DEVELOPMENT SERVICES
ENVIRONMENTAL HEALTH

FOOD LAW ENFORCEMENT

SERVICE DELIVERY PLAN

2012-2013
1. SERVICE, AIMS AND OBJECTIVES

1.1 The Service

The service has two main aims:

1. To maintain and improve the public health within Moray by carrying out the Council’s food safety enforcement responsibilities in a consistent, planned and accountable manner ensuring that:

   - Food is being handled and produced hygienically.
   - Food is safe to eat.
   - Foreseeable incidents of food poisoning or injury as a consequence of the consumption of food are identified.
   - The quality, composition, labelling, presentation and advertising of food and materials in contact with food are satisfactory.

2. To provide an effective, efficient, education, support and advice service to the public and commercial sector and other internal and external agencies on food safety matters.

Due regard is given to guidance issued by the Food Standards Agency in Scotland, (FSA(S)) the Scottish Government, Local Government Regulation (formerly LACORS), the Royal Environmental Health Institute of Scotland (REHIS), Health Protection Scotland (HPS) and the Scottish Food Enforcement Liaison Committee (SFELC).

1.2 Links to Corporate Plans

The Food Law Enforcement Service Delivery Plan is linked to the Single Outcome Agreement and the Service Improvement Plan. It complies with the following National Outcomes:

1 – “We live in a Scotland that is the most attractive place for doing business in Europe”.
2 - “We realise our full economic potential with more and better opportunities for our people”.
6 - “We live longer healthier lives”.
9 - “We live our lives safe from crime disorder and damage”.
12 - “We value and enjoy our built and natural environment and protect it and enhance it for future generations.
15 – “Our public services are high quality continually improving, efficient and responsive to people’s needs”.

THE MORAY COUNCIL

FOOD LAW ENFORCEMENT SERVICE DELIVERY PLAN
2. BACKGROUND

2.1 Profile of the Local Authority

The population of Moray is 87,260 and is expected to increase to over 89,000 by 2015. Most people (56%) live in the 5 main towns of Elgin, Buckie, Forres, Keith and Lossiemouth. The area of the authority is 861 square miles and the overall population density is low at 39 persons per square kilometre, compared with the national average of 66 persons per kilometre. Fishing, agriculture, whisky distilling, food processing and tourism are the main industries. There are also 2 MOD Establishments namely RAF Lossiemouth and Kinloss Barracks that contribute to the local economy.

2.2 Organisational Structure

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

2.3 Scope of the Food Service

The Food Law Enforcement Service is provided through three multi-disciplinary teams divided on a geographical basis covering East, West and Central in Moray. In addition to food law, officers have responsibilities for other aspects of Environmental Health including health and safety at work, public health, environmental protection and housing. 11 Environmental Health Officers, 1 Food Safety Officer and 1 part time support officer are involved in food enforcement.

The Food Law Enforcement Service involves:

- Implementing and maintaining a documented programme of food hygiene/food standards interventions and ensuring as far as practicable that the interventions are carried out in accordance with that programme. Interventions are applied in a risk based manner such that more intensive regulation 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 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 “Outbreak Plan”, in respect of cases of food borne disease which 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 FSA(S).

Providing “drop in” advice to businesses and the public at The Moray Council Access Point and providing advice during inspections.

Subsidising food hygiene training as resources permit.

Liaising with other local authorities i.e.:

North of Scotland Food Liaison Group, Fish and Shellfish Working Group (Scotland and Northern Ireland), the Scottish Food Safety Sub-Committee, the Scottish Food Enforcement Liaison Committee and the Society of Chief Officers of Environmental Health in Scotland.

Participating in food safety initiatives such as the Food Hygiene Information Scheme (FHIS), Food Safety Week, Eat Safe and the Healthy Living Award as resources permit.

Providing assistance to businesses through leaflets, seminars and training.

Promoting the implementation of CookSafe, a written food safety management system designed to assist caterers comply with food safety law.

2.4 Demands on the Food Service

There are 1188 food businesses, all of which are included in the Intervention Programme or the Alternative Enforcement Strategy (see page 10) and are subject to the Enforcement Policy.

The Moray area has a relatively large number of food manufacturing companies within its boundaries. 10% of premises are manufacturers and Moray is the “Home Authority” for major food manufacturers including Baxters of Speyside and Walkers of Aberlour. There are 12 catering establishments associated with the 2 M.O.D. establishments. In addition there are 16 premises Approved in terms of EC Regulation 853/2004 for producing/manufacturing products of animal origin. These premises include an ice cream manufacturer, an egg processor, and several meat and fish processors.
Premises Profile

The food premises in Moray can be categorised as follows:

<table>
<thead>
<tr>
<th>Type</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary Producers</td>
<td>35</td>
</tr>
<tr>
<td>Abattoirs</td>
<td>1</td>
</tr>
<tr>
<td>Manufacturers/Packers</td>
<td>118</td>
</tr>
<tr>
<td>Importers/Exporters</td>
<td>0</td>
</tr>
<tr>
<td>Distributors/Transporters</td>
<td>22</td>
</tr>
<tr>
<td>Retailers</td>
<td>219</td>
</tr>
<tr>
<td>Restaurants/Caterers</td>
<td>794</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>1189</td>
</tr>
</tbody>
</table>

Egg Packing Centres

There are 7 registered egg producers and packers located within Moray. The responsibility for enforcement of the egg packing activities has been transferred from the Scottish Executive Egg and Poultry Unit to Local Authority Environmental Health Services. Due to the packing activity involved, these businesses also now require to be Approved in accordance with EC Hygiene Regulation 853/2004.

Primary Product Enforcement

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

The FSA(S) reported on 21 December 2011 that the results of combined food and feed inspections, recorded by local authorities and SGRIPD, indicated a high level of compliance in Scotland. This is very encouraging in terms of public health protection, and provides evidence to support a reduced number of inspections for 2012/13. This proportionate, evidence based approach means that FSA(S) has therefore reduced by 75% the level of funding for 2012/13, commensurate with the outcomes recorded in Scotland.

Notwithstanding this reduction, however, the FSA(S) encouraged local authorities to apply for funding and requested that their programmes include, wherever possible, increased information gathering and monitoring to confirm that measures are in place to protect fruit and vegetables produced in Scotland from contamination by faecal organisms, with emphasis on crops that "can be eaten raw".
Moray entered into an agreement with the FSA(S) to carry out 24 food/feed programmed inspections from 1 April 2012 to 31 March 2013.

There are now only 4 dairies (production holdings) in Moray.

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

The official sampling controls for harvested wild scallops have been transferred from offshore, to the first point of arrival at the processor and is now the responsibility of the Local Authority Environmental Health Service. Two establishments are Approved for processing scallops within Moray, although only one is actively involved. A sampling programme under the official control regime has been developed and implemented.

The frequency of the official control sampling is determined by assessing the current compliance of each establishment in respect of food safety management control documentation, training standards of operatives and in-house testing checks of product. Sampling frequencies can range from every 1-2 weeks to twice a year dependent on establishment compliance and monthly samples are presently taken.

**Shellfish Sampling**

In accordance with EC Regulations 854/2004 shellfish harvesting sites may require to be sampled to ensure compliance with official controls. There are two sites within Moray namely Culbin Sands and Findhorn Bay. No sampling at present is being carried out because harvesting from these sites is subject to restriction by Scottish Natural Heritage. In view of the resource constraints within Moray an agreement has been entered into with Highland Council to undertake sampling of behalf of The Moray Council should this be required. The cost of sampling in these circumstances will be recouped from the FSA(S).

**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. In addition Moray participates annually in the FSA(S) Risk Based Sampling Programme which includes the sampling of imported foods and 25 samples are programmed for 1 April 2012 – 31 March 2013. This programme is funded through the FSA(S).

**External Factors**

A number of events such as agricultural shows, music festivals, charity events, continental markets, farmers markets and highland shows are held throughout Moray on an annual basis, particularly during the summer months. These events require a food law enforcement presence in response to the level of food retailers and caterers from outwith Moray providing food for the large
number of visitors and this places additional demands on the Food Law Enforcement Service.

**Service Delivery Points**

All authorised food safety officers are based at the Council Office, High Street, Elgin. Service delivery points are based at The Moray Council Access Points in the towns of Elgin, Keith and Buckie. The Access Points are available from 8.45am until 5pm Monday to Friday. Authorised food safety officers however provide a service from 7am until 7pm. Officers are available outwith these hours should the situation demand. The Council’s emergency line is available 7 days a week.

2.5 **Enforcement Policy**

The Moray Council has adopted the Enforcement Concordat, which sets out the Council’s commitment to the principals of good enforcement. The Enforcement Policy provides detailed enforcement procedures with action taken being proportionate to the scale of the identified problem. The current Enforcement Policy was approved by Committee on 12 August 2008.

A detailed Food Safety Enforcement Decision Procedure has been implemented to ensure compliance with food legislation, the FSA(S) 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 The 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**

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

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

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

**Performance Monitoring**

All premises are held on the Uniform database and all officers have individual measurable intervention targets based on risk. Uniform generates reports on
interventions due and completed on a weekly, quarterly and annually basis. A fortnightly manager’s monitoring report is also generated.

**Food Law Code of Practice (Scotland)**

This Code of Practice was published on 20 March 2009 and it contains details of an enforcement regime based on “official control interventions”. These include:

- Inspections
- Monitoring
- Surveillance
- Verification
- Auditing
- Sampling

This code 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 2012/2013 has been agreed as inspection only.

**Food Hygiene**

The minimum frequency for Food Hygiene Interventions is determined by the rating scheme in accordance with the Food Law Code of Practice (Scotland) introduced on 20 March 2009 and the frequency is as follows:

<table>
<thead>
<tr>
<th>Category</th>
<th>Point Range</th>
<th>Minimum Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>92 or higher</td>
<td>(at least) every 6 months</td>
</tr>
<tr>
<td>B</td>
<td>72-91</td>
<td>(at least) every 12 months</td>
</tr>
<tr>
<td>C</td>
<td>42-71</td>
<td>(at least) every 18 months</td>
</tr>
<tr>
<td>D</td>
<td>31-41</td>
<td>(at least) every 2 years</td>
</tr>
<tr>
<td>E</td>
<td>0-30</td>
<td>Alternative Enforcement Strategy or Intervention every 3 years</td>
</tr>
</tbody>
</table>

**Food Hygiene Inspections Due 1/04/12 – 31/03/13**

<table>
<thead>
<tr>
<th>Category</th>
<th>Number of Inspections</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>30</td>
</tr>
<tr>
<td>B</td>
<td>99</td>
</tr>
<tr>
<td>C</td>
<td>231</td>
</tr>
<tr>
<td>D</td>
<td>78</td>
</tr>
<tr>
<td>E</td>
<td>45</td>
</tr>
<tr>
<td>Unrated</td>
<td>121</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>604</strong></td>
</tr>
</tbody>
</table>
Cross Contamination Strategy

The Pennington Report into the 2005 Outbreak of E.coli O157 in South Wales was published on 19 March 2009. In response, the FSA(S) issued guidance for food businesses, to clarify the steps that they need to take to control the risk of food becoming contaminated by E.coli O157 and what businesses should be doing to protect their customers. The Guidance entitled “E Coli O157 - Control of Cross Contamination”, is also intended for enforcement authorities and was issued on 15 February 2011.

Although E.coli is the key focus of this guidance, the measures outlined will also help in the control of other bacteria, such as campylobacter and salmonella.

Since the introduction of the Guidance, Enforcement Officers have placed emphasis on cross contamination prevention in relevant businesses.

The guidance is particularly challenging for both food businesses and local authority Enforcement Officers because it conflicts with practices accepted for many years by both parties. However, the key concepts of selecting physical controls (in this case, separation) above reliance on procedural controls (such as handwashing and chemical disinfection) are well established in all other fields of safety management.

A framework has been developed by SFELC and agreed by the FSA(S) to allow local authorities to temporarily focus resources on addressing cross contamination controls. The framework is intended to provide local authorities with an alternative to following the (Scotland) risk rating methodology for determining the inspection frequency for a fixed duration.

Moray intends to adopt the framework and implement the following Cross Contamination Focussed Inspection Strategy:

1. The strategy will have a three year duration, 1 October 2012 – 31 March 2015.

2. The inspection frequency for the following category of premises will continue to be inspected in line with The Food Law Code of Practice (Scotland):
   - Category A and B establishments
   - Approved Establishments (see page 12)
   - Any premises where the additional risk score for vulnerable groups or E.coli has been applied

3. Category C premises will be prioritised by a desk top assessment based on the anticipated need to control E.coli O157. Consideration will be given to the businesses previous level of compliance and to the date of the last inspection.

4. Category D premises will also be subject to a desk top assessment to identify any that would have an anticipated E.coli O157 risk. These
visits will commence once the Category C’s have been completed and will be prioritised based on the anticipated risk.

Once the initial focussed inspection is carried out the business will be re-visited repeatedly until compliance has been achieved.

Low risk and unrated food businesses will only be subject to reactive interventions during the strategy period.

The implementation of the strategy will result in a lower number of planned interventions required on an annual basis, however, the number of focused interventions of medium risk premises will increase significantly, although a precise figure of revisits cannot be estimated at this time.

The national emphasis on cross contamination will require a more robust enforcement regime and any instances of loss of control will necessitate the use of formal action, which has been encouraged by the FSA(S).

To ensure effective enforcement food businesses must be visited, on occasions, at night, at weekends, or in the early hours of the morning if they are in operation, even if such businesses are also open during normal hours of work.

These additional requirements significantly increase both the number of interventions required on an annual basis and the time taken to complete them.

It should be recognised that in addition to food enforcement issues there is a continuing increase in workload throughout Environmental Health functions placing a significant burden on food law enforcement officers to complete all planned and reactive intervention targets on time.

To compliment this Strategy it is proposed to reintroduce the delivery of CookSafe courses for relevant businesses to address the amendments brought in as a consequence of the new cross contamination guidelines.

Alternative Enforcement Procedure

An Alternative Enforcement Procedure for food hygiene consisting of a self explanatory letter, and an assessment questionnaire is in place for all E rated premises. These premises are of negligible risk and need not be subject to routine primary interventions, however primary interventions of these businesses will be triggered in the following circumstances:

- Applications for registration
- Consumer complaints
- Changes in management
- Significant changes in activities
- Civic Government licensing requirements
- Information received from completed questionnaire
- Food poisoning outbreak
- Food alerts
Visits by other non food trained inspectors (e.g. sampling, health and safety visits)

New legislation or guidance

Also a random sample of 5% of premises that return questionnaires will be subject to inspection to validate the information provided in the questionnaire. The Principal Environmental Health Officer (Food) allocates these premises for inspection. The inspections are undertaken within 28 days of receipt of the questionnaire.

Revisits

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

"Broadly Compliant" with Food Law

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

In respect of food hygiene "broadly complaint" premises have a rating score of no more than 10 in relation to those parts of the rating scoring scheme that can be influenced by Enforcement Officers i.e. compliance with hygiene requirements, structural requirements and confidence in management. Similarly for food standards a score of no more than 10 in parts relating to current level of compliance and confidence in management are considered "broadly compliant". At 1 April 2012 75% of premises are “broadly compliant" with food hygiene law. A new performance target of 75% has been introduced for the year 2012/2013.

Additional Interventions

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

Food Standards

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

<table>
<thead>
<tr>
<th>Category</th>
<th>Point Range</th>
<th>Minimum Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>101-180</td>
<td>At least every 12 months</td>
</tr>
<tr>
<td>B</td>
<td>46-100</td>
<td>At least every 24 months</td>
</tr>
<tr>
<td>C</td>
<td>0-45</td>
<td>Alternative enforcement strategy</td>
</tr>
</tbody>
</table>
Food Standards Inspection Due 1/04/12 – 31/03/13

<table>
<thead>
<tr>
<th>Category</th>
<th>Number of Inspections</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>7</td>
</tr>
<tr>
<td>B</td>
<td>180</td>
</tr>
<tr>
<td>C</td>
<td>274</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>461</strong></td>
</tr>
</tbody>
</table>

Priority is given to Category A rated premises requiring inspections every 12 months.

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

**Approved Premises**

There are presently 20 premises subject to EC Approval for the production/manufacture of products of animal origin.

Approved Premises at 01/04/12

<table>
<thead>
<tr>
<th>Premises</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Fish Products</td>
<td>7</td>
</tr>
<tr>
<td>Meat Products</td>
<td>3</td>
</tr>
<tr>
<td>Fish/meat product</td>
<td>1</td>
</tr>
<tr>
<td>Egg Products</td>
<td>1</td>
</tr>
<tr>
<td>Dairy Products</td>
<td>1</td>
</tr>
<tr>
<td>Egg Packing Stations</td>
<td>7</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>20</strong></td>
</tr>
</tbody>
</table>

Inspections of Approved premises are carried out across the area by 4 officers who have experience in inspection of these premises and have HACCP evaluation qualifications as specified in the Food Law Code of Practice (Scotland).

**Food Hygiene Information Scheme (FHIS)**

This authority launched the national Food Hygiene Information Scheme (FHIS) project on 26 April 2011.

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

FHIS is intended to be easy for consumers to understand and simple for local authorities to apply. The 'Pass' standard represents a single level of compliance that is satisfactory in terms of consumer expectations and also as an enforcement outcome. Establishments are assessed during programmed inspections, there is no need for separate inspection scheduling. It is designed to simply reflect the local authority’s most up to date information and to fit existing enforcement procedures.
The two outcomes of compliance assessment under the Scheme are 'Pass' or 'Improvement Required' (failure to achieve a Pass). The designation ‘Pass’ provides reassurance that the establishment has been inspected and meets food hygiene legal requirements. The 'Pass' standard essentially represents a situation where the officer does not consider it necessary to revisit the establishment for enforcement purposes until the next programmed intervention. 'Pass' is incompatible with the existence of even minor recurring contraventions notified at successive visits. Any establishment that falls below the required standard for a 'Pass' is classified as ‘Improvement Required’.

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

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

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

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

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

3.2 Food Complaints

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

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

It is recognised that all food complaints provide information to the Environmental Health Service and 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. The 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 principle 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.

The Moray Council has informal agreements with 16 local businesses to act as Home Authority.

Approximately 10 Home Authority complaint referrals are received by Moray from other food authorities per annum.

3.4 Advice to Businesses

Support and advice to businesses will be provided in the following manner:

- Advice during programmed interventions.
- “Drop in” advice to businesses visiting Council Offices.
- Distributing advisory booklets/leaflets and business information sheets.
- Responding promptly to queries.
- Provision of training/seminars as resources permit.
- Promote the FSA(S) CookSafe Food Safety Assurance System during inspection and deliver training courses on CookSafe as resources permit.

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 The Moray Council.

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

The type of food sampled varies but sampling is targeted towards food produced locally for local consumption or for distribution outwith Moray. Whenever possible, sampling is carried out in accordance with local, regional and national surveys, projects and/or investigations initiated by local intelligence or by regional and national bodies such as the North of Scotland Food Liaison Group, the Fish and Shellfish Working Group (Scotland and
Northern Ireland), the Scottish Food Enforcement Liaison Committee, Local Government Regulation or the Health Protection Agency. Imported food sampling funded by FSA(S) is also undertaken as part of their Risk Based Sampling Programme.

ASSL is included on the list of Official Food Control Laboratories in the United Kingdom as notified to the European Commission for both chemical analysis and microbiological examination.

Food Samples Due 1/04/12 – 31/03/13

<table>
<thead>
<tr>
<th>Category</th>
<th>Number of Samples</th>
</tr>
</thead>
<tbody>
<tr>
<td>Microbiological</td>
<td>166</td>
</tr>
<tr>
<td>Chemical</td>
<td>158</td>
</tr>
</tbody>
</table>

3.6 Control and Investigation of Food Related Outbreaks and Infectious Disease

An “Outbreak 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. It has been prepared by the Health Protection Team of NHS Grampian, in consultation with the Infection Prevention and Control Team and the Environmental Health Sections of Aberdeen City, Aberdeenshire and The Moray Council.

All cases of food related infectious disease notified “for action” by Grampian Health Board are contacted within 24 hours. There is a monthly meeting by video conferencing between Grampian Health Board, Aberdeen City, Aberdeenshire and The Moray Council.

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

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

The FSA(S) issues information about product withdrawals and recalls to let consumers and local authorities know about problems associated with food.

Food Alerts for "action" by local authorities are received from FSA(S) and are dealt with by enforcement officers in accordance with the Food Law Code of Practice (Scotland).

Out of hours contact arrangements for authorised officers are arranged through the Environmental Health directory issued by the FSA(S), the emergency planning provisions and The Moray Council’s Emergency Out of Hours Contact Telephone Service.
There are documented procedures for responding to Food Alerts and Food Safety incidents.

3.8 **Liaison with other Organisations**

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

- The North of Scotland Food Liaison Group
- Fish and Shellfish Working Group (Scotland and Northern Ireland)
- The Food Safety Sub-Committee of the Scottish Food Enforcement Liaison Committee
- The Scottish HACCP Working Group
- The FSA Food Fraud Advisory Unit
- The Scottish Food Surveillance System User Group
- The NHS Grampian Health Protection Group

In addition there is regular liaison with other services within The Moray Council to review Building Warrant Applications, Planning Applications, and Licensing Applications.

3.9 **Food Safety and Standards Promotion**

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

- Cedarwood, Elgin
- Buckie High School Coffee Bar
- Cullen Bay Hotel, Cullen
- Dr Gray’s Hospital, Elgin
- Manna Juice, Elgin
- Seafield Hospital, Buckie
- Fleming Community Hospital, Aberlour.
- Leanchoil Community Hospital, Forres.
- The Moray Council, Main Campus Refectory, Elgin
- RAF Lossiemouth Junior Ranks Mess, Lossiemouth
- Stephen Community Hospital, Aberlour
- Turner Community Hospital, Dufftown
- WRVS Cafe (Dr Gray’s Hospital), Elgin

There is also participation in the Eat Safe Award Scheme launched in 2005. The Scheme provides an incentive for caterers to strive for standards beyond
those required by law. It also assists consumers to make informed choices about where to eat by providing a recognisable sign of excellence in food hygiene. There are no Eat Safe Award holders in Moray at present.

4. RESOURCES

4.1 Financial Allocation

The current budget for 2012/2013 for food safety enforcement is contained in an overall budget for Environmental Health of £1,054,571.

4.2 Staff Allocation

A total of 11 fully established Environmental Health Officers are involved in food safety enforcement and 1 Food Safety Officer. A Systems Technical Assistant employed within the Admin Section assists with the food sampling programme. All Environmental Health Officers are multi disciplinary, undertaking a wide range of Environmental Health duties, and it is therefore difficult to establish the exact number of full-time equivalent officers dedicated to food safety enforcement. A Service Review carried out several years ago revealed that 6 officers (full time equivalent) were required to fulfil the food safety enforcement functions. Monitoring of workload, priorities and resources helps provide the most effective service possible within staff resource limits.

4.3 Staff Development Plan

This Authority is committed to the ongoing training of all officers involved in food safety enforcement through attendance at update courses and conferences organised by The FSA(S), the Royal Environmental Health Institute for Scotland, and Health Protection Scotland. All Environmental Health Officers and Food Safety Officer participate in the Continuing Professional Development (CPD) programme required by the Royal Environmental Health Institute for Scotland. Cascade training is provided and there are regular staff meetings. All officers participate in the Employee Review and Development (ERDP) process, which identifies and addresses staff development needs. A record of staff training is retained and a training plan will be developed during 2012-2013.

All Environmental Health Officers have attained Chartered status.

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

4.4 Designing Better Services (DBS)

The review and redesign of Environmental Health procedures as part of this project commenced in February 2011.
The main aims of DBS are better services to the customer, improving efficiency of services and reducing cost. The DBS programme of change will continue until the project is complete during 2012.

During 2011 – 2012 the DBS review required considerable time from those staff in Development Services who were members of the DBS teams and there was also an impact on other staff time.

5. QUALITY ASSESSMENT

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

- Business and service user customer satisfaction surveys. These will be analysed annually for trends.
- Fortnightly audits of the Food Hygiene Inspection Programme are carried out by the Environmental Health Manager.
- Ad hoc monitoring of inspection reports and letters.
- Quarterly monitoring of risk ratings.
- Regular database monitoring to ensure accuracy and consistency in database management; interventions and inspections; follow-up actions and enforcement.
- Annual Employee Review and Development Programme (ERDP).

6. REVIEW

6.1 Review against the Service Plan

A review of the Environmental Health Service Team Plan is carried out at least on a quarterly basis. Due attention is paid to specific performance targets, performance standards, targeted outcomes. Stakeholders comments and complaints against the service are monitored regularly.

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

The status and adequacy of the Food 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.

THIS DOCUMENT MAY NOT BE ALTERED WITHOUT THE APPROVAL OF THE ENVIRONMENTAL HEALTH MANAGER
APPENDIX 2

REVIEW OF PERFORMANCE AGAINST THE 2011/2012 FOOD LAW ENFORCEMENT SERVICE PLAN
(Reference: Section 6.1)
Demands on the Food Service (Section 2.4)

The number of food businesses by type:

<table>
<thead>
<tr>
<th>Type</th>
<th>Number</th>
<th>1 April 2011</th>
<th>1 April 2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary producers</td>
<td></td>
<td>38</td>
<td>35</td>
</tr>
<tr>
<td>Slaughterhouse</td>
<td></td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Manufacturing/Processing/Packer</td>
<td></td>
<td>104</td>
<td>118</td>
</tr>
<tr>
<td>Importing/exporting</td>
<td></td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Distributing/transporting</td>
<td></td>
<td>24</td>
<td>22</td>
</tr>
<tr>
<td>Retailers</td>
<td></td>
<td>222</td>
<td>219</td>
</tr>
<tr>
<td>Restaurants and catering (inc street traders)</td>
<td></td>
<td>792</td>
<td>794</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>1181</strong></td>
<td><strong>1189</strong></td>
</tr>
</tbody>
</table>

The number of premises requiring approval for production/manufacture of products of animal origin

<table>
<thead>
<tr>
<th></th>
<th>1 April 2011</th>
<th>1 April 2012</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>23</td>
<td>20</td>
</tr>
</tbody>
</table>

All of these premises with the exception of 5 egg packing stations have been Approved in terms of the Food Hygiene (Scotland) Regulations 2006 and EC Regulation 853/2004. Egg Packing stations will be Approved as resources permit. 1 fish processor, 1 meat products processor and 1 milk products manufacturer have closed since this list was last reviewed.

Food Premises Interventions (Section 3.1)

Food Hygiene

The number of food hygiene inspections achieved between 1 April 2011 and 31 March 2012 within the target time of 28 days from the due date were as follows:

<table>
<thead>
<tr>
<th>Risk Category</th>
<th>Target</th>
<th>Achieved</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>24</td>
<td>20</td>
</tr>
<tr>
<td>B</td>
<td>127</td>
<td>117</td>
</tr>
<tr>
<td>C</td>
<td>239</td>
<td>183</td>
</tr>
<tr>
<td>D</td>
<td>64</td>
<td>62</td>
</tr>
<tr>
<td>E</td>
<td>40</td>
<td>33</td>
</tr>
</tbody>
</table>

100% ‘inspection on time’ target has been set for premises in categories A, B, C. It should be noted that of the 14 missed inspections in the higher risk A and B categories 11 were completed within 2 weeks of the target date.
Food Standards

The number of food standards inspections achieved between 1 April 2011 and 31 March 2012 within the target time of 28 days from the due date were as follows:

<table>
<thead>
<tr>
<th>Risk Category</th>
<th>Target</th>
<th>Achieved</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>9</td>
<td>8</td>
</tr>
<tr>
<td>B</td>
<td>144</td>
<td>100</td>
</tr>
<tr>
<td>C</td>
<td>265</td>
<td>227</td>
</tr>
</tbody>
</table>

100% ‘inspection on time’ target has been set for premises in the highest risk category (A). 8 of the 9 A risk inspections were achieved on time.

Conflicting demands including DBS had an impact on inspection performance. One officer has been almost overwhelmed by work relating to wind turbine planning applications which is causing difficulty with the core Environmental Health work. One officer was on long term sick leave and another was on maternity leave during the second half of the year.

Premises Broadly Compliant with Food Law

<table>
<thead>
<tr>
<th>1 April 2011</th>
<th>1 April 2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>63%</td>
<td>75%</td>
</tr>
</tbody>
</table>

A new performance measure (75%) had been introduced from April 2012.

Food Hygiene Information Scheme (FHIS) – Pass (%)

<table>
<thead>
<tr>
<th>1 April 2011</th>
<th>1 April 2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>60%</td>
<td>74%</td>
</tr>
</tbody>
</table>

Food Complaints (Section 3.2)

<table>
<thead>
<tr>
<th>Food complaints received 1 April 2010 – 31 March 2011</th>
<th>Food complaints received 1 April 2011-31 March 2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>Complaints about food</td>
<td>30</td>
</tr>
<tr>
<td>Complaints about premises hygiene</td>
<td>25</td>
</tr>
<tr>
<td>Total</td>
<td>55</td>
</tr>
<tr>
<td></td>
<td>52</td>
</tr>
<tr>
<td></td>
<td>33</td>
</tr>
<tr>
<td></td>
<td>85</td>
</tr>
</tbody>
</table>

Home Authority Principle (Section 3.3)

This Authority has informal agreements with 16 businesses in relation to the Home Authority Principle.
Advice to Businesses (Section 3.4)

CookSafe carried out 1 April 2011 to 31 March 2012

No CookSafe training was delivered to businesses due to resource constraints.

Food Sampling (Section 3.5)

Microbiological food samples achieved 1 April 2011 – 31 March 2012

<table>
<thead>
<tr>
<th>Target</th>
<th>Achieved</th>
</tr>
</thead>
<tbody>
<tr>
<td>199</td>
<td>182</td>
</tr>
</tbody>
</table>

Chemical food samples achieved 1 April 2010 – 31 March 2011

<table>
<thead>
<tr>
<th>Target</th>
<th>Achieved</th>
</tr>
</thead>
<tbody>
<tr>
<td>105</td>
<td>150</td>
</tr>
</tbody>
</table>

There are no statutory targets for food samples. ASSL operates a unit charging scheme and a fixed number of units is allocated, on an annual basis, which form the basis of the numbers of samples to be taken.

The courier used by The Moray Council to transport microbiological samples to ASSL stopped providing their service without prior notice in November 2011. This resulted in a consequential reduction in microbiological samples in the last quarter of the year. A new courier service is now in place.

Control and Investigation of Food Outbreaks and Food Outbreaks and Infectious Diseases (Section 3.6)

<table>
<thead>
<tr>
<th>1 April 2010 – 31 March 2011</th>
<th>1 April 2011 – 31 March 2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>Disease</td>
<td>No of cases</td>
</tr>
<tr>
<td>Campylobacter</td>
<td>109</td>
</tr>
<tr>
<td>Salmonella</td>
<td>15</td>
</tr>
<tr>
<td>Cryptosporidium</td>
<td>14</td>
</tr>
<tr>
<td>Aeromonas</td>
<td>1</td>
</tr>
<tr>
<td>E.coli O157</td>
<td>10</td>
</tr>
<tr>
<td>Giardia</td>
<td>2</td>
</tr>
<tr>
<td>Yersinia</td>
<td>0</td>
</tr>
<tr>
<td>Listeria</td>
<td>0</td>
</tr>
<tr>
<td>Dysentery</td>
<td>1</td>
</tr>
<tr>
<td>Hepatitis A</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>153</strong></td>
</tr>
</tbody>
</table>

These cases are notified by NHS Grampian, many are visited by Environmental Health staff to gather epidemiological information and to prevent the further spread of disease.
100% of cases notified by NHS Grampian as requiring a visit were contacted by Environmental Health staff within 24 hours of notification.

No major food borne disease outbreaks occurred during the year.

**Food Safety Incidents (Section 3.7)**

Food Alerts “for action” received

<table>
<thead>
<tr>
<th>1 April 2010 – 31 March 2011</th>
<th>1 April 2011 – 31 March 2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>4</td>
</tr>
</tbody>
</table>

A Food Alert for Action is issued by the FSA (S) where intervention by enforcement authorities is required. These alerts are often issued in conjunction with a product withdrawal or recall by a manufacturer, retailer or distributor. This table only includes Food Alerts that required action by Environmental Health.

**Liaison with Other Organisations (Section 3.8)**

There was regular representation on the North of Scotland Food Liaison Group, the Scottish Food Enforcement Liaison Committee, Food Safety Sub-Group and the Fish Hygiene Working Group (Scotland and Northern Ireland), the Scottish HACCP Working Group and NHS Grampian Health Protection Group. Representation on other groups was limited due to resource constraints.

**Food Safety and Standards Promotion (Section 3.9)**

This Authority participated in Food Safety Week in June 2011 by providing information and display boards at The Moray Council Access Point, Elgin. FHIS was promoted at the Keith Show in August 2011 and at a food promotion event at Elgin Academy in December 2011.

**Staff Development (Section 4.3)**

The Employee Review and Development Programme was reintroduced for staff in March 2012 to review performance and identify training needs.

**Quality Assessment (Section 5)**

No customer satisfaction questionnaires were sent to businesses during the year; however 2 new surveys have been developed and will be introduced during 2012.

4 staff meetings were held during the year which included discussion on consistency, inspection outcomes and performance in relation to food safety matters.

Staff performance was reviewed as part of ERDP during March 2012.
FORMAL ENFORCEMENT ACTION

1 retailer and 1 caterer were subject to Hygiene Improvement Notices. These notices were served for the following issues:

- No hot water to sinks and wash hand basins
- Inadequate drainage system
- Lack of hand washing facilities

These works were subsequently satisfactorily completed.

1 fish processor was the subject of a Remedial Action Notice due to a failure to comply with the Food Hygiene (Scotland) Regulations 2006. The required works were completed and the Notice has been withdrawn.

A total of 7 food seizures/surrenders were undertaken. Reasons included temperature abuse and the risk of cross contamination between raw and ready to eat foods.

There were no reports submitted to the Procurator Fiscal for action.
AREAS FOR IMPROVEMENT 2012-2013

1. **Food Premises Inspection**

1a. **Food Hygiene**

   100% ‘inspection on time’ target has been set for premises in categories A and B.

1b. **Food Standards**

   100% ‘inspection on time’ target has been set for premises in the highest risk category (A).

   90% of food manufacturers in ‘medium’ category will be inspected. Other premises in ‘medium’ category will be inspected where resources permit.

1c. **Broadly compliant**

   A new performance measure of 75% has been set for premises “broadly compliant” with food law.

2. **Cross Contamination Focussed Inspection Strategy**

   A Cross Contamination Focussed Inspection Strategy will be introduced during the year as previously described in this Plan and CookSafe Courses to address the new Cross Contamination Guidance will be reintroduced.

3. **Primary Production and low risk premises inspections**

   Inspection regimes for fishing vessels and egg packing stations and childminders may be introduced. These premises require inspection in order to comply with the Food Law Code of Practice (Scotland) and the FSA Framework Agreement on Food Law Enforcement. They are low risk however and efforts will be made to introduce inspection regimes in 2012/13. The Cross Contamination Strategy however will take priority.

4. **The Alternative Enforcement Strategy**

   This strategy will be reintroduced during the year for low risk i.e. E rated food safety premises.

5. **Staff Development**

   A training plan linked to the ERDP programme will be introduced during the year to ensure that staff development needs for food safety are addressed.