



**DEVELOPMENT SERVICES**

**ENVIRONMENTAL HEALTH**

**FOOD LAW ENFORCEMENT**

**SERVICE DELIVERY PLAN**

**2023 - 2024**

# 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 and will implement the Government's Regulatory Reforms.

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

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 time-scales 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:

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

securing the objective that all food purchased or traded in Moray is manufactured, described and handled safely and to consistent standards, which is essential for the well-being of consumers, food businesses and the wider economy.

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

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 Development Services.

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

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

The Food Law Enforcement Service Delivery Plan is linked to the Development Services Service Plan 2023-2024 currently being developed 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 staff resources, and the service is currently operating with one staff post vacant. The full range of functions required by the FSS Food Law Code of Practice (Scotland) which was published 2019 will be undertaken and for the forthcoming year tasks will be prioritised in the following order:

a. Emergencies and threats to public health:

- Food alerts, outbreaks/incidents, infectious diseases notifications
- Food fraud
- Formal action to protect public health, including revisits, Hygiene Emergency Prohibition Notices, Remedial Action Notices
- Food and Water complaints where there is a potential risk to public health.

b. Planned highest risk inspections:

- Food premises – Group 1,2 and 3 Band D and E
- Approved establishments
- New or unrated premises where there are cross contamination risks

c. Planned higher risk inspections.

- Food premises – Band C 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

d. Planned lower risk inspections.

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

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

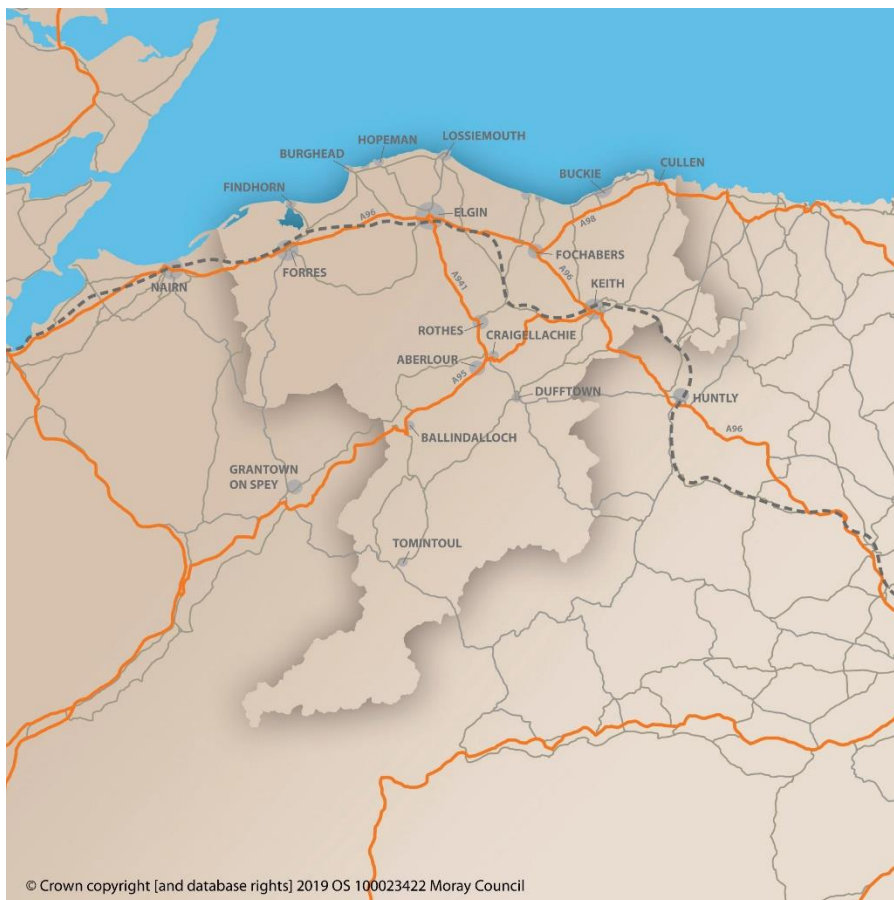
These priorities have been established to ensure the best practical service in addressing the food safety and public health needs of Moray within existing resources. The priorities are also based on the principles contained in the Scottish Regulators Strategic Code of Practice.

## 2. BACKGROUND

### 2.1 Profile of the Local Authority

Moray Council covers an area of 2,238 square kilometres from the Cairngorm Mountains in the south to the coast of the Moray Firth in the north. The population is 95,520 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 Development Services functions. The Environmental Health & Trading 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 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), 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 1343 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 Aberdeen.

In addition there are 11 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, a fishing vessel 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 20 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 01/04/23

Type	Number
Primary Producers	102
Manufacturers/Packers	103
Importers/Exporters	1
Distributors/Transporters	15
Retailers	292
Restaurants/Caterers	830
<b>Total</b>	<b>1343</b>

### 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

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

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. In addition, it was noted in late 2022 that a number of premises had not been converted to FLRS and this situation has now been resolved.

### 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 be 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 2023-2024 has been agreed as inspection only.

## 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
<ul style="list-style-type: none"> <li>Manufacturer of High Risk Foods.</li> <li>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.</li> <li>Manufacturers of Foods for Specific Groups.</li> <li>All Exporters.</li> <li>Manufacturers, Processors, Importers, Wholesaler, Distributor, Food Broker, Packers of Food at enhanced risk of food fraud, substitution, adulteration or contamination.</li> </ul>	Sustained Compliance	1A	18 Months
	Compliant and confident in compliance going forward	1B	12 Months
	Minor Non-compliance and/or gaps in confidence in compliance going forward	1C	6 Months
	Significant Non-Compliance and/or no confidence in compliance going forward	1D	3 Months
	Sustained non-compliance and/or Issues of Public Health Significance or Fraudulent Activity	1E	Intensive Intervention. 1 Month.
Group 2 Business	Performance Levels	Band	Intervention Frequency
<ul style="list-style-type: none"> <li>All other Manufacturers, Processors, and Caterers.</li> <li>Importers, packers, wholesalers and distributors of high-risk foods not in Group 1.</li> <li>Head Office Business that undertakes a regional/national decision making function.</li> <li>Retailers handling open high-risk foods.</li> </ul>	Sustained Compliance	2A	24 Months
	Compliant and confident in compliance going forward	2B	18 Months
	Minor Non-compliance and/or gaps in confidence in compliance going forward	2C	12 Months
	Significant Non-Compliance and/or no confidence in compliance going forward	2D	3 Months
	Sustained non-compliance and/or Issues of Public Health Significance or Fraudulent Activity	2E	Intensive Intervention. 1 Month.
Group 3 Business	Performance Levels	Band	Intervention Frequency
<ul style="list-style-type: none"> <li>All other retailers, Food Brokers, Importers, packers, wholesalers and distributors.</li> <li>Public Houses and similar Licensed Business not providing catering.</li> <li>Business providing limited refreshments (e.g. tea, coffee, soft drinks) as an adjunct to main activity.</li> <li>Child minders.</li> <li>Supported Living Business.</li> <li>Business producing low risk food based from a domestic dwelling.</li> <li>Bed &amp; Breakfasts.</li> </ul>	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.

#### Food Hygiene Inspections Due 1/04/2023– 31/03/2024

Category	Number of Inspections
Group 1A	0
Group 1B	5
Group 1C	3
Group 1D	0
Group 2A	11
Group 2B	208
Group 2C	138
Group 2D	4
Group 3A	5
Group 3B	157
Group 3C	7
Group 3D	2
Unrated	21
<b>Total</b>	<b>561</b>

#### Revisits

Revisits are carried out in accordance with the FLRS scheme.

#### Approved Premises

There are presently 11 premises subject to EC Approval for the production/manufacture/storage of products of animal origin and 5 egg packing stations.

#### Approved Premises at 01/04/2023

Premises	Number
Fish Products	5
Meat Products	3
Fishing Vessel	1
Egg Products	1
Dairy Products	0
Standalone cold store	1
Egg Packing Stations	5
<b>Total</b>	<b>16</b>

In order 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.

The Scheme provides basic information to the public regarding the level of compliance of a business with the Food Hygiene (Scotland) Regulations 2006.

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

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

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

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

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

- Procedures for appeal against an Officer's judgement
- Procedures for requesting reassessment where compliance has been achieved.

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

### **3.2 Food Complaints**

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

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

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

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 1/04/2023– 31/03/2024

Category	Number of Samples
Microbiological	214
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 regular meetings between NHS Grampian, Aberdeen City, Aberdeenshire and Moray Council.

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

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

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

### **3.7 Food Safety Incidents**

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

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

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

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

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 committees:

- 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 a limited involvement in food safety promotional work in view of the resource implications.

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

## **4. RESOURCES**

### **4.1 Financial Allocation**

The current budget for 2023/2024 for food safety enforcement is contained in an overall budget for Environmental Health which is £1120871 net.

### **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.

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 the time available.

The difficulty in recruiting suitable staff has been acknowledged by CoSLA and 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 recently 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 currently going through a deficit reduction process. In the case of Environmental Health there is currently a proposal to remove an Animal Health Officer post. Should this be implemented, many of the statutory duties carried out by this officer e.g., dangerous dog enforcement will require to be carried by Environmental Health Officers and will therefore reduce the time available for food law enforcement and adversely affect our ability to achieve the tasks set out in this plan. The deficit reduction process is ongoing and any future reduction in staff will have a similar detrimental effect as workforce planning will result reallocation of duties away from food law.

It is also recognised that at least 2 officers currently in supervisory positions and involved in food law enforcement are due to retire in the next 2/3 years. 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. At the present time there are no resources available for additional training.

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.

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.

#### **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.

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 continually under review in order to achieve budget savings

## **5. QUALITY ASSESSMENT**

5.1 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.
- Annual Employee Review and Development Programme (ERDP);
- External audit by the FSS which is carried out approximately every three years.

## **6. REVIEW**

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

The Development Services 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.

As no Service Plan was completed for 2022/23, due to the pandemic, the annual review on the previous year's performance against the Food Law Enforcement Service Delivery Plan has not been carried out.

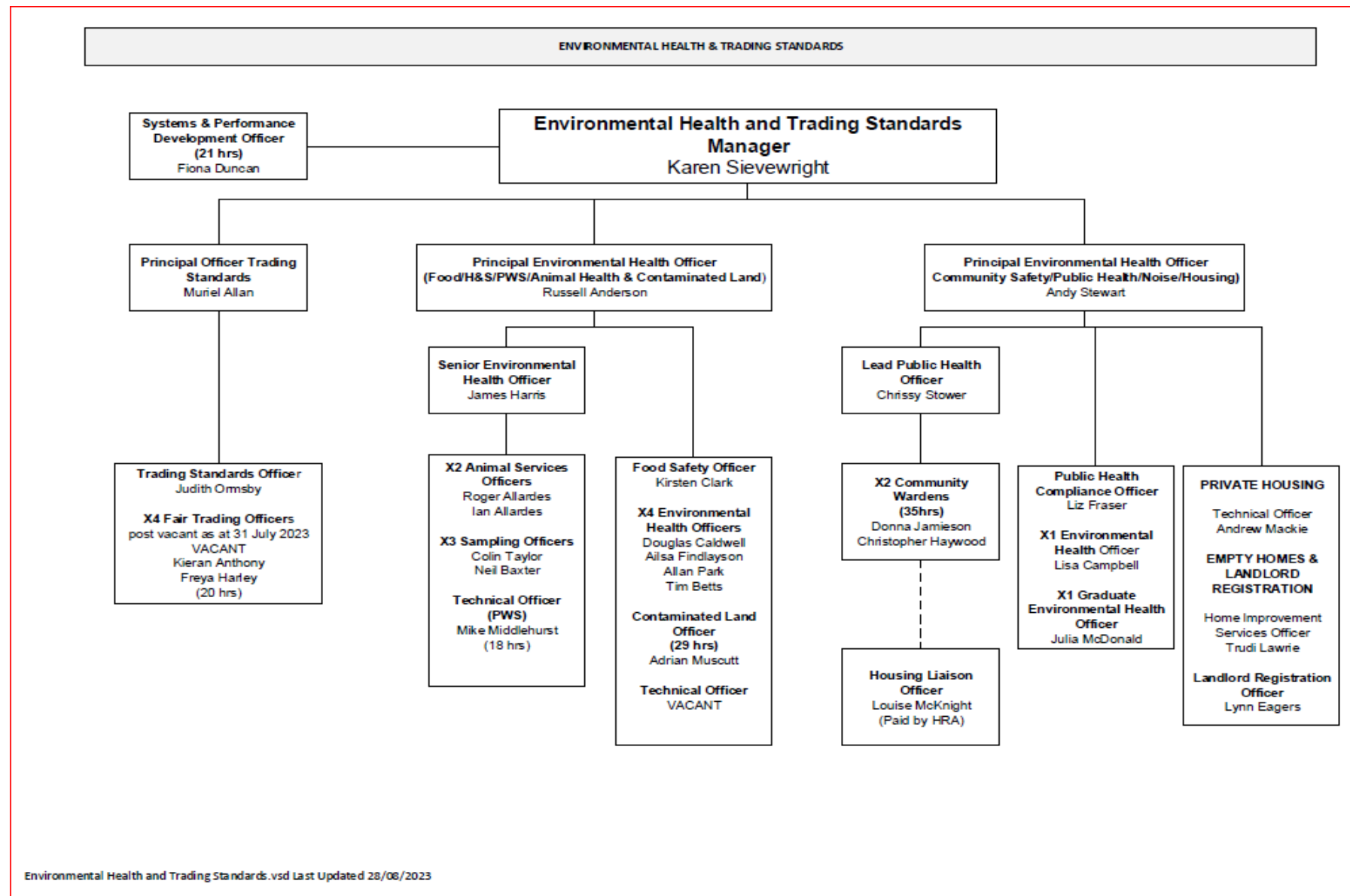
The status and adequacy of the Food Law Enforcement Service Delivery Plan in relation to new objectives resulting from changing circumstances will be revised annually.

### **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.

## STAFF STRUCTURE (@ March 2023)

## APPENDIX I





## FOOD SERVICE SCOPE

## APPENDIX II

