



Economy, Enterprise and Operations

Community Protection Service

Food Law Enforcement Service Delivery Plan

2026-2027

APPENDIX A

Moray Council Food Law Enforcement Service Delivery Plan 2026–2027

1. SERVICE AIMS AND OBJECTIVES

The Community Protection Service at Moray Council is an interdisciplinary regulatory service that supports the corporate strategies for safer and healthier communities where responsible businesses prosper. The Service protects and enhances public health, consumer safety, and community wellbeing through the delivery of sustainable statutory functions in a consistent, proportionate, and risk-based manner. Food law enforcement is a significant and integral element of the Service's delivery model, providing assurance to consumers and stakeholders that statutory food law duties are delivered consistently, in line with legislative requirements and national guidance.

Corporate Objectives and Plans

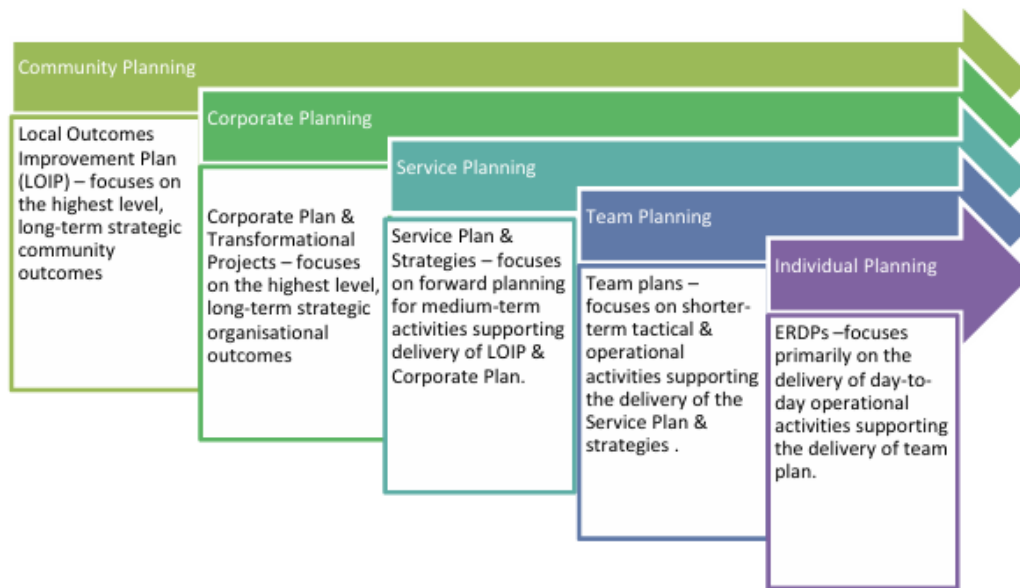
The Moray Council Corporate Plan 2024-29 (Appendix 1) was agreed by Committee on 28 February 2024. The Corporate Plan Delivery Framework brings together the actions and performance indicators that contribute to advancing Council priorities, identifying any gaps that require further consideration. The proposals in the delivery framework support and contribute to improved outcomes for communities and link to the Local Outcome Improvement Plan priorities (Appendix 1).

Service Plans approved by services committees include strategic actions and indicators that align to Corporate Plan priorities. The Growth, Planning & Climate Service delivers key regulatory services including Community Protection which delivers regulatory services for trading standards and environmental health, pest control, animal health, public health, community safety and antisocial behaviour and environmental protection act nuisance. The Growth, Planning & Climate Service Plan 2026-27 is found at (Appendix 1).

Community Protection Team Plan brings together one overarching Team Plan for the Community Protection Service, the Team Plan – Food Law section is provided at Appendix 4.

The relationship between the plans is shown below.

APPENDIX A



The Moray Council Food Law Enforcement Service Delivery Plan is one part of the service planning framework covering food law. It supports the delivery of the Service Plan by focusing on operational activities and is reported to Regulatory Services Committee for oversight and approval. The service has produced supporting food law policies and operational procedures.

2026 Food Law Enforcement - Policy
2026 Food Law Enforcement – Officer Guidance
2026 Food Law Enforcement - Decision Matrix

APPENDIX A

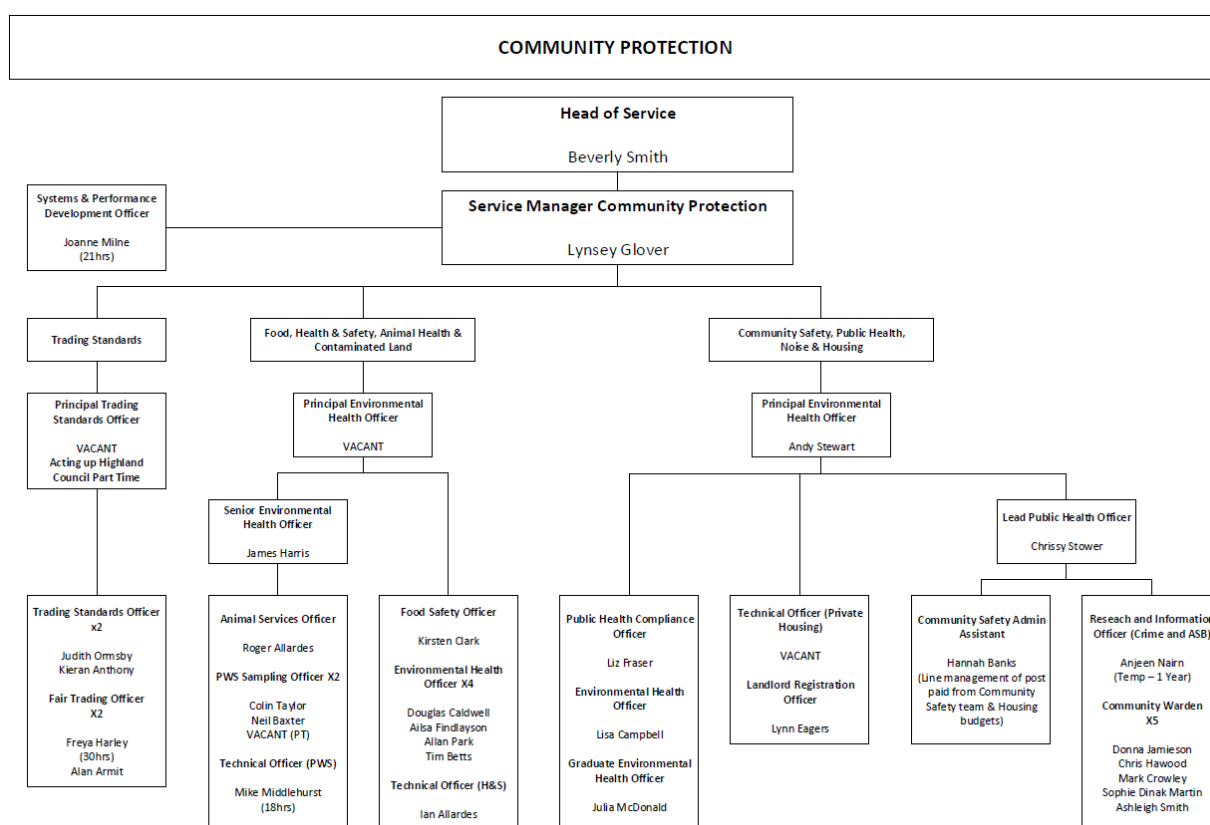
2. BACKGROUND

2.1 Profile of the Local Authority

Moray covers 2,238 km² from the Cairngorms to the Moray Firth coast, with a population of 95,520. The main settlements are Elgin, Forbes, Buckie, Lossiemouth and Keith. Key sectors include agriculture, whisky distilling, fish and shellfish processing, food manufacturing and tourism, alongside two Ministry of Defence bases that substantially influence the local economy.

2.2 Organisational Structure

Food Law delivery sits within the Economy, Enterprise and Operations Directorate, overseen by the Head of Service Growth, Planning, and Climate (Appendix 1). The Community Protection Service Manager has overall responsibility for Food Law. A Principal Environmental Health Officer supports operational management. The approved structure of the Community Protection service is shown in the diagram below.



V1.12 Last Updated 23/04/2026

2.3 Scope of the Food Service

The Food Law Enforcement Service covers:

- Food hygiene and food standards interventions
- Approved Establishment controls

APPENDIX A

- Incident and outbreak investigation
- Complaints
- Sampling (microbiological & chemical)
- Food fraud and food crime liaison
- Imported food inland checks
- Business advice
- Food Hygiene Information Scheme delivery
- Enforcement in accordance with Food Law Code of Practice (Scotland)
- Labelling, food information and Compliance Notices
- Promotion and placement of High Fat, Sugar and Salt foods

All duties are delivered directly by Moray Council's multi-disciplinary EHOs, supported by a Food Safety Officer.

The scope of food related functions is described in Appendix 2.

2.4 Demands on the Service

As of 12 April 2026, Moray had 1425 registered food businesses. The Food Establishment Profile presented below describes the number in each category.

Food Establishment Profile

Food Establishment Type	Total
Caring premises	142
Distributors/Transporters	24
Fishing Vessel	81
Hotel/Guest house	79
Importers/Exporters	1
Manufacturers and Packers	127
Mobile food unit	77
Primary Producers	19
Pub/Club	55
Restaurant/Cafe/Canteen	173
Restaurants and Caterers	140
Retailer - other	202
School/College	58
Small retailer	111
Supermarket/Hypermarket	24
Take-away	108
Value not recognised	4
Total	1425

Key factors affecting demand:

- High number of manufacturers (8%) and 16 approved establishments
- Seasonal events (markets, festivals, fairs) causing significant reactive demand
- Two fishery products manufacturers exporting to EU via export hubs
- Contribution towards corporate arrangements to deliver on Good Food Nation framework

APPENDIX A

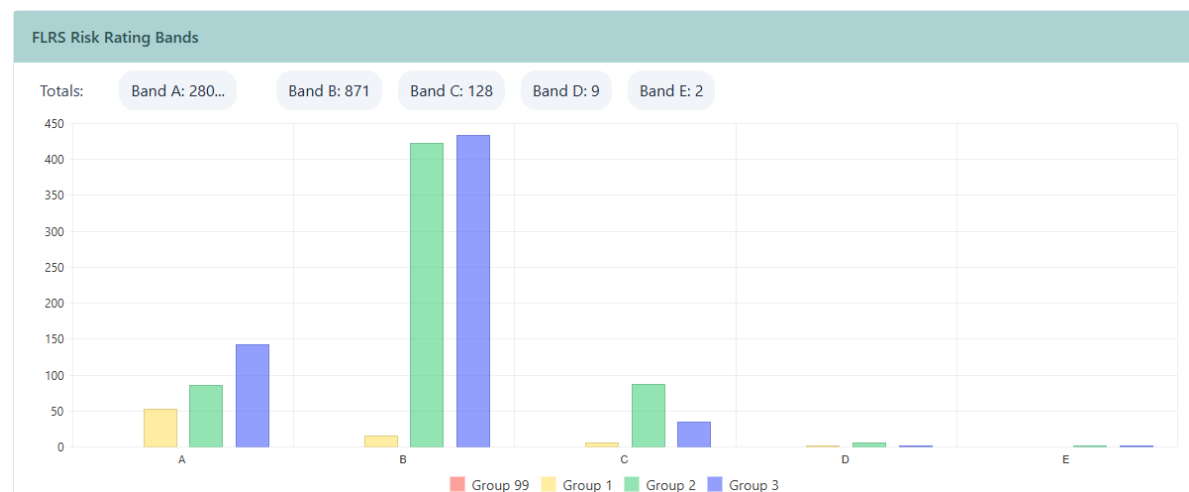
- Succession planning and service improvement work to deliver a Transformation Strategy (Appendix 1), improved customer experience and greater integration of service delivery
- A review of resources showed 81% of Scottish Local Authorities experience recruitment challenges and these pressures apply equally to Moray.

Compliance across the three Groups is described in the graphs below, with the majority (613) in Business Group 3 (low risk) and Group 2 (603) (catering and retail).



Distribution of food business performance (Band A is considered excellent performance and management and Band E is considered worst performance and formal enforcement) is described in the graphs below. 79% of businesses tend towards higher levels of compliance in Bands A and B.

Minor non-compliance is found in 7% and a small number of businesses exhibit more concerning levels of performance in Bands D and E as described in the chart below.



APPENDIX A

Takeaways continue to represent the food business establishments that require significant intervention and resource and most often exhibit lowest performance across several performance categories. Compliance levels across the bands A-E (A- Best to E – worst) for each food establishment type during the financial year 2024-2025 is described in the table below.

Food Law Compliance

Report date range: 01 Apr 2024 to 31 Mar 2025

Food Establishment Type	A	B	C	D	E	Rated for FL	Broadly Compliant	Broadly Compliant %
Caring premises	15	148	4	0	0	167	165	98.8%
Distributors/Transporters	3	11	1	0	1	16	15	93.8%
Fishing Vessel	35	48	0	0	0	83	83	100.0%
Hotel/Guest house	10	78	15	0	0	103	101	98.1%
Importers/Exporters	0	1	0	0	0	1	1	100.0%
Manufacturers and Packers	53	48	11	1	0	113	111	98.2%
Mobile food unit	1	51	9	1	0	62	61	98.4%
Primary Producers	2	21	2	0	0	25	25	100.0%
Pub/Club	4	51	7	0	0	62	62	100.0%
Restaurant/Cafe/Canteen	17	128	36	1	0	182	175	96.2%
Restaurants and Caterers	9	108	14	1	0	132	131	99.2%
Restaurants and caterers - other						0	0	
Retailer - other	38	158	12	1	0	209	209	100.0%
Retailers						0	0	
School/College	1	58	2	1	0	62	60	96.8%
Small retailer	9	84	13	1	0	107	105	98.1%
Supermarket/Hypermarket	2	19	2	0	0	23	22	95.7%
Take-away	4	57	33	3	1	98	88	89.8%
Value not recognised	1	1	0	0	0	2	2	100.0%
Total	204	1070	161	10	2	1447	1416	97.9%

2.5 Enforcement Policy

The Food Law Enforcement Policy, Officer Guidance and Decision Making Matrix align with the Food Law Code of Practice (Scotland) and Compliance Spectrum model.

Moray Council's Community Protection Service suite of enforcement policies are being reviewed. An integrated Community Protection Service Policy will be progressed through Planning & Regulatory Services Committee following third tier review and Directorate direction as service integration develops.

The Food Law Enforcement Policy reflects the Scottish Government's Better Regulation agenda to support economic growth and aligns with both the Scottish Regulators' Strategic Code of Practice and the UK Regulators' Code. It ensures enforcement action is risk-based, proportionate, and consistent across both devolved and reserved matters. These codes represent best practice and emphasise the importance of regulatory services adopting a positive, proactive approach.

All serious breaches in Council-run establishments are escalated first to Service Managers and then to the Chief Executive.

Moray Council operates between 9am and 5pm, Monday to Friday, from its offices on High Street, Elgin. The Food Law Service works outwith these core hours to meet business

APPENDIX A

needs and service demand, operating a hybrid working arrangement with business continuity plans in place.

2.6 Food Establishment Database

The food establishment database is managed through IDOX Uniform. Systems Support team provide services to manage the system for all users at Moray Council. Officers and Administration Support team apply updates to records following defined procedures. Monthly accuracy checks are conducted to ensure alignment with SND, responding to FSS's findings that many LAs had discrepancies in FTE and data. Data accuracy issues are recorded on spreadsheet, shared to Systems Support team to investigate and instigate improvement action upon observation and followed up at monthly reviews.

3. SERVICE DELIVERY

3.1 Interventions at food business establishments

Policy & Approach

The Food Law Service supports businesses while protecting and enhancing public health and consumer safety by delivering statutory food law functions in a consistent, proportionate, and risk-based manner.

Moray Council follows the Food Law Rating System (FLRS) and conducts official controls via inspection, verification, surveillance, audit and sampling, in accordance with the Code of Practice. Moray continues to use inspection as the primary intervention type.

The Community Protection Team Plan Food Safety is found at Appendix 4.

2026–2027 Intervention Programme

Food Standards Scotland have highlighted an overestimation (33-50%) in the method used to calculate the FLRS inspection frequency (FSS EMT Paper 22 October 2025). FSS has proposed amendments to realign resource demand, and this work will be delivered through the SAFER Programme. Until the SAFER outcomes are confirmed, Moray Council Community Protection service will continue to manage its inspection programme locally.

Required Resource Calculation (RRC) methodology has been used to balance available resource (3.55 FTE) against predicted level of service demand. The inspection programme is led by risk and the following priorities form the core inspection programme-

- Approved establishments for the OCV Cycle,
- New businesses,
- Group 1 and Group 2 businesses where assurances remain lower or 'Improvement Required' status in terms of Food Hygiene Information Scheme or intelligence driven reactive investigation,

APPENDIX A

- ‘Awaiting Inspection’ and data accuracy derived interventions,
- Alternative Enforcement Strategy (AES) for low-risk settings - Pubs, clubs & bars safety survey, fishing vessels, a Retail Safety project aligning to cross service integration and partnership working and a smaller survey of school meals services where sustained compliance of 2A or 3 consecutive 2B is in place.

The table below describes the number of programmed inspections due per Group and Band during 2026-2027.

Group	Inspections Due
1A	10
1B	14
1C	2
1D	0
2A	0
2B	112
2C	57
2D	2
3A	Alternative Enforcement Strategy (AES) for low-risk settings
3B	0
3C	20
3D	0
Total	217

This reflects Moray’s ongoing priority to ensure higher risk food business establishments are prioritised for intervention, whilst balancing the FTE resource available.

3.1.2 Revisits

Revisits will be carried out as required by the FLRS scheme (e.g., where significant non-compliance is found).

APPENDIX A

3.1.3 Approved Establishments

Moray has 17 approved establishments (5 fishery products, 3 meat products including a thermal processor, 2 dairy, 1 cold store, 5 egg packers, 1 fishing vessel). All are inspected by at least two food law competent officers trained through the Official Control Verification programme and to HACCP Level 4. Intervention and oversight follows Official Control Verification methodology, and the annual cycle commences in April.

Interplay with export health certificates and inspections for support attestations is required in a small number of exporting establishments.

Applications for new establishments or new products requiring conditional approval are prioritised for attention and generally demand a significant resource for a short period of time.

The table below describes the OCV risk categorisation of the establishment and gives time predictions used for modelling and resource calculations.

Approved Establishment	Approval code	Category	Time Estimate 2025
Baxters Food Group	MC001	D	15
Associated Seafoods Ltd	MC002	D	15
Murdoch Brothers	MC005	B	10
Cluny Fish Supplies	MC009	D	12
Eat Mair Fish	MC014	B	4
Speyside Enterprises	MC024	B	7
Speyfruit Cold Store	MC029	A	4
Lossie Seafoods/Moray Seafoods	MC032	D	10
Highland Eggs (Lower Mill of Tynet)	MC033	B	7
Orangerie	MC035/ UK-7-337	EPC	1
Wester Calcots Farm	MC036	EPC	1
James Taylor & Son	MC037 UK-7-148	EPC	1
Ocean Tiger Fisheries Ltd (Westro INS20)	MC039	Vessel	1
Moray Shellfish	MC040	B	6
Rannachy Farm Shop	MC042/ UK-7-251	EPC	1
Thorabella	MC043	B	5
All Steak Ltd	MC044	D	10

All approved food establishments in Scotland are found via a list maintained by Food Standards Scotland

APPENDIX A

[Approved Establishments Register | Food Standards Scotland](#)

3.1.4 Food Hygiene Information Scheme (FHIS)

Moray continues to maintain FHIS with “Pass” or “Improvement Required” outcomes, including reassessment and appeal provisions. Stickers are left by the inspecting officer at the end of inspection.

3.1.5 Team Plan- Food Law (Appendix 4)

Actions and outcomes are identified in the Community Protection Team Plan, with the top line commitment to SAFER shown below.

Action	Outcomes
Food Competent Officers and support team will be encouraged to engage and participate to support the delivery of SAFER – the FSS project to modernise the food law delivery model in Scotland	Modernised food law delivery programme based on risk. FSS ambitions for cost recovery will be supported. Digital solutions will be trialled and adopted.

3.2 Food Complaints

All complaints are investigated in accordance with the Council’s Food Complaints Protocols

Investigations are prioritised where the incident is one of risk to public health or significant fraud.

3.3 Home and Primary Authority

Moray applies the Home Authority Principle, providing consistent advice to businesses and supporting liaison between councils. No arrangement is in place.

3.4 Advice to Businesses

Advice is provided through routine inspections, drop-in support, leaflets, and targeted training sessions when resources allow. Emphasis continues to promote CookSafe and allergen compliance. Service requests for advice receive attention from qualified Food Competent Officers. The Growth, Planning and Climate Service comprises Business Gateway and Development Control affording early intervention and engagement opportunity for new and developing businesses.

APPENDIX A

3.5 Food Sampling Programme

Microbiological and chemical sampling follows the regional programme shared with partners Aberdeen City, Aberdeenshire and ASSL.

Moray Council operates a microbiological sampling programme with approximately 215 planned over 2026-27. Sampling for FSS surveillance programme is carried out.

Sample activity over years 2023-2025 is provided in Appendix 5.

3.6 Control and Investigation of Communicable Disease including Outbreaks and Food Related Infectious Disease

Moray Council Community Protection Service are co-signatories to the Joint Public Health Protection Plan 2026-2028 and protocols, which outline key priorities for managing communicable diseases and environmental health hazards, and the planned actions to strengthen coordination, resilience, and preparedness across the region. The plan also summarises governance arrangements, available resources and the involvement of local communities in health protection work.

Access the latest Joint Health Protection Plan at
<https://www.nhsg-rampian.org/siteassets/about-us/nhsg-board/board-papers/2026/19.03.26/11.01jhpp202628.pdf>

The Service conducts investigations within 24 hours, attending fortnightly inter-authority meetings and monthly communicable disease liaison group and shared training events.

3.7 Food Law Incidents

Food incidents, food hazards and Food Alerts for Action FAFAs are managed in line with the Code of Practice and Food Incident Protocols. Out-of-hours responses follow the FSS Directory and Moray's emergency procedures (MERC).

3.8 Export Health Certificates including Fishing Vessel Inspection

Moray Council continues to play an active role in supporting local food and drink businesses engaged in export activity. The service is responsible for the delivery of Export Health Certificates (EHCs) for a number of Moray-based firms, confirming that exporting establishments meet the relevant public health and official control requirements.

The service provides supporting attestations, to enable relevant businesses to access the Goods Export Facilitation Scheme (GEFS). This support assists eligible operators in maintaining access to export markets while complying with regulatory and assurance requirements.

APPENDIX A

Through this work, Moray Council contributes to the resilience and competitiveness of the local food and drink sector, while ensuring that public health protections and regulatory confidence are maintained.

A programme of fishing vessel intervention is developed annually using a risk-based approach. Vessels are assessed against agreed risk factors, and a representative sample is selected each year for desktop intervention. These interventions typically involve a review of available records, compliance history, and relevant documentation. Where issues or areas of concern are identified, proportionate follow-up actions are undertaken, which may include further desk-based engagement, provision of advice, or on-site inspection where necessary.

3.9 Liaison with Other Organisations

Moray participates in:

- North of Scotland Food Liaison Group
- NHS Grampian Health Protection Group and Joint Coordination Strategic Group
- SFELC working groups for Data & Digital, Approved Establishments and Listeria in minimally processed foods.
- Internal liaison with Development Control, Licensing, Education, Legal, and Corporate Comms.
- Moray Healthy Weight
- HASCOG and the North of Scotland Liaison Group
- The REHIS Public Health and Housing Working Group
- Moray Events Oversight Group
- LA Partners Sampling Group

3.10 Food Crime & Fraudulent Activities

Moray Council Food Fraud Protocol supports liaison activity with the Scottish Food Crime and Incidents Unit (SFCIU) and uses the CLUE database and QR code to share intelligence. A small team of officers form the CLUE response group and can retrieve and react to intelligence logs.

4. FINANCE AND STAFFING

4.1 Financial Allocation

The approved financial allocation for the Environmental Health section for all aspects of work for 2026/2027 is shown in the table below. The budget for the provision of scientific services provided to Environmental Health, inclusive of Private Water Supplies services, is shown.

APPENDIX A

2026/27 budget	
Direct staffing costs	1,276,025.00
Travel	22,796.00
Sampling budgets	221,705.00
Contingency	54,248.00
Income	313,182.00
Total Net Budget	1,261,592.00

4.2 Staffing Allocation– Full Time Equivalent (FTE) for Food Law Enforcement

The current establishment profile:

- 3.55 FTE allocated to Food Law
- 8 Competent Persons in JPHPP (Public Health Scotland Act = An EHO with 2 or more years post qualification experience).
- 8 EHOS & 1 vacant post PEHO at time of writing
- 1 part-time Food Safety Officer
- 1 Graduate Trainee EHO
- 1 post for Modern Apprenticeship in Regulatory Services and one vacant post for a Graduate EHO
- 1.5 Technical Officers
- 0.65 Supporting Admin Officers

An exercise completed for FSS Time Measurement Exercise in 2024 predicted 8 FTE would be required to deliver the Code of Practice, non-Code of Practice food safety & food standards functions and all other corporate and service delivery demands in connection with food law enforcement.

4.3 Staff Development Plan

All officers must complete 10 hours of food law CPD and 20 hours REHIS CPD annually. Officers continue to access FSS training, BTSF modules, SFEOA training, REHIS events including annual food law update course, NHS Grampian HPT training and internal CPD sessions, Improve International Food Competent Certifying Officers revalidation training for certifying products of animal origin and growth opportunities derived from professional practice. Hours are logged and monitored by management during 1:1s, employee review & development plan (ERDP) and annual review of training plan.

All FCCOs must hold the OCQ(CO) - FCCO Food Competent Certification administered by Improve international.

APPENDIX A

Authorised Officers enforcing Food Law have the level 4 HACCP qualification and Officers delivering Official Controls in the approved sector hold the Official Control Verification (OCV) training and qualification provided by FSS.

Moray Council successfully operates a Succession Planning approach to build internal capacity through workforce development, career progression and skills development whilst ensuring equal opportunity so that internal candidates are enabled to put themselves forwards for development opportunities that provide the required experience and skill set to apply for alternative or promoted positions. This resilience is in place for critical functions including roles within Community Protection.

Through greater cross service collaboration, training and joint operations, the service has increased resilience and retains a mindful approach to authorisation levels and warranting and only food competent officers are designated for food law enforcement work. Staff in training positions or competent in terms of other regulatory functions (Health and Safety, Trading Standards, Community Wardens etc) may assist with hazard spotting, signposting and in terms of Alternative Strategies, reporting observations to a designated competent officer.

The Service has 2 Chartered Environmental Health Officers.

One Graduate EHO is anticipated to qualify in October 2026 and will be supported as a newly qualified EHO with less than 2 years PQE. One post of Graduate EHO will be recruited to and supported through the MSc in Environmental Health with professional practice at the University of Abertay.

5. MONITORING

5.1 Quality assessment and internal monitoring

Quality is maintained through:

- Report monitoring
- Peer & accompanied inspections including an OCV monitoring programme
- Quarterly risk-rating checks
- Database accuracy checks
- ERDP performance management
- External audits by FSS (every ~3 years)
- Internal Audit reporting to Audit and Scrutiny Committee

5.2 Contingency Planning

The Community Protection Service Business Continuity Plan is reviewed annually and covers mass staff absence, transport disruption, unavailable premises, loss of systems and back-room functions.

APPENDIX A

6. REVIEW

6.1 Review of the Service Delivery Plan

The Food Law Enforcement Service Delivery Plan is normally reviewed on an annual basis to ensure it remains current and reflective of service priorities.

Moray Council's performance framework monitors outcomes quarterly. The table below presents the data for food safety performance indicators for years 2023/24, 2025/25 and 2025/26, as captured by Moray Council's Research and Information Officer on 15/4/2026.



Community Protection - Food Safety PIs

PI Status		Long Term Trends		Short Term Trends	
	Alert		Improving		Improving
	Warning		No Change		No Change
	OK		Getting Worse		Getting Worse
	Unknown				
	Data Only				

Section 6 - Operational PIs - Community Protection - Lynsey Glover														
Code	Code	Short Name	Current Target	2023/24	2024/25	2025/26	Q4 2024/25	Q1 2025/26	Q2 2025/26	Q3 2025/26	Q4 2025/26	Latest Note	Short Term Trend Arrow	Status
				Value	Value	Value	Value	Value	Value	Value	Value			
ENVDV259 ab	Local	EH-Food Safety-percentage of category B&A (12 - 36 months depending on business group) premises inspected within time during quarter	Data only	86%	87.2%		89.5%	93.8%				Q2 inspections will be reported at end of Q4 2025/26		
ENVDV259 c	Local	EH-Food Safety-percentage of category C (6-24 months depending on business group) premises inspected within time during quarter	Data only	80%	79.6%		94.7%	100%				Q2 inspections will be reported in Q4 of 2025/26		
ENVDV259 d	Local	EH-Food Safety-percentage of category D premises (3 Months) inspected within time during quarter	Data only	N/A	85.7%		100%	N/A				Q2 inspections will be reported in Q4 of 2025/26		
ENVDV259 e	Local	EH-Food Safety-percentage of category E premises (1 month) inspected within time during quarter	Data only	N/A	N/A		N/A	0				Q2 inspections will be reported in Q4 of 2025/26		
ENVDV070 c(ii)	Local	EH - Food Safety - % of registered food premises which are broadly compliant with food law (of all food premises)	Data only	96%	87.5%		87.5%	88.5%				Q2 inspections will be reported in Q4 of 2025/26		

New PIs for 2026/27 are designed to support corporate strategies for economic development and assurance;

1. 100% of new food business registrations are contacted within 10 days of receipt of the service request.
2. A review of our processes for registered food businesses to ensure accurate data recording.

New businesses will receive interaction with an Officer within a short time scale and measurable improvements will be made to assure the accuracy of information shared to Scottish National Database (SND) as FSS have designated SND as the prescribed mechanism for providing information on all Official Control activity undertaken within the authority.

APPENDIX A

Food Law Rating System interventions carried out under each of the year headings are shown in the table below.

	2023	2024	2025	Total
Food Law Rating System	783	646	621	2050
Food Law - Advisory	2			2
Programmed Inspection	365	505	496	1366
Revisit	67	50	39	156
Visit	344	91	86	521

6.2 Areas of improvement

Key improvement priorities for 2026–2027:

SAFER (Scottish Authorities Food Enforcement Review)

The Service acknowledges and welcomes Food Standards Scotland's SAFER programme to modernise food law delivery. SAFER is a multi-year programme funded through the regulatory reform strategy with 4 objectives:

- Food Law Delivery – Reviewing and reforming the food law delivery model for Scotland.
- Sustainable Funding – Considering options to sustainably fund delivery of official controls and developing a transparent and proportionate cost recovery system.
- Dynamic Regulation and Assurance – Exploring innovative regulatory strategies for reform, focused on risk, assurance and increased efficiency.
- Data and Digital Enablement – Utilising new technologies to support food safety professionals, incentivise business compliance and enhance consumer protection.

SAFER is the headline priority within the 2026 Community Protection Team Plan. The Service has taken account of SAFER activity within resource calculations and the balanced Food Law Rating System (FLRS) inspection programme, and commits that food law resources will be assigned to support renewal through participation in the Food Law Professionals Technical Advisory Group (TAG).

Moray-Specific Improvements

- Improve service integration to build resilience and improve customer experience
- Improve resilience for response to incidents including outbreaks
- Continue physical inspections of higher-risk sites

APPENDIX A

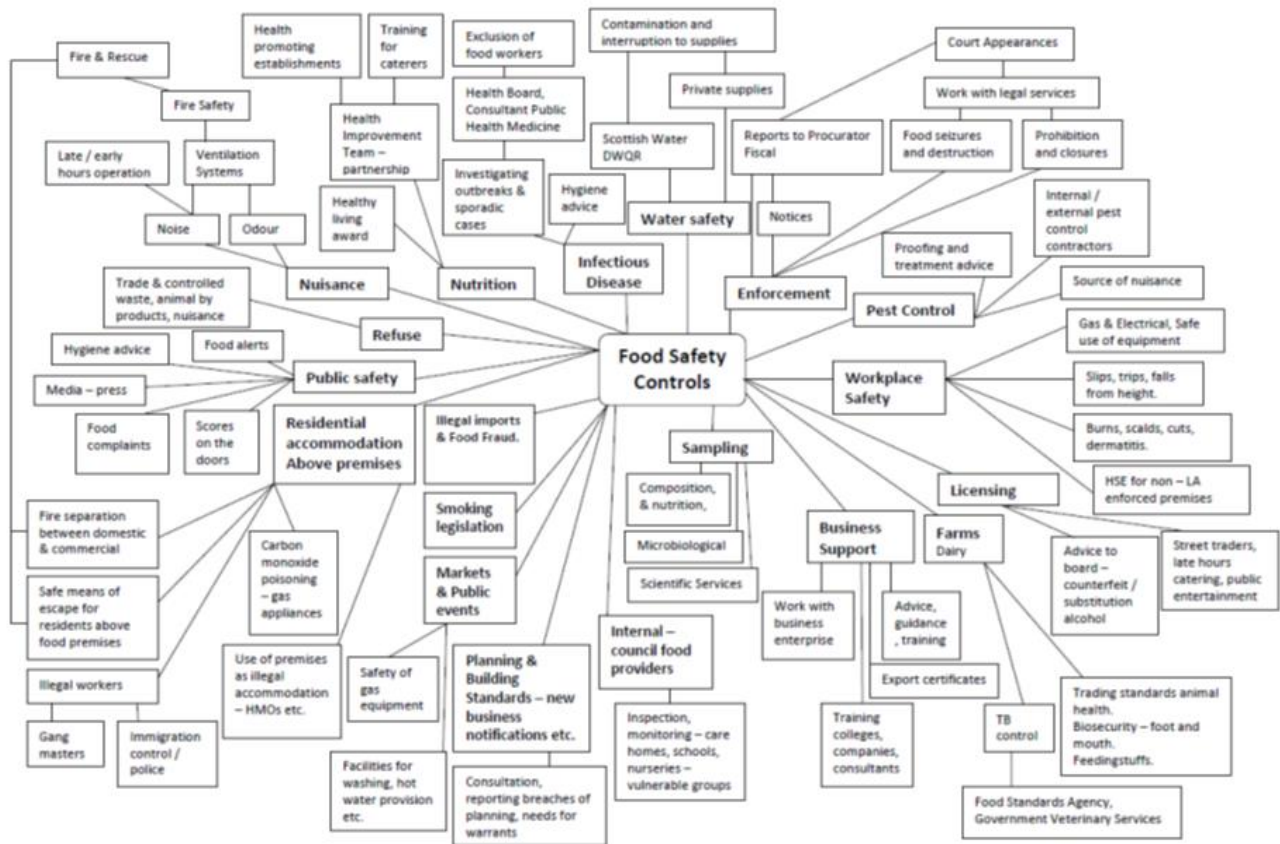
- Prepare succession plans and a workforce strategy
- Improve data accuracy and SND reconciliation
- Strengthen workforce sustainability planning
- Improve capacity modelling for official controls
- Enhance verification of approved establishments and local suppliers to Moray Council school meals contracts
- Prepare for future national standardisation expectations

Appendix 1 - Relevant Links

- ✓ Structure [Council Departments - Moray Council](#)
- ✓ Public [Governance Documents](#) - First Tier (*web*)
- ✓ Public [Governance Documents](#) - Second Tier (*web*)
- ✓ [Council's Committee Structure and Remit](#) (*web*)
- ✓ [Performance Framework](#) (*web*) – see [update report](#) scheduled for Corporate Committee 17 February 2026
- ✓ [Corporate Plan](#) (*web*)
- ✓ [Moray 10 Year Local Outcome Improvement Plan](#) (LOIP) v2 (*web*)
- ✓ [Public Performance Report](#) – 2016-to current (*web*)
- ✓ [Growth, Planning & Climate - Moray Council](#)

APPENDIX 1

Appendix 2 – Food Service Scope



APPENDIX 1

Appendix 3 - Service Request Data 2023/2024/2025

Service Request Type	2023	2024	2025
Alerts	1	1	2
Food Advice	206	169	142
Food Complaint - Chemical	3	1	0
Food Complaint - Foreign Body	1	12	4
Food Complaint - Labelling	3	5	11
Food Complaint - Microbiological	18	13	4
Food Complaint - Premises Hygiene	35	56	55
Food Export Certificates - Attestations	19	25	44
Food Export Health Certificate	262	377	345
Food Law - Premises Standards	0	0	1
Food Law Advice	1	0	7
Food Law Complaint - Labelling	0	0	2
Food Law Complaint - Premises Hygiene	0	0	4
Food Law Complaint - Microbiological	1	0	1
Food Premises Registration	15	4	3
FS - Sampling Follow up	0	12	55
Grand Total	565	675	680

All EH Service Requests	2023	2024	2025
Animal Services	575	366	371
Anti-Social Behaviour	1414	830	590
Contaminated Land	0	5	11
Food	565	675	680
Health & Safety	65	50	45
Housing	318	249	203
Licence Consultations	1269	2252	1074
Noise	89	77	79
Other	5	3	3
Planning Consultations	1053	948	816
Private Water Supplies	167	141	212
Public Health	412	432	456
Grand Total	5932	6028	4540

APPENDIX 1

Appendix 4 - Community Protection Team Plan – Food Law

Actions and outcomes are identified in the Community Protection Team Plan.

Action	Outcomes
Food Competent Officers and support team will be encouraged to engage and participate to support the delivery of SAFER – the FSS project to modernise the food law delivery model in Scotland	Modernised food law delivery programme based on risk. FSS ambitions for cost recovery will be supported. Digital solutions will be trialled and adopted.
Officers inspect, investigate and where necessary take action to drive business performance in terms of safety, standards and food information.	Outcome 1: Improved Compliance and Safer Business Practices Businesses demonstrate measurable improvements in food safety, hygiene standards, and food information accuracy because of proportionate investigations, targeted advice, and enforcement where required. Outcome 2: Reduced Risk to Public Health Through Effective Regulatory Action High-risk or non-compliant businesses are identified, prioritised and brought into compliance promptly, ensuring accurate consumer information and safer food practices that reduce food-related risks within the community. These low performance businesses receive more regulatory contact and intervention than businesses that are well managed for safety and exhibit sustained levels of compliance.
Policy and procedure review to be completed by June 2026	Audit and Scrutiny Committee

APPENDIX 1

New Food Businesses will be prioritised for support through the registration process and within 10 days of contact.	Outcome 1: New food business operators receive timely regulatory guidance, enabling them to meet legal requirements before opening. Outcome 2: Increased compliance levels at first inspection due to earlier intervention and clear expectations. Outcome 3: Reduced risk to public health as higher-risk or inexperienced operators are identified and supported sooner.
A review of our processes for registered food businesses to provide greater assurances on data accuracy and recording processes	The Food Hygiene Information Scheme, providing consumers with the findings of the latest inspection in terms of either 'Pass' or 'Improvement Required', is supported by Moray Council. FSS receive better quality data on SND, the preferred medium for monitoring LA activity.
Paid- for services and certification work are delivered on demand, meeting business sector expectations for high-quality outputs and timely completion, ensuring customer satisfaction and support for local economic and exporter activity.	Outcome 1: Businesses receive rapid, predictable access to discretionary services, improving customer satisfaction and reducing delays to business operations. Outcome 2: Full cost recovery achieved for discretionary services, supporting reinvestment in statutory food law functions. Outcome 3: Improved reputation and visibility of the service as responsive, flexible, and business-supportive
Approved Establishments receive planned official control intervention during quarter, and exporting firms are provided with Support Attestations	Food Law Service Plan 2026 100% of approved establishments receive their planned official control intervention within the scheduled quarter, and 100% of exporting businesses requesting Support

APPENDIX 1

and Export Health Certificates on demand.	Attestations or Export Health Certificates are issued them on demand within the service's agreed turnaround time.
Inspection programme reported within approved Food Law Service Delivery Plan 2026	The RRC Model will define an equitable level of inspection that reflects available staffing resources and current workload pressures. Reviewed and updated as resource within the team fluctuates.
High-risk food businesses are inspected within the required timescales each quarter, ensuring timely regulatory oversight, reduced risk to public health, and sustained compliance with food safety legislation.	Performance Indicator and Food Law Service Delivery Plan 2026
EH will collaborate on WSA to contribute to Healthy Weight Moray and the Moray Food Partnership.	Collaboration with Community Planning Partners, NHS Grampian Public Health team, Licensing and community, third sector and business groups
Environmental Health will collaborate and contribute towards the monitoring actions for Moray Council's Good Food Nation Plan	Report on GFN monitoring actions – Food sampling, FHIS and High-risk Animal Health inspection.
EH will collaborate and contribute towards the strategic plan for Moray Council's Good Food Nation Plan	Collaboration with Moray Council School Meals Service to develop an assurance programme to support strategic goals of local, sustainable and climate
EH will contribute to the prevention focused strategy on Population Health and healthy food environment. Environmental Health will work proactively with retailers to ensure full compliance with the Food (Promotion and Placement) (Scotland)	<u>Executive Summary - Scotland's Population Health Framework - gov.scot</u> Business Guidance Summary: Price Promotions Regulations (Scotland) <i>Coming into force: 1 October 2026</i>

APPENDIX 1

Regulations 2025, which introduce restrictions on price promotions of high-fat, sugar or salt (HFSS) products from 1 October 2026, supporting improved public health and a consistent retail environment.	
Transformation strategy requires multiple actions from the service to put the customer at the heart of everything we do. EH will work with CS team to develop services and online presence. EH team to develop an engagement strategy to develop better services to new and existing business and consumer users.	Outcome 1: Stronger, more collaborative relationships with local food businesses leading to better understanding of their needs and challenges. Outcome 2: Improved service design informed by regular feedback, resulting in more accessible, user-friendly regulatory support. Outcome 3: Higher levels of voluntary compliance through clearer communication, targeted guidance, and tailored interventions.

APPENDIX 1

Appendix 5 - Sample data 2023/2024/2025

1. Samples obtained

	2023				2024				2025				Total			
	Composition	Labeling and Presentation	Microbiological Contamination	Total	Composition	Labeling and Presentation	Microbiological Contamination	Total	Composition	Labeling and Presentation	Microbiological Contamination	Total	Composition	Labeling and Presentation	Microbiological Contamination	Total
Food Complaint Sample	0	0	0	0	0	1	0	1	0	0	2	2	0	3	2	3
Programme Sample	0	2	190	192	4	2	198	204	2	1	212	215	6	216	600	611
Total	0	2	190	192	4	3	198	205	2	1	214	217	6	219	602	614

2. Sample performance

		2023										2024										2025																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																					
		Composition					Labelling and Presentation					Microbiological Contamination					Composition					Labelling and Presentation					Microbiological Contamination																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																
Food Complaint Sample	Programme Sample	Total	Unsatisfactory	Satisfactory	No Result	Total	Unsatisfactory	Satisfactory	No Result	Total	Unsatisfactory	Satisfactory	No Result	Total	Unsatisfactory	Satisfactory	No Result	Total	Unsatisfactory	Satisfactory	No Result	Total	Unsatisfactory	Satisfactory	No Result	Total	Unsatisfactory	Satisfactory	No Result	Total																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																													
																															2023 Total	2024 Total	2025 Total																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																										
		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

END OF DOCUMENT SERVICE DELIVERY PLAN 2026/2027

APPENDIX 1



**FOOD LAW ENFORCEMENT
SERVICE DELIVERY PLAN
2025 – 2026**

APPENDIX B

Moray Council Food Law Enforcement Service Delivery Plan

1. SERVICE AIMS AND OBJECTIVES

1.1 The Service

Environmental Health exists to maintain and improve standards relating to; food safety, health and safety at work, environmental protection, including contaminated land, public health, private water supplies, housing and animal health and welfare, so that the quality of life of those living, working and visiting Moray is enhanced.

Environmental Health will provide effective, efficient advice and services to the public, commercial sector and other internal and external agencies on all matters for which it has a statutory responsibility.

Environmental Health will eliminate unnecessary enforcement activity that impacts on responsible business.

Environmental Health will promote sustained compliance with the Law, ensure that duty holders take action to deal immediately with serious breaches of the Law and hold to account those who breach Legal requirements which may include recommending prosecution or serving statutory notices.

Environmental Health will, through advice given to legitimate businesses particularly during start up, promote good business without stifling entrepreneurial activities. To enable this, businesses must behave ethically, engage early and openly with Regulators and strive to comply.

Environmental Health will endeavour to comply with the requirements of the Regulators code in all enforcement matters as it exemplifies best practice and identifies the need for Regulatory Services to adopt a positive and proactive approach towards ensuring compliance. This will be undertaken by:

- Adopting a positive enabling approach by helping and encouraging businesses and individuals to understand and comply with the Law.
- Ensuring proportionality when dealing with breaches of the Law
- Use risk assessments, intelligence, and evidence to target resources to the areas that require them most.
- Ensure effective two-way communication with those that are Regulated.
- Adopt an education-based approach with a robust and effective enforcement when required.
- Ensure the policies are transparent, accountable, consistent, proportionate, and targeted.
- Pursuing continuous improvement in Regulatory practice based on the principles of better Regulation.

APPENDIX B

We will provide information and advice in plain language. We will be open about how we do our work, including any charges made. We will take account of businesses, consumers, workforce representatives' and other stakeholders' views.

We believe that prevention is better than cure and that our role therefore involves actively working with businesses, especially small and medium sized businesses, to advise on and assist with compliance. We will provide a courteous and efficient service, and our staff will identify themselves by name. We will provide a contact point and telephone number for further dealings with us, and we will encourage businesses to seek advice/information from us. Applications for approval of establishments, licences, registrations etc., will be dealt with efficiently and promptly. We will ensure that, wherever practicable, our enforcement services are effectively co-ordinated to minimise overlaps and time delays.

We have an effective and timely complaints procedure. In cases where disputes cannot be resolved, any right of complaint or appeal will be explained, with details of the process and the likely timescales involved.

We will minimise the costs of compliance for businesses by ensuring that any action we require is proportionate for the risks. As far as the Law allows, we will take account of the circumstances of the case and the attitude of the operator when considering action. We will take particular care to work with small businesses and voluntary and community organisations so that they can meet their Legal obligations without unnecessary expense, where practicable.

We carry out our duties in a fair, equitable and consistent manner. While officers are expected to exercise judgement in individual cases, we have arrangements in place to promote consistency, including effective arrangements for liaison with other Authorities and Enforcement bodies.

Food Safety

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:

1. 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 because 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.

APPENDIX B

2. 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.

The FSS Strategy for 2021-2026 incorporated a 3-year Corporate Plan, April 2021-March 2024, which had been developed by FSS and set the direction to help deliver the FSS vision. The Corporate Plan outcomes are that:

- Food is safe and authentic.
- Consumers have healthy diets.
- Responsible food businesses are enabled to thrive.
- Consumers are empowered to make choices about food.
- FSS is trusted and effective.

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

Due regard is given to guidance issued by FSS, Scottish Government, Royal Environmental Health Institute of Scotland (REHIS), Health Protection Scotland (HPS), Scottish Food Enforcement Liaison Committee (SFELC) and 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 Economic Growth and Development.

Economic Growth and Development 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.

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

The Food Law Enforcement Service Delivery Plan is linked to the Economic Growth and Development Service Plan 2025-2026 currently being developed

APPENDIX B

which in turn is linked to the Moray Local Outcome Improvement Plan which identifies the following priorities of the community Planning Board: -

- Growing, diverse and sustainable economy
- Building a better future for our children and young people in Moray
- Empowering and connecting communities
- Changing our relationship with alcohol

1.3 Workload Priorities

The Service recognises that there has been a reduction in overall staff resources, 10% in 23/24, however we will endeavour to carry out the full range of functions required by the FSS Food Law Code of Practice (Scotland) which was published in 2019 and for the forthcoming year tasks will be prioritised in the following order:

1. 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
- Food and Water complaints where there is a potential risk to public health.

2. Planned highest risk inspections:

- Food premises
- Approved establishments
- New or unrated premises where there are cross contamination risks

3. Planned higher risk inspections:

- Food premises – Band B premises in groups 1, 2 and 3 where there are potential risks of cross contamination; those that are not “broadly compliant” with Food Law and those that are overdue for inspection.
- Advice to high-risk establishments
- Licensing of high-risk establishments

4. Planned lower risk inspections:

- Food premises– B and C premises (not included in c above)
 - Band A rated catering premises.

5. 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

APPENDIX B

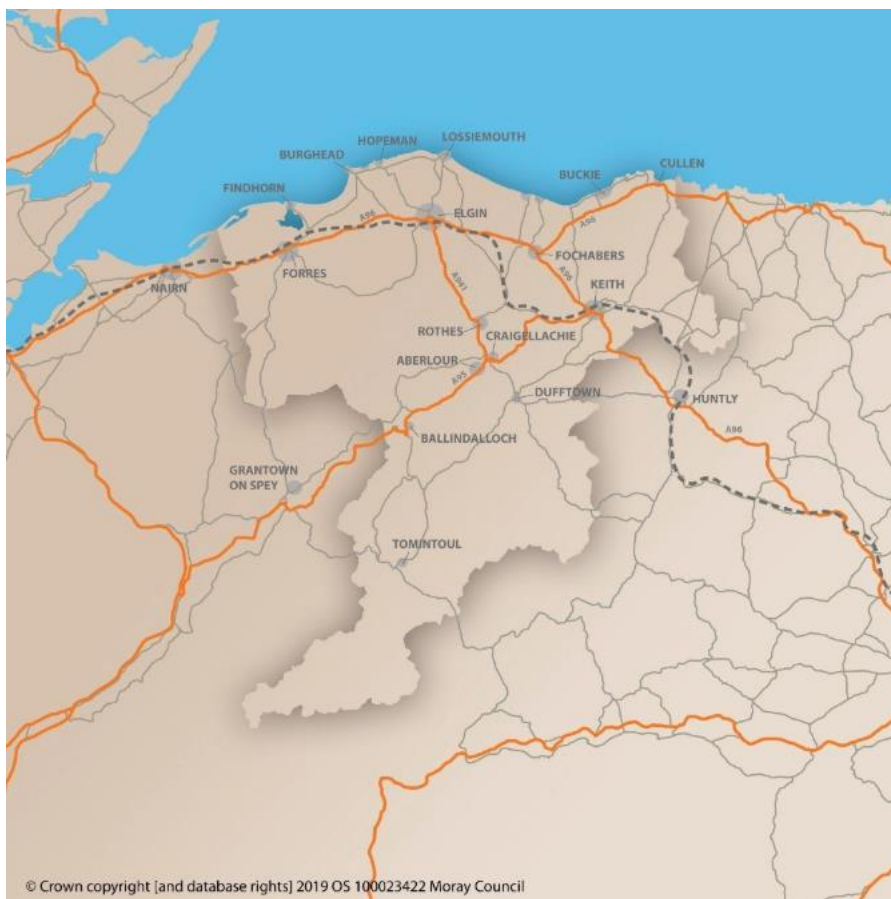
are also based on the principles contained in the Scottish Regulators Strategic Code of Practice.

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 approx 95,520 which is 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, fish processing, 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 I**.

The Head of Economic Growth and Development has overall managerial responsibilities for all Economic Growth and Development functions. The Environmental Health & Trading

APPENDIX B

Standards Manager has responsibility for management of the Food Law Enforcement Service assisted by a Principal Environmental Health Officer.

2.3 Scope of the Food Service

The Food Law Enforcement Service is provided through multi-disciplinary Environmental Health Officers (EHO) and a Food Safety Officer. This means in addition to food law, EHOs 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 Environmental Health Service is set out in **Appendix II**.

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 advice to businesses and the public and providing advice during inspections.
- Liaising with colleagues in Moray Council, other Local Authorities, professional bodies and central government to ensure a co-ordinated

APPENDIX B

approach to food related matters including representation on the following groups:

- North of Scotland Food Liaison Group
 - The Society of Chief Officers of Environmental Health in Scotland
- Participating in food safety initiatives such as the Food Hygiene Information Scheme (FHIS), and Food Safety Week, Eat Safe and the Healthy Living Award where resources permit.
- 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 1351 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 8% of premises are manufacturers, and Moray is the base for major food manufacturers including Baxter's of Speyside and Walkers of Aberlour.

In addition, there are 18 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, fishing vessels and a cold store. There are also 5 registered egg packers and due to the packing activity involved, these businesses require to be approved in accordance with EC Hygiene Regulation 853/2004. In total there are 18 premises requiring approval within Moray.

Following Brexit, two of the Approved fish processors export to the EU using the export hubs.

Premises Profile

The food premises in Moray can be categorised as follows: -

As of 01/04/24

TYPE	NUMBER
Caring Establishment	152
Distributors/Transporters	15
Fishing Vessel	82
Hotel/Guest House	83
Importers/Exporters	1

APPENDIX B

Manufacturers/Packers	121
Mobile Food Unit	50
Primary Producers	18
Pub/Club	60
Restaurant, Café, Canteen	121
Restaurants and Caterers - Other	121
Retailers - Others	191
School/College	59
Smaller Retailers	99
Supermarket/Hypermarket	23
Take-away	102

Total	1352
--------------	-------------

Primary Product Enforcement

Retained 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 the responsibility of FSS.

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. There are no processors currently approved for processing Scallops in Moray.

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 2 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

An increasing 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

APPENDIX B

enforcement) is required in response to 'one off' businesses, food retailers and caterers from out with 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 Council offices, High Street, Elgin. The Annexe also has a reception where documents can be dropped off and information hubs are available in all libraries where persons can access online services and free phone the contact centre. The Environmental Health team provides a service from 7am until 7pm. Officers can be available out with 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 incorporates 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 and 2021.

Since the 2019 Code of Practice, Food Standards and Food Hygiene disciplines have been combined and each premises now has a Food Law Rating System grouping and band.

APPENDIX B

It should be noted that, during the period of the covid 19 pandemic the Scottish Government suspended food visits to release staff to address the public health issues. The opportunity was taken to carry out a desktop exercise to convert from the previous rating system and allocate a FLRS grouping and banding to all food premises. The programme for 23/24 and 24/25 was designed to ensure that all food premises were contacted or received a physical visit to enable an accurate risk assessment to be carried out and all premises now have an FLRS rating.

Intervention Programme

The Food Law Rating Intervention Programme is produced annually on 1 April.

The annual programme includes the name and address of the premises, the group and band, and the due date.

Performance Monitoring

All premises are held on the IDOX UNI-form database and all Officers have individual measurable intervention targets based on risk. UNI-form generates reports on interventions due and completed on a monthly, quarterly and annual basis. A monthly Manager's monitoring report will also generated. In addition to monitoring a number of inspections quality checks will be conducted.

Food Law Code of Practice (Scotland)

The Food Law Code of Practice 2019 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 2025-2026 has been agreed as inspection only.

APPENDIX B

Food Hygiene

The minimum frequency for Food Law Interventions is determined by the rating scheme in accordance with the Interventions Food Law Code of Practice (Scotland), see below:

Group 1 Business	Performance Levels	Band	Intervention Frequency
- 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
- 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
- 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.

APPENDIX B

Food Hygiene Inspections Due 1/04/2025– 31/03/2026

Category	Number of Inspections
Group 1A	6
Group 1B	6
Group 1C	1
Group 1D	0
Group 2A	14
Group 2B	315
Group 2C	54
Group 2D	0
Group 3A	39
Group 3B	196
Group 3C	4
Group 3D	0
Unrated	0
Total	635

Revisits

Revisits are carried out in accordance with the FLRS scheme.

Approved Premises

There are presently 20 premises subject to EC Approval for the production/manufacture/storage of products of animal origin and 5 egg packing stations.

Approved Premises at 01/04/2025

Premises	Number
Fish Products	5
Meat Products	4
Fishing Vessel	1
Dairy Products	2
Standalone cold store	1
Egg Packing Stations	4
Total	16

To improve the resilience of the service approved premises across Moray are inspected by a minimum of 2 officers who have experience in inspection of these premises. In addition, all inspecting officers have the Level 4 HACCP qualification and the OCV qualification issued by FSS. These visits are carried out using the Official Control Verification process.

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.

APPENDIX B

The Scheme provides basic information to the public regarding the level of compliance of a business with the Food Hygiene (Scotland) Regulations.

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 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.

APPENDIX B

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 has 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.

3.4 Advice to Businesses

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

- Advice during programmed interventions and '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 Cook Safe 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.

APPENDIX B

The type of food sampled varies but sampling is targeted towards food produced locally for local consumption or for distribution out-with 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 Food Enforcement Liaison Committee, the Health Protection Agency or The Society of Chief Officers of Environmental Health in Scotland.

Aberdeen Scientific Services 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 1/04/2025– 31/03/2026

Category	Number of Samples
Microbiological	210
Chemical	140

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 fortnightly 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

APPENDIX B

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 informing 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, mislabelled 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 arm of Food Standards Scotland (FSS) who focus on tackling food crime and maintaining consumer protection.

APPENDIX B

Moray Council works in partnership with the SFCIU and utilises CLUE which is an FSS intelligence database shared with 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 groups who meet on a fortnightly basis.

- The North of Scotland Food Liaison 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 limited involvement in food safety promotional work due to the lack of resources.

4 RESOURCES

4.1 Financial Allocation

The current budget for 2025/2026 for food safety enforcement is contained in an overall budget for Environmental Health which is £ 1,218,437.00.

4.2 Staff Allocation

A total of 8 Environmental Health Officers, inclusive of the Environmental Health & Trading Standards 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. To determine full time, equivalent the work streams and workloads of the EHOs are scrutinised and a determination made from this. The FTE of officers' time spent on food is currently 3.7. It should be noted that the recently completed Time Management Exercise requested by FSS has indicated that we are currently 2.7 members of staff below the number required to carry out a full range of food enforcement.

The number of FTE Officers available to carry out Food Law enforcement has been reduced due to the deletion of posts through previous budget savings and the inability to fill vacant posts because of the national shortage of qualified Environmental Health Officers and Food Safety Officers. Increasing responsibilities due to new legislation has also reduced

APPENDIX B

the time available. The difficulty in recruiting suitable staff is predicted to continue and to attempt to address this situation, a vacant EHO post, which we were not successful in filling, has been replaced with a graduate trainee post. This officer has commenced the university course however will not be available for food law enforcement for another 4 years.

As is the case with all Scottish Local Authorities Moray Council is continuing to be subject to budget pressures and is undertaking a deficit reduction process. In the case of Environmental Health in 23/24, this process resulted in a ten percent reduction in staff and, many of the statutory duties carried out by these posts e.g., dangerous dog enforcement, contaminated land, required to be carried by Environmental Health Officers and therefore reduced the time available for food law enforcement and adversely affect our ability to achieve the tasks set out in Food Enforcement Plans. The deficit reduction process is ongoing and any future reduction in staff taking effect in 25/26 will have a similar detrimental effect as workforce planning will require reallocation of duties away from food law.

It is also recognised that two officers currently in supervisory positions and involved in food law enforcement are due to retire, one in 2025 and one in 2026. While there is some succession planning in respect of the supervisory functions, it will result in less availability for food law enforcement. Given the difficulty we have and continue to have in recruiting officers and that it takes 4 years to train suitable staff the number of staff available will reduce to 6. This in turn will reduce the number of visits that are possible. and increase reaction times.

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 over time.

Food Standards Scotland are also attempting to address the issue of falling resources via the SAFER project however there has been little progress to date.

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

Significant streamlining of work processes 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. This process will continue with the service review in 2025.

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.

APPENDIX B

1 Environmental Health Officer in Moray has 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 as required by the COP. Cascade training is provided and there are regular staff meetings. Food Focus meetings are used to discuss caseloads, 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. This programme has been disrupted in the last 2 years due to Covid and the resulting lack of available courses.

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. All officers enforcing Food Law have the level 4 HACCP qualification and OCV training provided by FSS.

4.4 Service Review

The Service is under review to achieve budget savings, and this will continue in 2025/2026. A review of the Council structure above third tier has recently been completed and the review of the level below third tier is due to be complete by the end of the year. The effect of these reviews are unknown at present.

5 QUALITY ASSESSMENT

5.1 Quality Assessment

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

- Ad hoc monitoring of inspection reports and letters.
- Accompanied visits.
- Peer accompanied visits and assessments.
- Food Focus meetings
- Quarterly monitoring of risk ratings.
- Regular database monitoring to ensure accuracy and consistency in database management; interventions and inspections; follow-up actions and enforcement.
- Ongoing Employee Review and Development Programme (ERDP).
- External audit by the FSS which is carried out approximately every three years.

APPENDIX B

6 REVIEW

6.1 Review against the Service Plan

The Economic Growth and Development Service 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 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.

END OF DOCUMENT SERVICE DELIVERY PLAN 2025/2026



Economy, Enterprise and Operations

Community Protection Service

Food Law Enforcement Policy 2026

APPENDIX C

Food Law Enforcement Policy

1. INTRODUCTION

Moray Council is the competent food authority for the purposes of food safety, food standards, food hygiene, and official food controls in accordance with:

- The Food Safety Act 1990
- The Food Hygiene (Scotland) Regulations 2006
- The Official Controls (Agriculture, Food and Feed) (Scotland) Regulations (as amended) and the Official Controls Regulation (OCR) - Regulation (EU) 2017/625
- The Food (Scotland) Act 2015
- The Food Law Code of Practice (Scotland), Interventions Code and Practice Guidance

This Food Law Enforcement Policy outlines Moray Council's approach to supporting legitimate businesses to flourish, protecting public health and ensuring proportionate regulatory action.

2. POLICY PURPOSE

The purpose of this Enforcement Policy is to:

1. Protect public health and consumer interests by ensuring food placed on the market is safe and complies with legal requirements.
2. Provide a transparent and consistent framework for enforcement decisions.
3. Support local food businesses in achieving compliance through guidance, partnership, and proportionate action.
4. Ensure enforcement reflects national expectations
5. Ensure officers act lawfully, proportionately, consistently, and in accordance with the Scottish Regulators' Strategic Code of Practice.

3 SCOPE

This policy applies to all formal and informal enforcement actions relating to:

- Food hygiene and food safety
- Food standards, composition, labelling and allergens
- Traceability and authenticity
- Food fraud and food crime
- Import and export controls
- Official sampling
- Approved establishments
- Food incidents and food alerts (FAFA, PRIN)

It covers all authorised officers in Moray Council's Community Protection Service.

APPENDIX C

4 ENFORCEMENT PRINCIPLES

Moray Council adopts the following principles:

4.1 Proportionality

Actions taken will be proportionate to the risk presented and the seriousness of non-compliance.

4.2 Consistency

Officers will apply standards consistently across businesses, ensuring fairness regardless of size, sector or location.

4.3 Transparency

Businesses will be informed of the reasons for enforcement decisions, the actions required, and rights of appeal.

4.4 Targeting

Resources will focus on:

- higher risk premises
- persistent offenders
- issues with significant public health impact
- vulnerable consumers
- intelligence-led issues (e.g., allergens, fraud)

4.5 Accountability

Decisions will be documented, justified, and subject to management oversight.

4.6 Support for Economic Growth

Regulation will be delivered in a manner that supports responsible business growth and reduces unnecessary burdens.

5 INFORMAL ACTION

Informal action is appropriate where:

- the breach is minor
- the business generally demonstrates willingness to comply
- the breach did not pose a significant public health risk

APPENDIX C

Informal measures include:

- verbal advice
- advisory letters/emails
- provision of guidance materials
- warnings for future compliance
- revisits to confirm improvements

6 FORMAL ACTION

Formal enforcement is taken where:

- there is a significant public health risk
- the business or proprietor has failed to respond to informal action
- there is a history of non compliance
- the breach is deliberate, reckless, or negligent
- allergens, E. coli cross contamination, unsafe food handling or misleading information is involved
- evidence suggests food fraud or serious authenticity issues

6.1 Hygiene Improvement Notice / Improvement Notice

Issued where contraventions pose risk and cannot be immediately remedied.

6.2 Remedial Action Notice

Used particularly for approved establishments or where operations require immediate control.

6.3 Hygiene Emergency Prohibition Notice / Emergency Prohibition Order

Used only where there is an **imminent risk of injury to health**.

Service is followed by application to the Sheriff Court for an Emergency Prohibition Order.

6.4 Detention or Seizure of Food

Used where food:

- is unsafe
- fails composition or authenticity requirements
- cannot be verified as compliant

6.5 Fixed Penalties (where applicable)

Applied for certain labelling and nutritional declaration breaches.

APPENDIX C

6.6 Revocation or Suspension of Approval/Registration

For approved establishments or repeated failure in high-risk operations.

6.7 Report to Procurator Fiscal

Considered where:

- offences are severe
- intentional or fraudulent behaviour is involved
- formal notices have been ignored
- obstruction or failure to comply with official controls has occurred
- the public interest test justifies prosecution

7 FOOD FRAUD & FOOD CRIME

Where food fraud or crime is suspected:

- Officers must follow the Food Fraud & Food Crime SOP (2026)
- Intelligence must be submitted via approved channels
- The Scottish Food Crime & Incidents Unit (SFCIU) must be notified
- Joint working with Police Scotland may occur
- Formal enforcement may be escalated depending on evidence

Malicious contamination must be treated as a serious incident requiring immediate escalation.

8 FOOD INCIDENTS & FOOD ALERTS

Formal action may result from:

- hazardous food incidents
- serious localised or non localised food hazards
- receipt of FAFAs requiring local action
- incidents involving allergens, pathogens or chemical contamination

Officers must follow:

- Food Incident Protocols (2026)
- FSS reporting requirements

9 SAMPLING FOR ENFORCEMENT

Sampling programmes support enforcement decisions and are based on:

- risk

APPENDIX C

- intelligence
- national sampling priorities
- surveillance of problematic commodities

Unsatisfactory samples may lead to:

- advisory action
- formal notices
- detention/seizure
- PF report
- fraud investigation

10 COMPETENCY & AUTHORISATION

Only officers authorised under the:

- Food Law Code of Practice (Scotland)
- Moray Council Authorisation Procedure (2026)

may undertake enforcement.

The Council will ensure officers maintain:

- vocational qualifications
- practical competence
- minimum CPD requirements
- supervised practice where necessary

11 DECISION-MAKING FRAMEWORK

Decisions will consider:

- seriousness of offence
- foreseeability of harm
- vulnerability of consumers
- history of compliance
- attitude and responsiveness of management
- national enforcement priorities
- evidence strength
- public interest test

Management oversight (LFO/PEHO/SM) is required prior to formal action. Operational guidance and Codes of Practice support authorised officers in selecting proportionate enforcement actions.

APPENDIX C

12 BUSINESS RIGHTS

Businesses subject to enforcement are entitled to:

- clear explanations of compliance failures
- reasonable timescales for remedial action (unless imminent risk)
- explanation of appeal rights
- access to sampling results
- opportunity to discuss the matter with senior officers

13 PUBLIC INTEREST, HUMAN RIGHTS & EQUALITY DUTIES

All enforcement decisions will comply with:

- The Human Rights Act 1998
- The Equality Act 2010
- The principles of natural justice
- Proportionality required by the Scottish Regulators' Strategic Code of Practice

14 RECORD KEEPING

The Service will maintain:

- detailed inspection records
- enforcement documentation
- evidence supporting decisions
- copies of formal notices
- correspondence with businesses
- sampling results
- records retained in line with statutory retention periods

15 REVIEW OF POLICY

This Enforcement Policy will be reviewed:

- at least every two years, or
- following major changes in legislation, the Food Law Code of Practice, or FSS guidance, or
- following a significant incident or audit

END OF DOCUMENT — ENFORCEMENT POLICY (2026)