

ABERDEEN CITY COUNCIL

COMMITTEE	Communities, Housing and Public Protection Committee
DATE	27 May 2025
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Protective Services Food Regulatory Service Plan 2025/2026
REPORT NUMBER	CORS/25/026
DIRECTOR	Andy MacDonald
CHIEF OFFICER	Alan Thomson/Vikki Cuthbert
REPORT AUTHOR	Andrea Carson
TERMS OF REFERENCE	1.1.2 and 1.1.5

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.

2. RECOMMENDATION(S)

That the Committee:

- 2.1 Approves the Protective Services Food Regulatory Service Plan 2025/2026 as detailed in Appendix A.
- 2.2 Notes the review of performance against the Protective Services Food Regulatory Service Plan 2024/2025 contained within Appendix 2 of the Service Plan 2025/2026.

3. CURRENT SITUATION

- 3.1 Food enforcement services provided by Aberdeen City Council are located in Protective Services, a city-wide service within Governance. The majority of food enforcement work takes place within the Commercial Section of this Service. Officers are also involved in the provision of Elementary Food Hygiene Training, enforcement of health and safety, port health, licensing and animal health & welfare.
- 3.2 There continues to be a backlog of interventions, following a period of disruption during the Covid 19 Pandemic, which is being exacerbated by a national shortage of suitably qualified officers to carry out this work. The backlog is not

unique to Aberdeen City and Food Standards Scotland (FSS) are working on a Scottish Authority Food Enforcement Re-build (SAFER) programme, related to food law delivery across the 32 Scottish Local Authorities, highlighting the challenges of maintaining a professional workforce, funding of the service; and current and future difficulties being faced.

- 3.3 Despite the challenges all the high risk inspections due in the 2024-2025 year were undertaken on time.
- 3.4 Over the last couple of years three Trainee Authorised officers have been recruited to address this staffing shortfall and a fourth will commence employment in June. In addition to this, another newly appointed Authorised Officer is currently training to become an Environmental Health Officer. This will assist the service to continue to meet the requirements of the Service Plan.
- 3.5 Interventions will continue to be prioritised in accordance with the Interventions Food Law Code of Practice (Scotland) and with the available staff resource. Those interventions in higher priority/risk groups will be addressed first, along with those where valid complaints have been received by the Service.
- 3.6 The inspection programme is prepared monthly and issued to officers. In months where there are less high-risk inspections due, inspections in the backlog are allocated along with newly registered businesses which allows the risk category of the new establishments to be determined. The frequency of interventions is detailed in the Service Plan at Section 3.1.1.
- 3.7 Local authorities are required by the 'Food Law Code of Practice (Scotland) 2019' to prepare a Service Plan and review their performance against it on an annual basis.
- 3.8 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.
- 3.9 FSS suggests a common format for Food Regulatory Service Plans to assist local authorities in performance reviews under the Best Value regime.
- 3.10 The power to set standards, monitor and audit the performance of enforcement authorities was conferred on FSS by Sections 3 and 25 of the Food (Scotland) Act 2015 and Regulation 7 of the Official Feed and Food Controls (Scotland) Regulations 2009. FSS has established external audit arrangements intended to ensure competent authorities are providing an effective and consistent service for the delivery of official controls and are meeting the general criteria

laid out in Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017.

- 3.10 FSS has powers, following consultation with the Scottish Ministers, to issue a direction to a local authority requiring it to take specified steps to comply with the Code of Practice issued.

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 Food Law Code of Practice (Scotland) 2019 is issued under section 40 of the Food Safety Act 1990, Regulation 24 of the Food Hygiene (Scotland) Regulations 2006 and Regulation 6 of the Official Feed and Food Controls (Scotland) Regulations 2009 which empowers the Scottish Ministers to issue Codes of Practice concerning the execution and enforcement of Food Law by Food Authorities.
- 5.2 In exercise of the functions conferred on it by or under the Food Safety Act 1990, the Food Hygiene (Scotland) Regulations 2006 and the Official Feed and Food Controls (Scotland) Regulations 2009, every food authority shall have regard to any relevant provision of any such code of recommended practice issued under the aforementioned legislation; and shall comply with any direction which is issued which requires the food authority to take any specified steps in order to comply with such a code. Any direction shall, on the application of the FSS, be enforceable in Scotland by an order of the Court of Session under section 45 of the Court of Session Act 1988.

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) <small>*taking into account controls/control actions</small>	*Does Target Risk Level Match Appetite Set?
Strategic Risk	Unable to deliver service due to acute	Business continuity plans in place to continue key service provision	L	Yes

	disruptive events			
Compliance	<p>ACC is bound by statute to deliver a food law enforcement service, including the provision of a service plan.</p> <p>FSS may, after consulting with Scottish Ministers, direct a Food Authority requiring it to take any specified steps to comply with the requirements of food law or Food Law Code of Practice (Scotland) 2019.</p> <p>Due to resource shortages it is not possible to fulfil all the requirements of the Code of Practice</p>	<p>Deliver a food law enforcement service, including the provision of a Service Plan.</p> <p>Interventions are planned in accordance with available staffing resource. Those higher priority/risk groups will be addressed first, along with those where valid complaints have been received by the Service</p>	L	Yes
Operational	Qualified officers not	Only qualified officers undertake regulatory	M	Yes

	available to carry out interventions	duties. Risk prioritisation of interventions when insufficient officers available. Appropriate training, needs identified through CR+D ,121 discussions, effective management of staff workloads, achievable targets within the Service Plan		
Financial	<p>Failure to produce and deliver a service plan could contribute to default powers being exercised and the associated costs.</p> <p>FSS may, after consulting with Scottish Ministers, direct a Food Authority requiring it to take any specified steps to comply with the requirements of food law or Food Law Code of Practice (Scotland)</p>	Produce and deliver against the Service Plan.	L	Yes

	2019. FSS may recover any reasonable expenses incurred by them from the defaulting local authority.			
Reputational	Failure to produce and deliver a Service Plan could contribute to default powers being exercised and the associated reputational damage.	Produce and deliver against the Service Plan.	L	Yes
Environment / Climate	No significant risks identified			

8. OUTCOMES

The proposals in this report have a positive impact on the Council's Delivery Plan.

Aberdeen City Local Outcome Improvement Plan	
	Impact of Report
Aberdeen City Council Policy Statement <u>Working in Partnership for Aberdeen</u>	<p>The proposals within this report support the delivery of the following aspects of the policy statement:</p> <p>A Prosperous City, delivering an interventions programme that assists to stimulate sustainable economic development in the food business sector</p>
Prosperous Economy Stretch Outcomes	The proposals in this report support the delivery of LOIP Stretch Outcome 2- . Working towards 74% employment rate for Aberdeen City by 2026

	Conducting an interventions programme and providing advice and support to people starting up new food related businesses 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.
-------------------------------------	---

9. IMPACT ASSESSMENTS

Assessment	Outcome
Integrated Impact Assessment	Previous Integrated Impact Assessment relating to The Protective Services Food Regulatory Service Plan has been reviewed and changes made.
Data Protection Impact Assessment	Not required
Other	None

10. BACKGROUND PAPERS

10.1 Food Law Code of Practice (Scotland) 2019

11. APPENDICES

11.1 **Appendix A:** Protective Services Food Regulatory Service Plan 2025/2026

12. REPORT AUTHOR CONTACT DETAILS

Name: Andrea Carson
 Title: Principal Environmental Health Officer
 Email Address: acarson@aberdeencity.gov.uk
 Tel: 01224 045027