 400 unemployed Aberdeen City residents supported into Fair work by 2026. People starting up new food related businesses will be provided with advice and support which will assist them to comply with the relevant legislation. This reduces the risk to them as individuals of criminal proceedings and/or litigation and secures public protection. New business start-ups are beneficial to the economy as a whole.

Regional and City Strategies	The proposals within this report support the Regional Economic Strategy by assisting local businesses to thrive and prosper by providing advice to ensure compliance with relevant legislation. Assistance is also provided by the Service in the form of certification to ensure that businesses can trade globally.
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9. IMPACT ASSESSMENTS

Assessment	Outcome
Integrated Impact Assessment	Full impact assessment not required
Data Protection Impact Assessment	Not required
Other	None

10. BACKGROUND PAPERS

Food Law Code of Practice (Scotland) 2019

11. APPENDICES

Appendix A: Protective Services Food Regulatory Service Plan 2022/2023

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