



**DEVELOPMENT SERVICES**

**ENVIRONMENTAL HEALTH**

**FOOD LAW ENFORCEMENT**

**SERVICE DELIVERY PLAN**

**2017-2018**

# MORAY COUNCIL

## FOOD LAW ENFORCEMENT SERVICE DELIVERY PLAN

### 1. SERVICE, AIMS AND OBJECTIVES

#### 1.1 The Service

Food law enforcement is carried out by authorised Environmental Health Officers and Food Safety Officers within Moray Council's Environmental Health team.

The Service has two main aims:

- a. To maintain and improve public health within Moray by carrying out the Council's food law enforcement responsibilities in a consistent, planned and accountable manner to ensure that:
  - Food (which includes drink) is safe to eat;
  - Food is handled and produced hygienically;
  - Foreseeable incidents of food poisoning or injury as a consequence of the consumption of food are identified and prevented.
  - The quality, composition, labelling, presentation and advertising of food and materials in contact with food are satisfactory.
- b. To provide an effective, efficient, support and advice service to the public, the commercial sector and other agencies on food safety matters. Thereby securing the objective that all food purchased or traded in Moray is manufactured, described and handled safely and to consistent standards, which is essential for the well-being of consumers, food businesses and the wider economy.

The Service works collaboratively with Food Standards Scotland (FSS) which was established by the Food (Scotland) Act 2015 to deliver independent consistent, evidence based and consumer focused information to protect public health, help improve the Scottish diet and protect the interests of the consumer in relation to food.

FSS was launched by the Scottish Government in April 2015 and it adopts national Government responsibility in Scotland for food and feed safety, standards, nutrition, food labelling and maintaining policy and operation delivery.

A 3-year Corporate Plan, April 2016-March 2019, has been developed by FSS and sets the direction to help deliver the FSS vision of "creating a food and drink environment in Scotland that benefits, protects and is trusted by consumers". The Corporate Plan outcomes are that:

- Food is safe;
- Food is authentic;
- Consumers have healthier diets.

The Environmental Health Service works in partnership with the public and businesses in Moray Council area.

Due regard is given to guidance issued by FSS the Scottish Government, the Royal Environmental Health Institute of Scotland (REHIS), Health Protection Scotland (HPS), the Scottish Food Enforcement Liaison Committee (SFELC) and the Society of Chief Officers of Environmental Health in Scotland (SOCOEHS).

## 1.2 **Links to Corporate Plans**

The Food Law Enforcement Service Delivery Plan is delivered by the Environmental Health Team which forms part of Development Services.

Development Services has many roles including developing partnerships with business and local and national agencies to promote economic development, attracting external funding, assisting vulnerable groups with financial and welfare benefit issues and ensuring public health and community safety. It seeks to protect and enhance our environment, heritage and culture and enable opportunities for development and growth.

Development Services seek to ensure development in Moray is sustainable, providing a safe and valued environment both now and in the future.

The Food Law Service Delivery Plan is linked to the Development Services Service Plan 2016- 2018 which in turn is linked to 'The Moray 2026 - A Plan for the Future' and to the following priorities of the 'Community Planning Board':

- A growing diverse and sustainable economy;
- Healthier Citizens;
- Adults living healthier, sustainable independent lives safeguarded from harm;
- Safer Communities.

## 1.3 **Workload Priorities**

The service recognizes that there has been a reduction in staff resources available to undertake the full range of functions required by the FSS Food Law Code of Practice (Scotland) which was published on 1 April 2015 and for the forthcoming year task will be prioritised in the following order:

a. Emergencies and threats to public health:

- Food alerts, outbreaks/incidents, infectious diseases notifications,

- Food fraud;
- Formal action to protect public health, including revisits, Hygiene Emergency Prohibition Notices, Remedial Action Notices and
- Food and Water complaints where there is a potential risk to public health.

b. Planned highest risk inspections:

- Food hygiene<sup>1</sup> – category A/B risk rated premises;
- Approved establishments;
- New or unrated premises where there are cross contamination risks;
- Food standards<sup>2</sup> - Category A risk rated premises;

c. Planned higher risk inspections

- Food hygiene – category C risk rated premises where there are potential risks of cross contamination; those that are not “broadly compliant”<sup>3</sup> with food law and those that are overdue for inspection\*
- Food standards – new or unrated potentially high risk premises
- Advice to high risk establishments.
- Licensing of high risk establishments

\* This authority adopted a cross contamination strategy between 2012-2015 (See Page 11). This strategy focused on the inspection of premises with a higher risk of cross contamination from E.Coli 0157 and consequently a lower priority was placed on lower risk category 'C' premises.

d. Planned lower risk inspections

- food hygiene – category C risk rated premises (not included in 3 above);
- category D risk rated catering premises;
- food standards – category B risk rated premises.

e. All other work and lowest rated establishments inspected as resources permit.

These priorities have been established to ensure the best practical service in addressing the food safety and public health needs of Moray within existing resources. The priorities are also based on the principles contained in the Scottish Regulators Strategic Code of Practice.

1 See page 11

2 See page 13

3 See page 12

## **2. BACKGROUND**

### **2.1 Profile of the Local Authority**

Moray Council covers an area of 2,238 square kilometres, from the Cairngorm Mountains in the south to the coast of the Moray Firth in the north. The population is 95,510 which is around 1.8% of the total for Scotland and just over half of the population live in the 5 main towns of Elgin, Forres, Buckie, Lossiemouth and Keith.

Within Moray, the main industries are agriculture, whisky distilling, fishing, food processing and tourism. There are also 2 Ministry of Defence Establishments namely RAF Lossiemouth and Kinloss Barracks that contribute to the local economy.

### **2.2 Organisational Structure**

The Service Structure is attached at **Appendix 1(A)**.

The structure of Development Services was formed during 2000. The Head of Development Services has overall managerial responsibilities for all Development Services functions. The Environmental Health Manager has responsibility for management of the Food Law Enforcement Service and a Principal Environmental Health Officer is designated as having special responsibility for food hygiene and food standards.

### **2.3 Scope of the Food Service**

The Food Law Enforcement Service is provided through two multi-disciplinary teams divided on a geographical basis covering East and West Moray. In addition to food law, officers have responsibilities for other aspects of environmental health including health and safety at work, public health, environmental protection and housing. The full scope of the food service is set out at **Appendix 1(B)**.

The Food Law Enforcement Service involves:

- Implementing and maintaining a documented programme of food hygiene/food standards interventions. The interventions are designed to ensure the safety of food by means of a programme of inspections designed to check compliance with current laws and codes of practice and to educate, train and work in partnership with all parts of the food industry. This Authority will ensure, as far as practicable, that interventions are carried out in accordance with that programme. Interventions are applied in a risk based manner so that more intensive intervention is directed at those businesses that present the greatest risk to public health.
- Carrying out visits/re-visits between programmed interventions where significant contraventions are found or following intelligence or complaints.

- Implementing a documented Food Safety Enforcement Decision Procedure, based on the Environmental Health Enforcement Policy, which is published and available to businesses and consumers.
- Preparing and publishing a Microbiological and Chemical Food Sampling Policy and making it available to businesses and consumers.
- Identifying sampling priorities and preparing a microbiological and chemical sampling programme in consultation with the Aberdeen Scientific Services Laboratory (ASSL), Aberdeen City Council and Aberdeenshire Council.
- Implementing a documented policy in relation to food complaints ensuring timeous and proportionate action.
- Implementing the Infectious Disease Incident Plan, in respect of cases of food borne diseases. This plan contains clear links of communication and responsibility and is produced in conjunction with NHS Grampian, Aberdeen City Council and Aberdeenshire Council.
- Implementing and documenting the procedures for responding to 'food alerts' received from FSS and reacting to emergencies and immediate threats to public health. Food alerts secure the withdrawal of any suspect foods from premises in Moray.
- Providing 'drop in' advice to businesses and the public at the Moray Council Access Point and providing advice during inspections.
- Liaising with colleagues in Moray Council, other local authorities, professional bodies, central government to ensure a coordinated approach to food related matters including representation on the following groups:
  - North of Scotland Food Liaison Group;
  - Scottish Fish and Shellfish Working Group; and
  - The Society of Chief Officers of Environmental Health in Scotland.
- Participating in food safety initiatives such as; the Food Hygiene Information Scheme (FHIS), Food Safety Week, Eat Safe and the Healthy Living Award.
- Promoting the implementation of Cook**Safe**, a written food safety management system designed to assist caterers comply with food safety law.
- Providing guidance and raising awareness of food safety to the public and businesses to ensure compliance with food law. This is achieved through leaflets, seminars, display stands and training as resources permit.

## 2.4 Demands on the Food Service

There are 1,330 food businesses in Moray, all of which are included in the Intervention Programme and are subject to the Enforcement Policy.

The Moray area has a relatively large number of food manufacturing companies within its boundaries. Approximately 10% of premises are manufacturers and Moray is the Home Authority for major food manufacturers including Baxters of Speyside and Walkers of Aberlour. There are 10 catering establishments associated with the 2 MOD establishments.

In addition there are 12 premises Approved in terms of EC Regulation 853/2004 for producing, manufacturing, or storing products of animal origin. These premises include several meat and fish processors, an ice cream manufacturer and a cold store. There are also 7 registered egg packers and due to the packing activity involved, these businesses now require to be approved in accordance with EC Hygiene Regulation 853/2004. In total there are 20 premises requiring approval within Moray.

There is a regular turnover in many of the catering businesses with new owners and changes in operation of the businesses. There is an increasing number of ethnic language food workers which identifies a need for interpretation and translation services.

### Premises Profile

The food premises in Moray can be categorised as follows:

Type	Number
Primary Producers	35
Abattoirs	1
Manufacturers/Packers	110
Importers/Exporters	2
Distributors/Transporters	27
Retailers	304
Restaurants/Caterers	852
<b>Total</b>	<b>1331</b>

### Primary Product Enforcement

EC Regulation 852/2004 Annex 1 provides food safety requirements for primary producers such as livestock, crop and horticulture farm premises. Enforcement in these businesses is shared between Scottish Government Rural Inspections Payments Directorate Agricultural Inspections (SGRIPD) and Local Authority Environmental Health and Trading Standards Enforcement Officers. The enforcement regime for primary producers is driven by FSS, who are responsible for developing a premises database and issuing the required inspection programme. The additional expenditure for these inspections is recouped from FSS. Duplication of farm visits by SGRIPD is

avoided and farms subject to quality assurance schemes are visited less frequently than those that are not part of these schemes. Moray entered into an agreement with the FSS to carry out 21 food/feed programmed inspections from 1 April 2017 to 31 March 2018.

There are now only 2 dairies (production holdings) in Moray.

#### Official Controls of Wild Pectinidae (Scallops)

The official sampling controls for harvested wild scallops have been transferred from offshore to the first point of arrival at the processor and are now the responsibility of the Local Authority Environmental Health Service. One establishment is approved for processing scallops within Moray although this business is not presently involved in this activity.

#### Shellfish Sampling

In accordance with EC Regulations 854/2004 shellfish harvesting sites may require to be sampled to ensure compliance with official controls. There are two sites within Moray namely Culbin Sands and Findhorn Bay. No sampling at present is being carried out because harvesting from these sites is subject to restriction by Scottish Natural Heritage.

#### Imported Food

There are currently no requirements for most non-animal product imports to be inspected at the point of entry into the country. It is important therefore, that checks are carried out by authorities such as Moray to maintain public health safeguards. This is achieved by ensuring imported food is inspected for fitness and legitimate import, during routine inspections and by ensuring that imported food control legislation is enforced in accordance with the Enforcement Policy and FSS guidance on the inland enforcement of imported feed and food controls. The FSS Early Warning System provides monthly information on hazards associated with imported foods and this intelligence is considered in relation to Moray Council's food sampling programme.

#### External Factors

A number of events such as agricultural shows, music festivals, charity events, continental markets, farmer's markets and highland games are held throughout Moray on an annual basis, particularly during the summer months. Intervention (advice, guidance or enforcement) is required in response to 'one off' businesses, food retailers and caterers from outwith Moray attending these events. These interventions are in addition to the planned programme and place an increased demand on resources.

#### Service Delivery Points

All authorised food enforcement officers are based at The Annexe Council Office, High Street, Elgin. Moray Council service delivery points are based at

the Access Points in the towns of Elgin, Forres, Keith and Buckie. The Access Points are available from 8.45am until 5pm Monday to Friday. The Environmental Health team provides a service from 7am until 7pm. Officers are available outwith these hours should the situation demand. The Council's emergency telephone number is available 7 days a week.

## 2.5 Enforcement Policy

The Environmental Health Enforcement Policy provides detailed enforcement procedures with action taken being proportionate to the scale of the identified problem.

The enforcement policy is due for review and will incorporate the principles of the Scottish Regulators Strategic Code of Practice.

A detailed Food Safety Enforcement Decision Procedure has been implemented to ensure compliance with food legislation, the FSS Framework Agreement on Local Authority Food Law Enforcement, the Food Law Code of Practice (Scotland) and associated Guidance.

The Enforcement Policy and the Enforcement Decision Procedure apply to establishments owned and operated by Moray Council. All serious breaches of food law in these establishments will be brought to the attention of the Chief Executive without delay.

## 3. SERVICE DELIVERY

### 3.1 Food Premises Interventions

#### General

Food hygiene interventions are designed to ensure that food meets the requirements of food law, including microbiological quality, absence of pathogenic micro-organisms and safety for consumption.

Food standards interventions are designed to ensure that food meets the requirements of food standards law, including proper presentation, labelling, and advertising so as not to confuse or mislead; compliance with compositional standards; and the absence of non-permitted or excessive levels of additives, contaminants and residues. Additional requirements for nutritional and allergen labelling were introduced during 2014.

#### Intervention Programme

The Food Hygiene and Food Standards Intervention Programme is produced annually on 1 April

The annual programme includes the name and address of the premises, the risk category, the due date and the number of interventions programmed.

Food Standards Interventions are carried out jointly with Food Hygiene Interventions. Where the food standards risk rating\* requires a more frequent intervention than the food hygiene risk rating the date of the Food Standards Intervention determines the programmed intervention date.

### Performance Monitoring

All premises are held on the Uniform database and all officers have individual measurable intervention targets based on risk. Uniform generates reports on interventions due and completed on a weekly, quarterly and annually basis. A fortnightly manager's monitoring report is also generated. A monitoring system to measure the quality of interventions was introduced during 2015/2016

### Food Law Code of Practice (Scotland)

A new Code of Practice was published on 1 April 2015 following formation of FSS and it contains details of an enforcement regime based on 'official control interventions'. These include:

- Inspections;
- Monitoring;
- Surveillance;
- Verification;
- Auditing;
- Sampling.

This Code of Practice allows enforcement authorities to select the most appropriate choice of intervention, dependent on the level of compliance of specific premises, which is not mandatorily based on inspection.

The interventions must provide sufficient information to establish that food related activities carried out at food establishments comply with Food Law.

The official control intervention choice for Moray during 2017/2018 has been agreed as inspection only.

\* see page 13

## Food Hygiene

The minimum frequency for Food Hygiene Interventions is determined by the rating scheme in accordance with the new Food Law Code of Practice (Scotland) Annex 5 the frequency is as follows:

<b>Category</b>	<b>Point Range</b>	<b>Minimum Frequency</b>
A	92 or higher	(at least) every 6 months
B	72-91	(at least) every 12 months
C	52-71	(at least) every 18 months
D	31-51	(at least) every 2 years
E	0-30	Alternative Enforcement Strategy or Intervention every 3 years

## Food Hygiene Inspections Due 1/04/17– 31/03/18

<b>Category</b>	<b>Number of Inspections</b>
A	36
B	72
C	119
D	111
E	24
Unrated	139
<b>Total</b>	<b>501</b>

## Cross Contamination Strategy

The Pennington Report into the 2005 Outbreak of E.coli O157 in South Wales was published on 19 March 2009. In response, the former Food Standards Agency Scotland issued guidance for food businesses, to clarify the steps that they need to take to control the risk of food becoming contaminated by E.coli O157 and what businesses should be doing to protect their customers. Although E.coli is the key focus of this guidance, the measures outlined also helped in the control of other bacteria, such as Campylobacter and Salmonella.

A framework was developed by SFELC and agreed by Food Standards Agency Scotland to allow local authorities to temporarily focus resources on addressing cross contamination controls. The framework provided local authorities with an alternative to following the Food Law Code of Practice (Scotland) risk rating methodology for determining the inspection frequency for a fixed duration.

Moray implemented the Cross Contamination Focussed Inspection Strategy from 01 October 2012 to 31 March 2015. Since the end of this strategy Moray's inspection programme reverted back to the frequency described in Annex of the Food Law Code of Practice. The control of cross contamination remains a priority during food hygiene interventions.

### Alternative Enforcement Procedure

An Alternative Enforcement Procedure for food hygiene consisting of a self explanatory letter, and an assessment questionnaire was in place for all E rated premises. This strategy which was put on hold until the end of the Cross Contamination Strategy will be reintroduced during 2017-18.

### Revisits

Revisits are carried out when an officer gives any premises inspected a score of 15 or more in any of the 3 compliance elements of the food hygiene inspection rating scheme contained in the Food Law Code of Practice (Scotland) Annex 5. This score (which consists of an assessment of food safety procedures, structural compliance and confidence in management) acts as a 'trigger value' for a revisit to be scheduled and these inspections are added to the intervention programme.

### 'Broadly Compliant' with Food Law

The Food Law Code of Practice (Scotland) introduced a performance outcome measure, namely the number of premises 'broadly compliant' with Food Law.

In respect of food hygiene 'broadly compliant' premises have a rating score of no more than 10 in relation to those parts of the rating scoring scheme that can be influenced by enforcement officers i.e. compliance with hygiene requirements, structural requirements and confidence in management. The performance target for 2017/18 is 85%.

Similarly, for food standards a score of no more than 10 in parts relating to current level of compliance and confidence in management are considered 'broadly compliant'.

### Additional Interventions

Additional reactive food interventions are required in respect of complaints, communicable disease notifications, training, advice and sampling.

## Food Standards

The minimum frequency for Food Standards Inspections is also determined by the rating scheme in the Food Law Code of Practice (Scotland). The rating scheme is as follows:

<b>Category</b>	<b>Point Range</b>	<b>Minimum Frequency</b>
A	101-180	At least every 12 months
B	46-100	At least every 24 months
C	0-45	Alternative enforcement strategy

### Food Standards Inspection due 1/04/17 – 31/03/18

<b>Category</b>	<b>Number of Inspections</b>
A	2
B	166
C	256
<b>Total</b>	<b>424</b>

Priority is given to Category A rated premises which require to be inspected every 12 months.

In accordance with the Food Law Code of Practice (Scotland) all interventions should be completed within 28 days of the due date.

## Approved Premises

There are presently 13 premises subject to EC Approval for the production/manufacture/storage of products of animal origin and 8 egg packing stations.

### Approved Premises at 01/04/16

<b>Premises</b>	<b>Number</b>
Fish Products	5
Meat Products	3
Fish/meat product	1
Egg Products	1
Dairy Products	1
Standalone cold store	1
Egg Packing Stations	7
<b>Total</b>	<b>19</b>

The capacity for the inspection of Approved premises has reduced from 3 officers to 1 due to retirement and promotion. Approved premises across Moray are inspected by one officer who has experience in inspection of these premises and has HACCP evaluation qualifications as specified in the Food Law Code of Practice (Scotland). Plans are in place to provide additional

training which is necessary for the inspection of the specialist and complex manufacturing processes in these premises.

### Food Hygiene Information Scheme (FHIS)

This authority launched the national Food Hygiene Information Scheme (FHIS) project on 26 April 2011. All 32 Scottish local authorities participate in the scheme.

The Scheme provides basic information to the public about a business compliant with the Food Hygiene (Scotland) Regulations 2006.

FHIS is easy for consumers to understand and simple for local authorities to apply. The 'Pass' standard represents a single level of compliance that is satisfactory in terms of consumer expectations and also as an enforcement outcome. Establishments are assessed during programmed inspections; there is no need for separate inspection scheduling. It is designed to simply reflect the local authority's most up to date information and to fit existing enforcement procedures.

The two outcomes of compliance assessment under the Scheme are 'Pass' or 'Improvement Required' (failure to achieve a Pass). The designation 'Pass' provides reassurance that the establishment has been inspected and meets food hygiene legal requirements. The 'Pass' standard essentially represents a situation where the officer does not consider it necessary to revisit the establishment for enforcement purposes until the next programmed intervention. 'Pass' is incompatible with the existence of even minor recurring contraventions notified at successive visits. Any establishment that falls below the required standard for a 'Pass' is classified as 'Improvement Required'.

Establishments that have registered under hygiene legislation but have not yet been inspected are classed as 'Awaiting Inspection'.

The Scheme applies to all catering and retail operations but allows for exemptions in prescribed circumstances where both the local authority and the food business operator agree.

The Scheme includes the following measures to ensure that it is fair to businesses:

- procedures for appeal against an officer's judgement;
- procedures for requesting reassessment where compliance has been achieved.

Experience has shown that reassessments do not result in a significant additional burden for enforcement staff and there have been no appeals since the Scheme was introduced.

### 3.2 Food Complaints

All complaints regarding food stuffs or the hygiene of premises are investigated in accordance with the Council's Food Complaint Policy.

Investigating food complaints can be quite involved and often requires working with colleagues from other authorities. This, along with the time taken to receive reports from the analyst etc, can increase the time taken to resolve the complaint. Complaints about food very rarely result in formal action, mainly due to the lack of evidence which could be relied on in court.

Complainant's details are confidential unless otherwise agreed. Where the complainant has agreed to have their name and address divulged, this will only occur once the investigation had been concluded.

It is recognised that food complaints help identify failings in food processing and handling which require to be rectified to prevent future problems. The outcome of investigations can lead to improvements to food produced in Moray.

### 3.3 Home Authority Principle

A Home Authority is the local authority where the relevant decision making base of a business is located. Moray Council supports the Home Authority Principle as specified in the Food Law Code of Practice (Scotland). This Principle has been developed by Food and Trading Standards Authorities to provide contact points for advice and guidance to encourage good enforcement practice. The aims are to protect the consumer, encourage fair-trading, consistency and common sense by:

- Encouraging authorities to place special emphasis on goods and services originating within their area;
- Providing businesses with a Home Authority source of guidance and advice;
- Supporting efficient liaison between local authorities;
- Providing a system for the resolution of problems and disputes.

The Principle is supported by local authorities, central government, trade and industry associations, consumer and professional regulatory bodies. Approximately 10 Home Authority complaint referrals are received by Moray from other food authorities per annum.

### 3.4 Advice to Businesses

The Environmental Health Service is keen to provide support and advice to businesses. This includes:

- Advice during programmed interventions;
- 'Drop in' advice to businesses;

- Distributing advisory booklets/leaflets and business information sheets;
- Responding promptly to queries;
- Provision of training/seminars as resources permit;
- Promote the FSS CookSafe Food Safety Assurance System during inspections.

### 3.5 Food Sampling

Food sampling is carried out to a set annual programme for microbiological, compositional and labelling parameters agreed between ASSL, Aberdeenshire Council, Aberdeen City Council and Moray Council.

The purpose of sampling is to ensure that food manufactured, distributed, prepared and retailed within Moray is fit for human consumption and complies with the relevant food hygiene and food standards legislation and/or guidelines for the type of food.

The type of food sampled varies but sampling is targeted towards food produced locally for local consumption or for distribution outwith Moray. Whenever possible, sampling is carried out in accordance with local, regional and national surveys, projects and/or investigations initiated by local or national intelligence or by regional and national bodies such as the North of Scotland Food Liaison Group, the Scottish Fish and Shellfish Working Group, the Scottish Food Enforcement Liaison Committee, the Health Protection Agency or The Society of Chief Officers of Environmental Health in Scotland.

ASSL is included on the list of Official Food Control Laboratories in the United Kingdom as notified to the European Commission for both chemical analysis and microbiological examination. The target for microbiological samples is 1.5 per 1000 of population and the chemical sample target is 2 per 1000.

#### Food Samples Due 1/04/17 – 31/03/18

Category	Number of Samples
Microbiological	143
Chemical	191

### 3.6 Control and Investigation of Food Related Outbreaks and Infectious Disease

The NHS Grampian Infectious Disease Incident Plan has been developed to control major outbreaks of food poisoning and communicable disease. The document which is reviewed every 2 years describes the actions to be taken to manage an incident or outbreak that presents an actual or potential risk to the public health in any setting in Grampian. The document is prepared by the NHS Grampian Clinical Lead of the Health Protection Team; reviewed by NHS Grampian Director of Public Health and approved by NHS Grampian Board, and the Environmental Health Sections of Aberdeen City, Aberdeenshire and Moray Council.

All cases of food related infectious disease notified “for action” by Grampian Health Board are contacted within 24 hours. Outbreaks are investigated to ensure adequate controls are in place to prevent further spread. There are monthly meetings between NHS Grampian, Aberdeen City, Aberdeenshire and Moray Council.

A documented procedure is available for the investigation of notifications of food related infectious disease.

A Memorandum of Understanding between NHS Grampian Health Protection Team and Moray Council Environmental Health Service is in place.

Food poisoning and other communicable disease outbreaks can place a major demand on resources but it is anticipated that such incidents can be dealt with utilising existing staff. Informal arrangements exist with neighbouring authorities to share resources if required.

### **3.7 Food Safety Incidents**

Food safety emergencies and incidents which pose a serious risk to public safety are a priority issue for the Service.

FSS issues food incident alerts through the issuing of Product Recall Information Notices, Allergy Alerts and Food Alerts for Action.

These alerts contain information product withdrawals and recalls to inform consumers and local authorities about problems associated with food.

Food alerts marked “for action” by local authorities are issued by FSS where specific action requires to be taken by local authorities to remove a public health risk. These alerts are dealt with by enforcement officers in accordance with the Food Law Code of Practice (Scotland). Action taken following food alerts ensures that any suspect food supplied to premises in Moray is withdrawn from sale.

Documented procedures are in place to ensure that food alerts issued by the FSS and local incidents which need to be reported to the FSS, are dealt with promptly.

Out of hours contact arrangements for authorised officers are arranged through the Environmental Health Directory issued by the FSS, the emergency planning provisions and Moray Council’s emergency out of hours contact telephone service.

### 3.8 Food Crime

Food crime is a risk to public health and to the global reputation and economy of the Scottish food and drink industry. Examples of this type of criminality could be any of the following:

- Fraud - food or drink that has been adulterated or substituted using poorer quality, mislabeled or dangerous ingredients, deliberate mislabelling the product's country of origin, for example claiming the product is Scottish when it is produced elsewhere.
- Illicit goods – selling a product as something it isn't, such as counterfeit alcohol e.g. fake vodka or wine.
- Identity theft - fraudulently using the identity of a legitimate food business and the movement of livestock and food using falsified documents.
- Illegal slaughter – the slaughter of farmed and wild animals in conditions which do not meet animal welfare or hygiene standards.
- Unfit food - everything from putting animal by-products back into the food chain, to beef and poultry of unknown origin, or selling goods after their 'use by' date.

The Scottish Food Crime and Incidents Unit (SFCIU) is the investigations and intelligence gathering arms of Food Standards Scotland (FSS) who focus on tackling food crime and maintaining consumer protection.

Moray Council works in partnership with the SFCIU through:

- Annual participation in Operation OPSON a Europol INTERPOL joint operation targeting fake and substandard food and beverages.
- Utilising the National Intelligence Management Database (NIMD) – MEMEX which is a COSLA intelligence database shared with, Trading Standards Scotland, Food Standards Scotland and local authority Environmental Health services.

### 3.9 Liaison with other Organisations

Arrangements are in place to ensure that enforcement action taken is consistent with those of neighbouring local authorities. This includes representation on the following committees:

- The North of Scotland Food Liaison Group;
- The Scottish Fish and Shellfish Working Group;
- The NHS Grampian Health Protection Group.

In addition, there is regular liaison with other services within Moray Council to review building warrant applications, planning applications, and licensing applications. The Service also works with Legal, Education and Social Care, Environmental Protection and Corporate Communications to ensure a corporate approach.

### 3.10 Food Safety and Standards Promotion

The Environmental Health Section has a limited involvement in food safety promotional work in view of the resource implications. Moray participates in Food Safety Week, promoted by FSA(S), in June each year. There is also participation in the Healthy Living Award Scheme a national award scheme that rewards catering businesses for serving healthy food and helping their customers make better food choices. Award holders in Moray are:

- Manna Juice, Elgin;
- Seafield Hospital, Buckie;
- Dr Gray's Hospital, Elgin;
- The Moray College, Main Campus Refectory, Elgin;
- Fleming Community Hospital, Aberlour;
- Leancoil Community Hospital, Forres;
- Stephen Community Hospital, Dufftown;
- Turner Community Hospital, Keith;
- Royal Voluntary Service Cafe (Dr Gray's Hospital), Elgin;
- Elgin Youth and Development Group;
- Burnie Day Centre, Buckie;
- Gordonstoun School Refectory, Duffus.

This authority also supports the Eat Safe Award Scheme launched in 2005. The Scheme provides an incentive for caterers to strive for standards beyond those required by law and also assists consumers to make informed choices about where to eat by providing a recognisable sign of excellence in food hygiene.

## 4. RESOURCES

### 4.1 Financial Allocation

The current budget for 2017/2018 for food safety enforcement is contained in an overall budget for Environmental Health which is £992,250 net.

### 4.2 Staff Allocation

A total of 10 Environmental Health Officers, inclusive of the Environmental Health Manager are involved in food safety enforcement and 1 part-time Food Safety Officer.

All Environmental Health Officers are multi-disciplinary, undertaking a wide range of environmental health duties, and it is therefore difficult to establish the exact number of full-time equivalent officers dedicated to food safety enforcement. During 2015/2016 1 part-time food safety officer retired which reduced the number of full time equivalent (FTE) Officers for food law enforcement to approximately 4.

The level of FTE Officers was already reduced by approximately 33% due to deletion of posts through DBS, budget savings and vacant posts which could

not be filled because of the national shortage of qualified Environmental Health Officers.

The expected efficiencies of utilising mobile working systems as identified by DBS are still not in place, continue to experience ongoing technical difficulties and when in place will require committed rapid IT support to ensure the efficiencies are maintained at an adequate level.

This drop in staffing numbers without the introduction of the efficiency savings has made and continues have an effect on performance.

Prioritisation of the highest and higher risk premises continues but failure to carry out interventions in lower risk premises can result in more premises becoming higher risk.

To combat the failure to recruit qualified staff a Graduate Development Scheme has been introduced which will have the effect of reducing the qualification time for an Environmental Health Officer from 4 years to 2 years.

Resilience of this service to deal with any significant outbreak or national crisis is currently low.

Significant streamlining of work processes in preparation for the mobile working has provided some efficiencies and the service continues to monitor workload and direct resources as necessary to provide a quality service within the budget restrictions in place.

#### **4.3 Staff Development Plan**

The Food Law Code of Practice (Scotland) requires that every officer achieves a minimum of ten hours food safety training annually. Officers who are members of the Royal Environmental Health Institute of Scotland are also required to complete twenty hours training and development every year as part of the Continuous Professional Development Scheme. Where this is achieved officers can be awarded Chartered status.

8 Environmental Health Officers in Moray have attained Chartered status.

Where budget permits the Environmental Health Section is committed to the ongoing training of all officers involved in food safety enforcement through attendance at update courses and conferences organised by FSS, the Royal Environmental Health Institute for Scotland, and Health Protection Scotland. All Environmental Health Officers and the Food Safety Officer participate in the Continuing Professional Development (CPD) Programme required by the Royal Environmental Health Institute for Scotland. Cascade training is provided and there are regular staff meetings. Food Focus meetings are used to discuss case-loads, improve consistency and ensure compliance with current legislation and guidance. All officers participate in the Employee Review and Development (ERDP) process, which identifies and addresses staff development needs. A record of staff training is maintained.

Authorised officers dealing with the specialist food processes such as canning, thermal processing, vacuum packing etc. are supported and have access to expertise to enable competent inspections. This includes releasing officers to relevant courses and providing relevant guidance and documentation and providing suitable resources to support CPD.

#### 4.4 **Designing Better Services (DBS)**

The review and redesign of Environmental Health Procedures, commenced in February 2011.

The main aims of DBS are better services to the customer, improving efficiency of services and reducing cost.

The development of DBS mobile working solution has continued to impact on staff time and the perceived benefits of the mobile working solution have not yet been realised.

During 2017/2018 all officers will be involved in the review and the challenge to the mobile working solutions. This will result in more time taken to complete interventions.

## **5. QUALITY ASSESSMENT**

5.1 The measures taken to assess the quality of the food safety service include:

- Business and service user customer satisfaction surveys. These are analysed annually for trends;
- Fortnightly audits of the Food Hygiene Inspection Programme are carried out by the Environmental Health Manager;
- Ad hoc monitoring of inspection reports and letters;
- Food Focus meetings;
- Food Hygiene/Food Standards Self Audit Check List – 10% audited by Principle Officer;
- Quarterly monitoring of risk ratings;
- Regular database monitoring to ensure accuracy and consistency in database management; interventions and inspections; follow-up actions and enforcement;
- Annual Employee Review and Development Programme (ERDP);
- External audit by the FSS which is carried out approximately every three years.

## **6. REVIEW**

### **6.1 Review against the Service Plan**

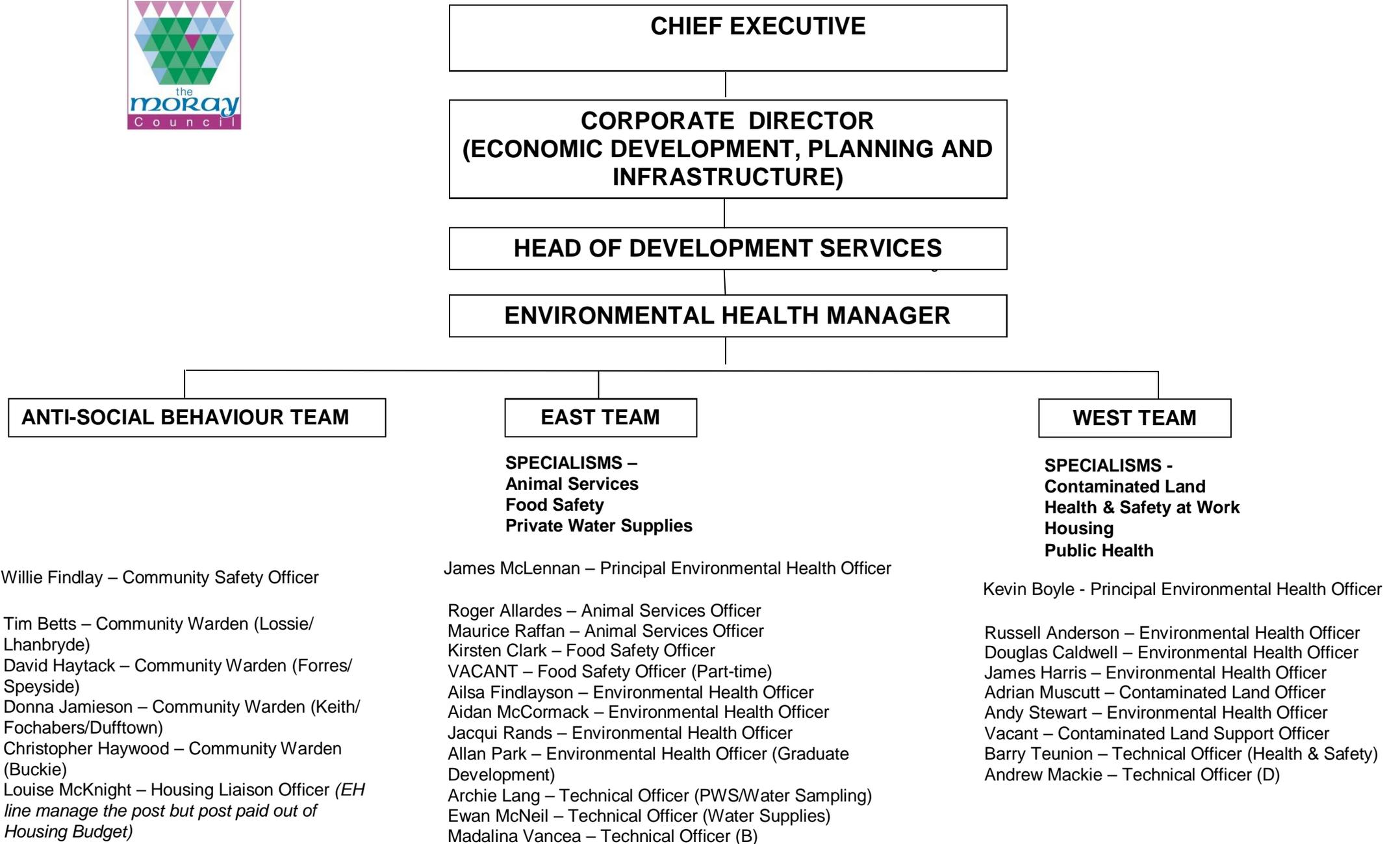
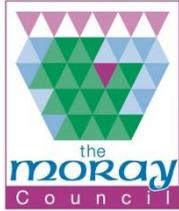
The Development Services Improvement Plan which incorporates Environmental Health performance is reviewed on a quarterly basis. Due attention is paid to specific performance targets, performance standards, targeted outcomes. Stakeholders comments and complaints against the service are monitored regularly.

The annual review on the previous year's performance against the Food Law Enforcement Service Delivery Plan is appended to this Plan.

The status and adequacy of the Food Law Enforcement Service Delivery Plan in relation to new objectives resulting from changing circumstances will be revised annually.

### **6.2 Identification of any variation from the Service Plan/Areas for Improvement**

Variations and areas for improvement are incorporated into the Food Law Enforcement Service Delivery Plan Review.



Food Service Scope

