

ABERDEEN CITY COUNCIL

**PROTECTIVE SERVICES
FOOD REGULATORY SERVICE PLAN**

2022/2023

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 safety and food standards performance through the following:

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

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

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

Key Partnership Agencies

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

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

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food and are issued where a solution to the problem has been put in place – e.g., the product has been, or is being, withdrawn from sale or recalled from consumers.

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

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

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

FSS is responsible for the enforcement of food safety regulations at approved abattoirs, meat cutting establishments and catering butchers. Local authorities are generally responsible for all other aspects of food law enforcement in Scotland. NHS Grampian and the Local Authorities within Grampian have a responsibility for the prevention and control of infectious disease including food borne disease. A local Infectious Disease Incident Plan has been produced and outlines in detail the roles and responsibilities shared by the various organisations included within the plan; this is reviewed periodically. NHS Grampian provides a designated medical officer (Consultant in Public Health Medicine (Communicable Disease/Environmental Health)) to the Local Authority and has powers to exclude individuals, who present a public health risk, from work or school.

1. Service Aims and Objectives

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 two and a half 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. In addition, as has been the case throughout the pandemic, the Service has been assisting businesses and ensuring they have the necessary information to allow them to trade safely; this support will be sustained until recovery is complete.

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 229,000. The City is the main port for the oil industry within Europe and retains a significant, if diminishing, fishing industry.

A moderate fish processing business sector exists, however the authority is no longer served by a fish auction market. There is also a 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 currently partially operational and is expected to be fully functional by summer 2023.

2.2 Organisational Structure

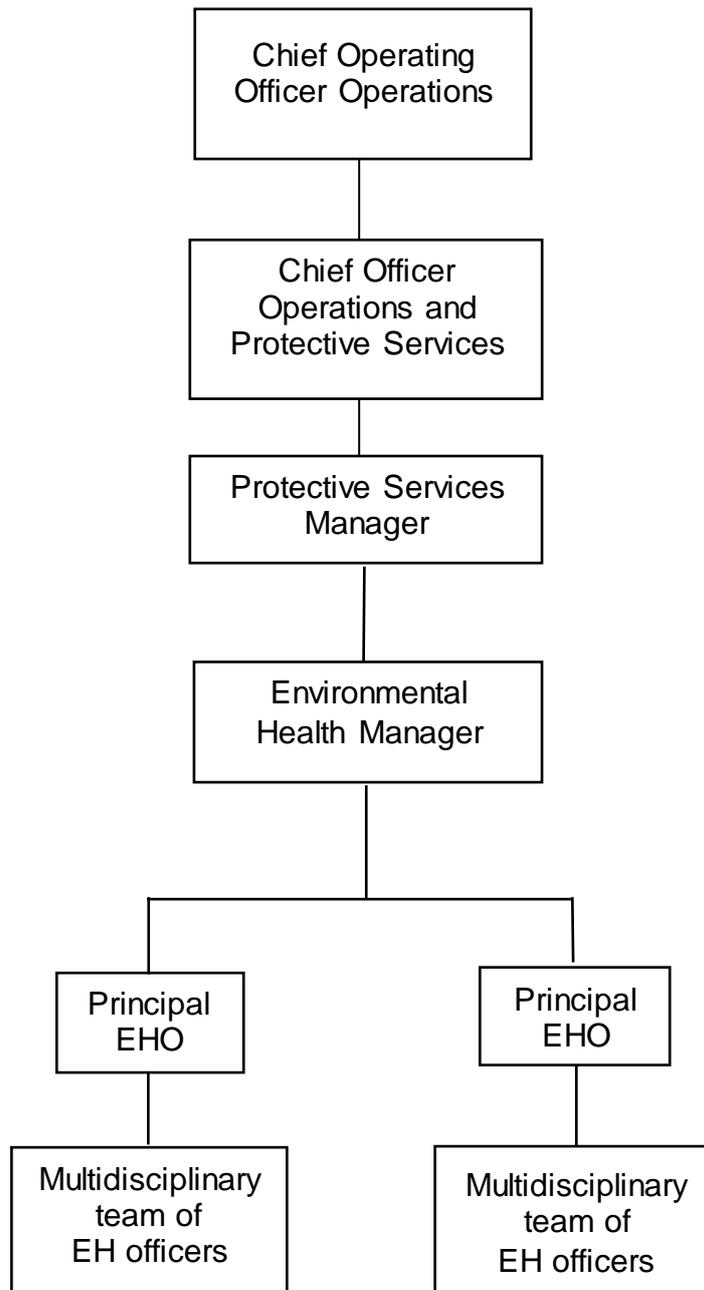
The Food Regulatory Service

The food regulatory service is provided from within the Environmental Health Commercial Section of Protective Services within Operations and Protective Services by a mix of employees that includes Environmental Health Officers, and Authorised Officers. During the pandemic a Public Health Compliance Officer was appointed on a fixed term basis to enforce Covid related legislation and assist with other non regulatory duties.

The Service is currently looking to establish a 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 responsibilities for liaison with the Licensing Board and Licensing Committee and for liaison over building warrant applications with a view to providing advice on environmental health issues that may be involved.

The Service structure is detailed below:



2.3 Committee Structure

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

From October 2022 matters will be reported to the new Communities Housing and Public Protection Committee and the Audit Risk and Scrutiny Committee.

2.4 Scope of the Food Service

The authority has a responsibility for the provision of food law enforcement protection services covering approximately 2800 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 2022/2023 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 2022
Primary Producers	4
Manufacturers & Packers	95
Importers/Exporters	3
Distributors/Transporters	50
Retailers	574
Restaurant & Caterers	2066
Fishing Vessels	7
Total	2799

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 and direct resources to address Covid 19 related matters.

Officers in the Service are multifunctional and deal with matters relating to both Food and Health and Safety. The food law intervention programme was placed on hold during the pandemic while businesses were audited by both Environmental Health and Trading Standards staff in accordance with Covid legislation and guidance which promoted the 4 Es approach of Encourage, Engage, Educate and Enforce.

The intervention programme resumed in September 2021 however this was temporarily put on hold during the emergence of the Covid Omicron variant between December 2021 and January 2022. Details of how this affected the programme can be found in the 2021-2022 SPI Food Law Recovery Plan.

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

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 ([FSS-ENF-20-011 - LA Recovery Process Guidance.pdf \(foodstandards.gov.scot\)](#)) was produced by a working group convened by the Scottish Food Enforcement Liaison Committee which advised how the intervention programme should be reset.

Progression of the programme was initially hampered by the Covid 19 pandemic. Should there be a resurgence of Covid 19 it may be necessary to divert resources again and suspend the programme.

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. Resources are therefore 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 30 approved establishments in the City. These are categorised as follows:

Fishery products	25	establishments
Dairy products	0	establishments
Meat products	2	establishments
Cold Stores	3	establishments

This Service participated in a pilot project (Official Control Verification- OCV) undertaking an enhanced approach to the inspection and auditing of approved establishments and other manufacturers in 2018/19. This enhanced approach provides greater scrutiny and therefore an increased level of assurance in establishments to produce safe food. This project has been identified as a crucial piece of work to support businesses retaining access to export markets especially those in the EU. This approach will continue in the year 2022/2023 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 100 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 (there have been no inspections in the last few years).

2.4.6 Service delivery points

Post pandemic hybrid working between office and home continues. 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 accessed at any time via e-mail, although e-mails will only normally be accessed by the Service 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 Regulations 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 2006, together with associated practice guidance and industry guides assist enforcement authorities in performing their duties. The Food Law Code of Practice (Scotland) was revised in 2019.

Interventions

Interventions are defined within the Code of Practice as activities that are designed to monitor, support and increase food law compliance within a food establishment. They include, but are not restricted to official controls, which are defined at Article 2(1) of Retained 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 first with lower risk businesses being spread over several months.

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. As it has been some considerable time since interventions have been conducted at these premises it is anticipated that a significant number of inspections will require one or more revisits. It is estimated around 20% of premises will require a revisit following a food hygiene intervention under the current rating scheme.

Table 2: Predicted Number of Inspections 1st April 22- 31st March 2023

Food Business Group	Number of Premises per Group	Multiplier to account for Inspections due more than once per year	Anticipated number of Inspections due
Group 1 B	3	none	3
Group 1 C	3	Due every 6 months (x2)	6
Group 1 Unrated	1		1
Group 2A	14	None	14
Group 2B	265	None	265
Group 2C	261	None	261
Group 2D	13	Due every 3 months (x4)	52
Group 2E	1	Due every month (x12)	12
Group 2 Unrated	232		232
Group 3A	1	None	1
Group 3B	15	None	15
Group 3C	77	None	77
Group 3 Unrated	174		174
Food Standards Only	1		1
Totals	1061		1114

This Service aims to carry out interventions in all the current Group 1, Group 2E, Group 2D, Group 3D (there are currently no 3D inspections in the programme however they would be inspected should they arise during the year) and unrated Group 2 establishments during the time period where possible. 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 Project Guidance. Premises which have been inspected once under the recovery process and appear back in the programme due to the risk rating given will also be inspected as a priority. If resources allow higher risk businesses in other Priority groups will be inspected. However, staff may be diverted to deal with issues of greater public health significance as required.

Lower risk food law 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. 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 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.

3.1.3 Inspection of Approved Premises

The inspection regime for approved premises sits out with 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 requiring 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 Food Hygiene Complaints)

The trend over recent years has been for a year-on-year increase 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 250 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. During the Covid 19 pandemic a considerable number of new businesses started trading in the City. Support, information, and advice has been offered to these new traders both in relation to food safety and Covid 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 has fluctuated. Enquiries relating to food standards related matters have also increased. On this basis the service can expect to receive approximately 200 food safety enquiries and 20 food standards 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.

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.

To deliver increased efficiencies, assistance with sample procurement is being provided by a 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.

Throughout the Covid 19 pandemic officers from the Service collaborated closely with colleagues in the Health Protection Team at Grampian Health Board.

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 70 alleged cases of food poisoning are reported to the Service every year by consumers, but not all warrant detailed investigation.

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

3.7 Food 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 Infectious Disease 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.

During the pandemic several additional working groups were established which required regular officer attendance. These groups were an effective way of sharing both local and national Covid related issues and jointly determining effective solutions across a raft of different partner organisations including: the Health Board, Trading Standards, Food Standards Scotland. The Protective Services Manager was a member of the Scottish Local Authority Environmental Health and Trading Standards Covid Expert Officer Covid 19 Working Group. This group ensured a consistent approach to Covid enforcement nationally.

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 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 7 Eat Safe award holders.

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

3.11 Food Hygiene Information Scheme

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

The results can be viewed on the FSS website. The scheme applies to all food outlets that supply food directly to consumers. Each business is asked to display a certificate/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 in the process of reviewing the Scheme however this was put on hold due to EU Exit and then Covid. Consideration was being given to the compulsory display of the FHIS outcome by businesses (In Wales and Northern Ireland, it is compulsory to display the FHRS outcome [FHRS is the equivalent system operated in England, Wales and Northern Ireland]).

3.12 Food Fraud/Crime

Food fraud is committed when food is deliberately placed on the market, for financial gain, with the intention of deceiving the consumer. 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 service¹ 2022/2023

Expenditure		Food Total £
	Staffing	511,709
	Training	Centralised funding
	Sampling	300,177
	Travel and subsistence	2,520
	Legal	0
	Total Expenditure	814,406
Income		
	Total Income	9,400
Net Cost		805,006

4.2 Staffing Allocation

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 to help Local Authorities determine the resources required to provide food law related activities which should be concluded by spring 2023.

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

Full Time Equivalent Officers	Establishment	In Post
Section Management		
Protective Services Manager	0.2	0.2
Environmental Health Manager	0.4	0.4
Principal Environmental Health Officers	1.2	1.2
Field Staff		
Environmental Health Officers	8.65	4.99
Authorised Officers	2.25	0.75
Admin Support	0.1	0.1
Total	12.8	7.64

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

4.3 Officer Development Plan

The service ensures that:

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

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"> • Manufacturer of High Risk Foods. • 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. • Manufacturers of Foods for Specific Groups. • All Exporters. • Manufacturers, Processors, Importers, Wholesaler, Distributor, Food Broker, Packers of Food at enhanced risk of food fraud, substitution, adulteration or contamination. 	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"> • All other Manufacturers, Processors, and Caterers. • Importers, packers, wholesalers and distributors of high-risk foods not in Group 1. • Head Office Business that undertakes a regional/national decision making function. • Retailers handling open high-risk foods. 	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"> • All other retailers, Food Brokers, Importers, packers, wholesalers and distributors. • Public Houses and similar Licenced Business not providing catering. • Business providing limited refreshments (e.g. tea, coffee, soft drinks) as an adjunct to main activity. • Child minders. • Supported Living Business. • Business producing low risk food based from a domestic dwelling. • Bed & Breakfasts. 	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.