

REPORT TO INFRASTRUCTURE SERVICES COMMITTEE – 12 March 2020

FOOD AND FEED LAW ENFORCEMENT SERVICE PLAN 2019-2021 SERVICE PLAN REVIEW 2018-2019

1 Reason for Report / Summary

- 1.1 This report seeks Committees approval for the Food and Feed Law Enforcement Plan 2019-2021. It also asks Committee to endorse the 2018-2019 Service Plan Performance Review.

2 Recommendations

The Committee is recommended to:

- 2.1 Approve the Food and Feed Law Enforcement Service Plan 2019-2021, as detailed in Appendix 1, for implementation by the Council as a Food Authority; and**
- 2.2 Endorse the Service Plan Performance Review for 2018-2019, as detailed in Appendix 2.**

3 Purpose and Decision Making Route

- 3.1 There are 2263 registered “food” businesses, 81 approved food manufacturers and 3697 registered or approved “feedstuff” premises within Aberdeenshire. This makes up a significant part of the economy. In order to ensure that food and feedstuffs are fit for human and animal consumption, a robust regulatory regime is in place, under which the Council has defined statutory obligations.
- 3.2 The Food and Feed Law Enforcement Service Plan, (Appendix 1), sets out how the Council is organised and resourced in order to meet its statutory obligations. Thereby protecting both human and animal health and providing support and advice to this important economic sector.
- 3.3 In September 2000 the Food Standards Agency Scotland published the Framework Agreement on Local Authority Food Law Enforcement. A Service Plan template was provided within the Framework Agreement to ensure that all areas of the food and feed enforcement service were included in the Plan.
- 3.4 It is a requirement of the Framework Agreement, that Food and Feed Law Enforcement Service Plans are submitted to the relevant Local Authority Member Forum for approval.
- 3.5 Due to national food law policy and procedures being under review since 2016, it has not been possible to produce a revised annual Service Plan, until now. The plan was last approved by committee in August 2016.
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3.6 The Food and Feed Law Enforcement Service Plan attached as Appendix 1, contains further details of changes to food and feed law and procedures that increase demand on services. The plan also sets out how Environmental Health and Trading Standards continue to adapt to meet these challenges.

4 Discussion

4.1 It is intended that The Food and Feed Law Enforcement Service Plan is maintained as a live document and will continue to develop as both policy and procedures relating to food and feed law continue to evolve through Food Standards Scotland.

4.2 It is intended to report back annually on progress against the plan through the Service Plan Performance Review. Attached as Appendix 2 is the performance review for 2018-19.

5 Council Priorities, Implications and Risk

5.1 This report helps deliver Council Priority 1 – Support a strong, sustainable, diverse and successful economy and Council Priority 10 – Having the right people, in the right place, doing the right thing, at the right time.

5.2 The table below shows whether risks and implications apply if the recommendation(s) is(are) agreed.

Subject	Yes	No	N/A
Financial			X
Staffing			X
Equalities			X
Fairer Scotland Duty			X
Town Centre First			X
Sustainability			X
Children and Young People's Rights and Wellbeing			X

5.4 An equality impact assessment is not required because the revised Food and Feedstuff Service Plan is not significantly different from previous plans and does not have a differential impact on any of the protected characteristics.

5.5 There are no additional staffing requirements as the Service Plan will be delivered through existing resources.

- 5.6 The following Risks have been identified as relevant to this matter on a Corporate Level:
- Scottish Regulators Code of Practice: The following risks have been identified on the Directorate Risk Register, these include enforcement policies not complying with the requirements of the code, a failure to work collaboratively with other regulatory bodies such as SEPA and a lack of consultation and communication with those people and businesses regulated resulting in increased levels of complaint. The Food and Feedstuff Service Plan is a key strategic component of how resources are identified and deployed in order to ensure compliance with the Scottish Regulators Code of Practice.

6 Scheme of Governance

- 6.1 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and their comments are incorporated within the report and are satisfied that the report complies with the Scheme of Governance and relevant legislation.
- 6.2 The Committee is able to consider and take a decision on this item in terms of Section F.1.1b of the Part 2A of the List of Committee Powers in the Scheme of Governance as it relates to policy and resource matters within the remit of Economic Development and Protective Services.

Stephen Archer
Director of Infrastructure Service

Report prepared by John Bell, Team Manager (Food), 10 February 2020

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Appendix 1 Food and Feed Law Enforcement Service Plan 2019 – 2021
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**INFRASTRUCTURE SERVICES
PROTECTIVE SERVICES**

**FOOD AND FEED
LAW ENFORCEMENT
SERVICE PLAN**

2019-2021

FIRST DRAFT

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1. SERVICE AIMS AND OBJECTIVES

1.1 Service Aims

It is the aim of the Food Law Section to ensure that Aberdeenshire Council's statutory obligations, in accordance with food law, and with reference to, guidance set out in the Food Law Code of Practice (Scotland) and approved Industry Guides to Good Hygiene Practice, are carried out in an efficient, pro-active, comprehensive, consistent, fair and accountable manner in order that food offered to the public is safe for consumption.

The aim of the Feedstuffs unit is to monitor the quality of animal feedstuffs sold and used in Aberdeenshire, and to provide advice and guidance to the manufacturing, distribution and farming sectors, on matters arising from the Councils' statutory obligations under Feedstuffs legislation.

Service Objectives

It is the objective of the Food Law Section to protect the health and safety of all consumers living in, working in and visiting Aberdeenshire, who may be affected in respect of food safety, food hygiene and food standards, by ensuring that food businesses comply with the law.

Promote food safety education and training for those working in the food industry and all individual consumers.

Publicise the work of the Food Law Section and maintain efficient and effective work systems.

The objective of the Feedstuffs unit is to ensure that animal feedstuffs sold from and consumed in Aberdeenshire, will not adversely affect the human food chain or harm the animals to which they are fed.

1.2 Strategic Planning

Food safety has been identified as one of Protective Services key processes and is therefore an integral part of the Environmental Health Team Plan, which forms the basis of the Environmental Health Service.

The Area Committees monitor performance management information through the performance indicators for Food Safety. These performance figures are closely scrutinised by elected members as the food industry, specifically fishing and agriculture, is a significant contributor to Aberdeenshire's economy.

The Food Law function is a specific area of Protective Services' duties and is clearly identified in the budget planning process and the priority given to this function by The Council is reflected in the allocation of resources when compared against other Environmental Health functions.

The Service's feedstuffs responsibilities are addressed on an Aberdeenshire wide basis, although trading standards planned inspection targets and achievements, reported to the Infrastructure Services Committee, include feedstuffs data.

2. BACKGROUND

2.1 Local Profile

Aberdeenshire is predominantly a rural area with a population of 261,800 spread over an area of 6313 km² with a landscape varying from the mountainous heights of the Cairngorms, rich agricultural land and over 200 km² of rugged coastline. This represents 8% of Scotland's overall territory.

Aberdeenshire is Scotland's foremost fishing area accounting for over half of all fish landings by tonnage, providing 25% of the country's fishery-related employment.

Peterhead (19,270 pop) is the largest white fish landing port in Europe, with around 154,000 tonnes landed annually.

Fraserburgh (13,180 pop) is the UK's main Nephrops (Atlantic Prawn) port with 15,000 tonnes landed annually, and is home to the UK's largest manufacturer of canned seafoods

Other major towns include Inverurie (13,640 pop), Westhill (12,290 pop), Stonehaven (11,170 pop) and Ellon (10,200 pop)

Aberdeenshire accounts for 9% of Scotland's total agricultural area, 16% of farm holdings and 15% of the agricultural workforce. In addition, 50% of the country's cattle, sheep and pigs are reared in the area. These figures are reflected in the presence of four slaughterhouses and two livestock auction marts, one of which is the largest farmer owned auction companies in Europe.

The historical importance of agriculture and fishing to the area's economy is reflected in the predominance of food processing within Aberdeenshire. The development of a healthy tourism and offshore industry has increased the number of registered food premises and range of food issues dealt with by Environmental Health.

2.2 Organisational Structure

The Environmental Health Section is contained within Protective Services which also includes Trading Standards and Animal Health & Welfare.

The Service is part of Infrastructure Services which also encompasses Economic Development, Property & Facilities Management, Transportation, Waste, Roads & Landscape Services, Housing and Planning & Building Standards.

The Head of Economic Development and Protective Services has overall responsibility for the provision and management of food and feed law service delivery.

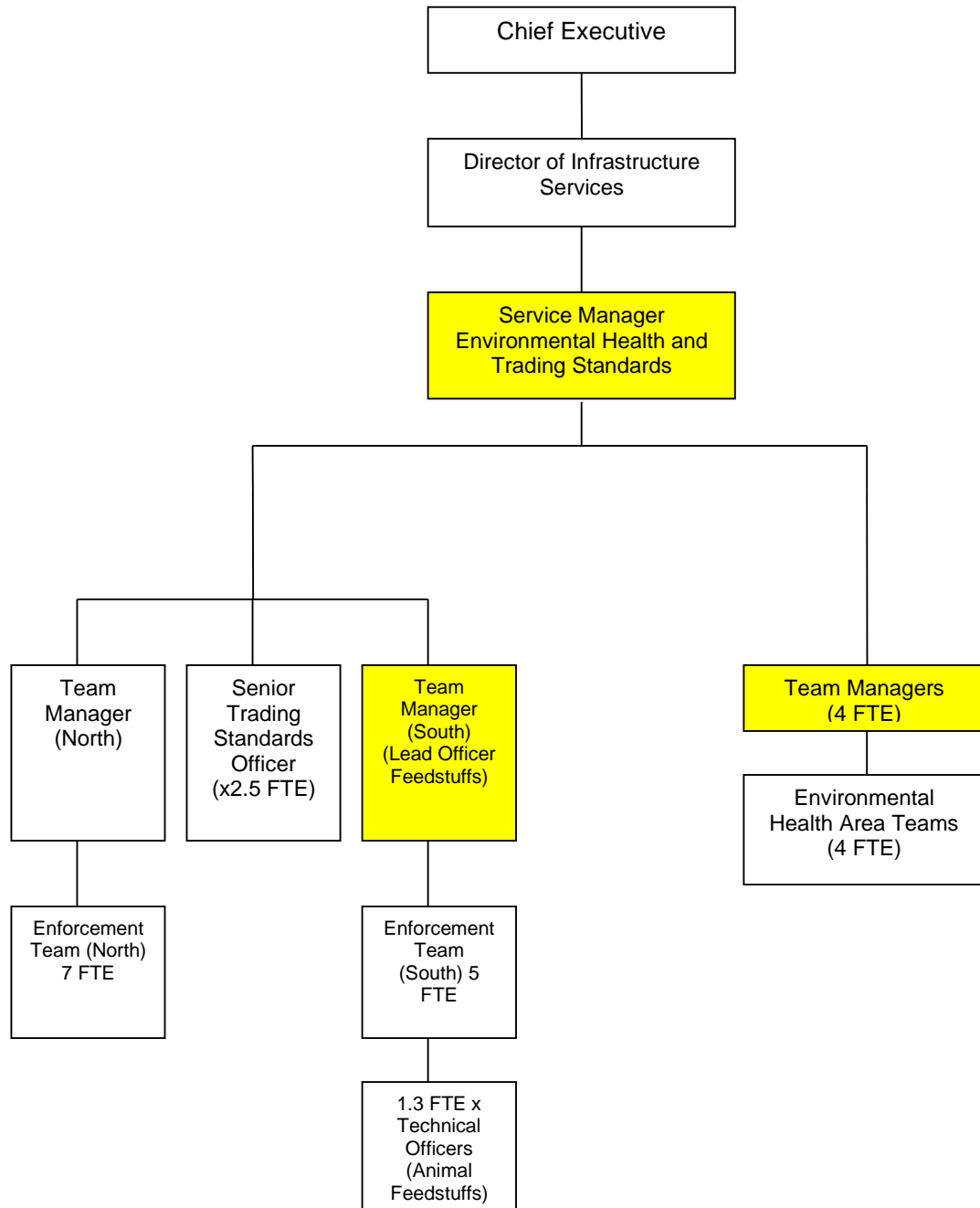
The Environmental Health and Trading Standards sections are managed by the Service Manager Environmental Health and Trading Standards, with support from 4 EH Team Managers and 2 TS Team Managers.

The EH Team Manager (Food) is the designated lead officer responsible for food law and line manages a core Food Team consisting of four Senior Authorised Officers, a Technical Officer and a Food Support Officer.

The Feed Service is delivered through the Trading Standards Team. The TS Team Manager (South), is also the designated lead officer for feed law. The lead officer manages 2 Technical Officers (Feedstuffs). Feed staff are permanently engaged in feedstuffs enforcement and administration and Trading Standards Officers may also carry out occasional sampling and inspection duties.

PROTECTIVE SERVICES - ORGANISATIONAL STRUCTURE

*Shaded boxes indicate management responsibility for food and feed service delivery and lead officer designation



2.3 Scope of the Service

Food

Food Law Enforcement is one aspect of the functions of the Environmental Health Section, other functions including Health & Safety, Environmental Protection, Housing, Licensing, Public Health and Animal Health & Welfare.

The food law enforcement staff compliment totals 8 Senior Environmental Health Officers, 4 Environmental Health Officers, 4 Senior Authorised Officers and 1 Technical Officer (Food).

At present there are 7.5 vacant enforcement posts within the Environmental Health Service.

Due to the geographical nature of Aberdeenshire and the need to provide decentralised service delivery, the majority of officers have a range of duties and are not employed full time, on food law related work. There are however, 4 Senior Authorised Officers and an Authorised Technical Officer who are dedicated to food law enforcement activities. This includes a Fish Hygiene Officer, who covers first landing checks at the Peterhead and Fraserburgh fish markets.

A full time Food and Safety Support Officer provides food hygiene, food standards and infection control training courses to external businesses, voluntary groups, Aberdeenshire Council employees and individuals. This officer is also responsible for involvement in health education, health promotion and food law mentoring issues.

Feedstuffs

Feedstuffs is a small but significant function within the range of Trading Standards duties undertaken by Trading Standards staff. They also deal with trading standards law enforcement; legal metrology product safety, petrol, explosives and the provision of consumer advice and assistance.

Trading Standards staff have a wide range of enforcement roles other than those relating to feedstuffs. The Service has 2.5 FTE Officer's qualified and competent to provide resilience support for the feed function, 1.3FTE Technical Officers (Feedstuffs) are dedicated to the feed function.

The Food Law Service

- ✧ Inspects premises where food is manufactured, stored, processed, prepared or sold to ensure that it is handled and produced hygienically and that the premises operate in a hygienic manner.
- ✧ Inspects premises where food is manufactured, stored, processed, prepared or sold to ensure that it meets the legal requirements covering quality, composition, labelling, presentation and advertising.
- ✧ Investigates food and food premises complaints in respect of contamination, composition, labelling and unhygienic practices.

- ✧ Obtains samples of food for examination and analysis to ensure it is free from contamination and that the composition and labelling is accurate. The examination and analysis is carried out by Aberdeen Scientific Services.
- ✧ Investigates the occurrence of food poisoning, food-borne and water borne disease in partnership with NHS Grampian.
- ✧ Provides food law training at Elementary, Intermediate, Advanced and Refresher levels plus training in the development and maintenance of food safety management systems, food and health and infection control for businesses, voluntary groups and individual consumers.
- ✧ Promotes, advises, educates and provides guidance on food matters to businesses and residents of and visitors to Aberdeenshire.

The Feed Law Service

- ✧ Inspects premises in which feedstuffs are manufactured and stored for sale to establish that procedures are in place to ensure compliance with the compositional and labelling requirements of feedstuffs legislation and to ensure compliance with feed hygiene requirements to guarantee safe production of feedstuffs.
- ✧ Inspects livestock and arable farms to ensure safe storage of feedstuffs and good animal feeding practices.
- ✧ Investigates complaints about feedstuffs.
- ✧ Takes samples of feedstuffs for examination and analysis to ensure freedom from contaminants and compliance with compositional and labelling requirements.
- ✧ Provides advice and information to businesses that manufacture, store, distribute and supply feedstuffs on the requirements of the legislation.
- ✧ Provide guidance on feed registration and maintain and update the premises register, in accordance with Feed (Hygiene and Enforcement) (Scotland) Regulations 2005

2.4 The Food and Feed Law Enforcement Service

There are 2263 registered food premises in Aberdeenshire covering all category types, eg, processing, manufacture, retail and catering. Within this number 81 premises have Approved status, in respect of fish & shellfish products, meat products, dairy products, stand-alone cold stores and egg packers.

31 premises are registered as dairy production holdings under Products of Animal Origin legislation and 16 non-approved egg packing establishments currently operate in Aberdeenshire.

Approximately 10% of food premises are involved in manufacture and include such specialist processes as canning, smoking, cheese and yoghurt production, confectionery, biscuits, bottled water, ice cream, soft drinks, ready meals and sandwiches, honey, jam and preserves.

There is also a significant export of foods to the rest of the UK, Europe and Third Countries from these premises, particularly in relation to fish, shellfish and fishery products.

Ethnic Minority Food Premises

There are approximately 97 registered food premises in Aberdeenshire that speak English as a second language and can be broken down into the following language categories:

Cantonese/Mandarin, Bengali, Urdu, Punjabi, Turkish, Indonesian, French, Spanish, Arabic, Czechoslovakian, Russian, Latvian, Lithuanian and Polish.

Feedstuffs

There are currently 3697 premises registered or approved under the Feed (Hygiene and Enforcement) (Scotland) Regulations 2005. Registered premises are required to complete a registration/compliance form.

Proactive contact with unregistered premises resulted in around 200 additional livestock farms, being added to the register. There are now currently 78 premises listed as livestock farms, but remain unregistered and may require registration, which is down from over 1000 premises in 2014-2015. These premises which have not registered or applied for exemption, will be contacted as a matter of priority.

Additionally, there has been a 40% increase in the number of food businesses which have registered to enable them to pass co-products from food production into the feed chain. There has been a noticeable growth and expansion within the pet treat sector, and this has resulted in a 60% increase in the number of registered pet treat manufactures since 2017-2018.

There are 9 registered or approved premises in Aberdeenshire, where compound feedstuffs are manufactured for supply and distribution, throughout the UK.

Service Delivery Points

The food law enforcement service is delivered from 7 offices located throughout Aberdeenshire at Banff, Fraserburgh, Peterhead, Turriff, Ellon, Inverurie, Stonehaven.

A flexi-time work system is operated within the Environmental Health Section allowing Authorised Officers to provide a food safety service between 7.30 am and 6.30 pm and out with these hours should the situation demand.

Feedstuffs

The Trading Standards Service feed service is delivered from 2 offices located, in Fraserburgh and Inverurie. Advice and information are available on feedstuffs matters between 8.45 am and 5.00 pm each week day and at other times by arrangement.

2.5 Demands on the Food Law Enforcement Service

National Demands

Food Law Code of Practice (Scotland) Review

The Food Law Code of Practice (Scotland) is issued under Section 40 of the Food Safety Act 1990, Regulation 24 of the Food Hygiene (Scotland) Regulations 2006 and Regulation 6 of the Official Feed and Food Controls (Scotland) Regulations 2009 and sets out instructions, processes and criteria to which the 32 unitary Local Authorities in Scotland must have regard when they carry out Official Food Controls in their role as Food Authorities.

Food Standards Scotland began a full review and update of the Food Law Code of Practice (Scotland) in 2015 to reflect changes in legislation and practice and to ensure it is in alignment with Food Standards Scotland's Regulatory Strategy.

Phase 1 updated and consolidated the 2015 Code in respect of new legislation, modifications to existing legislation and modifications to take account of the legal requirements introduced by the Scottish Regulators' Code of Practice.

This phase was completed and the revised Code published on 31 January 2019.

Phase 2 introduced the amalgamation of Food Hygiene and Food Standards interventions into one Food Law Rating System and had a significant impact to food law intervention programmes, inspections and risk assessments.

This phase resulted in the production and publication of a new Interventions Code of Practice and the new Food Law Rating System was adopted on 1 April 2019.

Phase 3 is planned to simplify future updates of the Code into a version that is portable and easily navigable and may introduce smaller, subject-specific volumes that could contain the Code, the Practice Guidance and Model Notices.

This phase is currently ongoing.

Food Law Rating System

For nearly twenty years all food businesses have been inspected for both food hygiene (structure, facilities, equipment, cleanliness, contamination, practices etc.) and food standards (composition, labelling and quality of food manufactured, prepared served and/or sold).

At the end of each inspection the compliance of the business was risk rated by the award of scores for each of eight elements for food hygiene and five elements for food standards.

The total of the eight or five scores accrued determined the overall risk category of the business and the future inspection frequency from Category A (high risk with an inspection frequency of six months) to Category E (Low risk with an inspection frequency of three years).

The risk rating and scoring systems were laid out in Annex 5 of the Food Law Code of Practice (Scotland).

The Scottish Food Enforcement Liaison Committee set up a Working Group tasked with examining the existing arrangements and the unanimous view was that the amalgamation of food hygiene and standards into one food law inspection will benefit local authorities, consumers and the industry and that the profile of food standards will be raised while reducing duplication and bureaucracy caused by two inspection schemes.

As a result a new Food Law Rating System has been developed and commenced on 1 April 2019 with the following differences:

The previous five risk categories A and B (high), C (medium) and D and E (low) have been replaced with three business groups – Group 1 (manufacturers and caterers of high risk foods), Group 2 (all other manufacturers and caterers and retailers handling open high risk foods) and Group 3 (all other retailers, licensed premises not providing catering and other low risk businesses).

Each business group contains a set of five performance levels from serious and sustained non-compliance to full and continuing compliance and five bandings, from A to E, which map to the corresponding performance level.

The bandings in turn correspond to a specific inspection frequency e.g.

Group 1 – Band A every 18 months to Band E every month.

Group 2 – Band A every 24 months to Band E every month.

Group 3 – Band A every 36 months to Band E every month.

The implementation of the Food Law Rating System will take a minimum of three years to complete in respect of the current food premises database.

Official Control Verification

In order to achieve consistency in the application of food law and a high level of compliance during inspections of approved manufacturing and processing establishments handling Products of Animal Origin, Food Standards Scotland and the Scottish Food Enforcement Liaison Committee have developed an enhanced system for official food control interventions.

Aberdeenshire Council Environmental Health Service took part in a national pilot trial of the system in 2018 and the evaluation process in 2019.

A Scottish National Protocol and an Official Control Verification Manual have been published and eight food enforcement officers have attained the Official Control Verification qualification required in order to inspect and approve manufacturing and processing establishments operating in Aberdeenshire.

The OCV system began a two-year phased implementation in January 2020 with full implementation in place from April 2022.

Brexit and Post Brexit Transition

The preparation for a possible No Deal Brexit has placed a significant burden on food enforcement officers over the past two years, particularly on the approach to programmed Brexit dates of 29 March 2019, 31 October 2019 and finally 31 January 2020.

The majority of food enforcement officers have been involved in visiting fish processors to assess ongoing compliance with hygiene regulations and to provide advice on exporting procedures in order to ensure that the businesses could continue the export of fish and fish products to EU countries in the event of a No Deal Brexit.

This intervention will continue during the current post Brexit transitional period until the end of 2020.

Export Health Certification

Aberdeenshire Council has sixty-one Approved Fish Establishments currently in operation, mainly at Fraserburgh and Peterhead but also at Macduff and Portsoy in the Banff area and Gourdon and Johshaven south of Stonehaven

Around twenty-three fish processing establishments export fish consignments to over twenty-four Third Countries with the majority also exporting to the EU under the present free trade agreement.

Our records indicate that after Brexit is finalised a total of thirty-seven establishments will export to the EU and require to be provided with Export Health Certification for each consignment they dispatch.

This could result in a possible demand for close to 1000 Export Health Certificates per week which would place a significant and ongoing burden on the food law enforcement service.

Fourteen food enforcement officers have been authorised as Certifying Officers with the Animal Plant and Health Agency and fully trained in respect of the inspection of consignments and the issuing of Export Health Certificates.

Food Crime

The Food Standards Scotland Food Crime and Incidents Unit, with the support of the Scottish Food Enforcement Liaison Group National Food Crime Working Group, have agreed that Enforcement Officers involved in Food Law in local authorities are critical to tackling food crime and raising awareness.

Each local authority is, therefore, required to identify an officer to act as a Food Crime Champion to lead partnership working with the Food Crime Unit, Police Scotland, HMRC, Border Force, Immigration Enforcement and Interpol to raise awareness of food crime, share intelligence and protect Scotland's public health.

Food Incidents – Central Logging of Intelligence Operations (CLIO)

Food Standards Scotland has recently launched the CLIO electronic food incident logging system which provides a central incident management and investigation point between Local Authorities and other relevant agencies.

Training has been provided by Food Standards Scotland and seven food enforcement officers are proficient in the system and will act as an Incident Management Control Team should any significant food incident originate within Aberdeenshire.

Product Reformulation Project (Reformul8)

Product reformulation is rated as the most effective way the food industry can help tackle the obesity challenge. It provides an excellent opportunity to meet consumer demand for healthier products as well as public health targets.

Reformul8 is a national project led by the Food and Drink Federation Scotland working in partnership with all 32 Scottish Local Authorities.

Each local authority is required to nominate a Reformul8 Champion and identify, at least, 10 local food businesses to engage with the project.

Involvement will include site visits, advise and support the businesses through the reformulation action plan to achieve all eight core principles to reduce fat, salt, sugars, calories and portion size, increase fibre, fruit and vegetables and replace ingredients with healthier alternatives.

Local Demands

A significant number of one day events such as agricultural shows, food festivals, open air concerts and highland shows are held throughout Aberdeenshire on an annual basis, particularly during the summer months. These events require a food law enforcement presence in response to the level of external food retailers and caterers providing food for the large number of visitors and this can result in a minor short-term impact on the food safety service.

There is also a regular calendar of farmers markets, held at eleven locations, on monthly frequencies throughout Aberdeenshire, which, on occasion, require a routine food law enforcement presence. This again can place an additional demand on the food safety service.

Continental markets also operate on an ad hoc basis at various locations throughout Aberdeenshire. These events demand a high-profile food law enforcement presence on every occasion due to the high risk imported food involved and the language barriers encountered.

2.6 Enforcement and Monitoring Policies

The Food Law Enforcement Policy details the choice of actions that may be taken by officers where contraventions of food law are noted during the course of proactive planned interventions and complaint investigations with emphasis placed on advice and education before formal action by working with businesses to encourage compliance.

Arrangements and responsibilities for auditing the quality and consistency of enforcement procedures are contained in the Food Law Internal Management Monitoring Policy and Procedure.

The existing enforcement policy was formally approved by Aberdeenshire Council's Infrastructure Services Committee on 31 May 2007.

All food law enforcement policies and procedures are published on the Aberdeenshire Council website and on Arcadia and are also available, on request, at all Environmental Health service delivery points.

Feedstuffs

The Trading Standards Enforcement Policy applies to all enforcement roles undertaken by TS, including the provision of the feed service. The current enforcement policy was approved by the Council's Infrastructure Services Committee in 2015. The policy details the action to be taken by enforcement staff in respect of legislative breaches and non-compliance. The Enforcement Policy is available on the Service website and on request from either of the Trading Standards offices.

3. SERVICE DELIVERY

3.1 Planned Food and Feed Law Official Control Intervention Programme

Food Law Intervention System

The Food Law Code of Practice (Scotland) allows the use of a range of interventions which food authorities may use rather than relying only on inspections.

Interventions are the key to achieving and improving compliance with food law by food business operators. The range of interventions allows food law enforcement officers to use their professional judgement to apply a proportionate level of enforcement to each business. This allows more intensive enforcement to be directed at those businesses presenting the greatest risk to public health.

Intervention selections have been agreed as full inspection/audit, partial inspection/audit, monitoring/surveillance and verification. The appropriate intervention is based on the food law rating score of each premises, however, the final choice remains at the officers' discretion.

The intervention selected reflects the level of compliance of a food business and the objective focuses on achieving compliance rather than performance.

Planned Food Law Intervention Programme

Food Law Official Control interventions are carried out in accordance with the Food Law Enforcement Intervention Policy and Procedure which was formally approved by the Infrastructure Services Committee on 20 August 2009.

A planned food law Official Control intervention programme is set at the beginning of each financial year and generated by the Food Law Rating System contained in the Food Law Intervention Code of Practice (Scotland) (2019 revision).

All premises details are held on the Uniform electronic database which can generate reports on interventions due and achieved on a daily, weekly, monthly or annual basis, list premises by risk category and maintain approval and registration details of each premises.

Digital Technology for Interventions

Digital technology and mobile applications are being piloted for all aspects of service delivery. Laptops and tablet devices allow officers to work from any location, including sites, home and whilst mobile.

Typed intervention reports are used, where appropriate, at the conclusion of interventions and allow officers to complete the post inspection report before leaving the premises. The completed reports are signed by both the inspecting officer and the food business representative and the original is e-mailed to the business. The record is retained in the electronic database and is available for FOI requests.

The same form is available in carbon pad format, if required, and the original is left with the business.

This new process allows enforcement officers to allocate more time to those areas of work which present the highest risk to public health.

Food Hygiene Information System

On 1 March 2010 Aberdeenshire Council officially launched the national Food Hygiene Information Scheme which has been introduced throughout the whole of Aberdeenshire.

The Food Hygiene Information Scheme provides food businesses selling or serving food direct to the final consumer with certificates and stickers relating to their last food hygiene inspection which are voluntarily displayed at their business.

Food businesses meeting the legal food hygiene requirements receive a "Pass" certificate while those falling short of the standard receive an "Improvement Required" certificate.

New food businesses which have not yet received a food hygiene inspection receive an "Awaiting Inspection" certificate and certain low risk businesses not regarded by consumers as food businesses are exempt from the scheme and do not receive a certificate.

The status of all food businesses within the scheme can be accessed via the food safety section of the Aberdeenshire Council website to allow consumers to make an informed choice of where they purchase or eat their food.

Food law enforcement officers assess each business at the completion of every subsequent food hygiene inspection and the appropriate certificate is produced and sent to the business as part of the food intervention report.

Maintenance of the Food Hygiene Information Scheme does not impose any significant increase to the current workload.

Communication

Interventions at premises in which English is spoken as a second language can require an extended period of officer time due to the language barrier.

Imported Food

Imported foods can appear in almost any type of UK food premises and can be found in the form of a raw ingredient or a finished product which might be vacuum packed, canned or frozen.

Food Law Enforcement Officers are required to be aware of imported foods during every routine food law inspection, for example, when looking at purchasing or traceability.

If a food business is found to handle imported foods, whether Products of Animal Origin, such as meat, shellfish or fish products or foods not of animal origin, such as herbs, spices and nuts, officers record the details of the products and the countries of origin on the premises profile of the business which is retained on the electronic premises database and in hard copy in the individual premises file.

For the past 12 years, Aberdeenshire Council, as a member of the North of Scotland Food Liaison Group, has participated in the Food Standards Agency National Co-ordinated Risk Based Food Sampling programme which focusses mainly on imported food e.g. rice from China, prawns from Asia and maize products from African nations etc.

Funding for the reimbursement of sampling and analytical costs is provided by Food Standards Scotland.

Imported food enforcement adds another element to the scope of food law inspections and the food sampling programme and places an additional demand on the food safety service.

Food Information (Scotland) Regulations 2014

From 13 December 2014, Regulation (EC) 1169/2011 extended the current allergen labelling rules for prepacked products which included prepacked for direct sale and non-prepacked foods.

The legislation introduced a new requirement to emphasise the presence of any of the 14 specific allergens in the ingredients list of products rather than in a separate allergen warning box on the labelling.

Food businesses providing non-prepacked foods, such as, retailers, hotels, restaurants, cafes, takeaways, bakeries, delicatessens and institutional caterers are now required to supply information for every item provided for sale that contains any of the 14 specific allergens as ingredients.

Food enforcement officers carrying out food law inspections require to confirm that the necessary allergen information has been provided to consumers in an appropriate manner.

This requirement has increased the scope of all food law inspections in respect of legislative checks and the provision of practical advice to assist businesses in compliance and has placed another demand on the food safety service.

Planned Food Law Official Control Intervention Programme 2019 / 2020

Premises Risk Category	Premises Requiring Intervention	Targets
A (High Risk)	22	On or before the intervention date.
B (High Risk)	203	On or before the intervention date.
C	408	When workload dictates and within the 28 day window.
D	80	When workload dictates.

Approved Food Establishments

There are currently 88 food establishments operating in Aberdeenshire which require approval under Regulation (EC) 853/2004 – Specific Rules for the Hygiene of Foodstuffs.

Meat Products Establishments	2
Fishery Products and Live Shellfish Establishments	62
Stand-alone Cold Stores	6
Dairy Establishments	7
Egg Packing Establishments	4
Total:	81

Cross Boundary Interventions

Interventions are undertaken on a recognised geographical basis by enforcement staff based at service delivery points within each Area. Officers are fully experienced and knowledgeable in respect of specialist production/manufacturing premises within their prescribed areas and fully acquainted with retail and catering premises operations.

On occasion, officers may cross service delivery points and Area boundaries to assist in meeting intervention targets in certain circumstances such as high target levels, long term absence and holiday cover.

Out of Hours Interventions

The food law section operates a flexible working system between 7.30 am and 6.30 pm and the majority of interventions are carried out between these hours.

No formal out of hours intervention programme exists, however, officers are expected to use their professional judgement and assess, on an individual premises basis, when a food business should be subject to an intervention outwith normal working hours.

Food businesses open at night, at weekends or in the early hours of the morning will, on occasion, be visited at these times in order to assess food hygiene procedures and practices when operating at full capacity.

Out of hours interventions may be undertaken:

- ✧ When a food business is not open during normal daytime working hours, eg, hot food takeaways.
- ✧ When a food business is open only at weekends e.g. markets, night clubs
- ✧ When a food business operates only in the evening and at weekends, eg, outside caterer.
- ✧ When high risk processes are operating e.g. bakeries during night shift.
- ✧ When a food business is of a seasonal nature.
- ✧ When a day-time intervention has raised food safety concerns.

Planned Feed Law Official Control Intervention Programme 2019 / 2020

Primary Producer Enforcement

Primary Production covers the “production of agricultural products including, in particular, growing, harvesting, milking, rearing of animals (prior to their slaughter), or fishing resulting exclusively in products which do not undergo any other operation following their harvest, collection, capture, apart from simple, physical treatment”

Regulation (EC) 852/2004 Annex 1 outlines the legal responsibilities of primary producers. Compliance inspection visits are conducted by Technical Officers (Animal Feedstuffs). The enforcement regime for primary producers is coordinated by the Food Standards Scotland (FSS).

Aberdeenshire Council bid for and received funding to undertake primary production inspections for the period 1 April 2019 to 31 March 2020. This allocation amounted to £5415.69 of FSS funding.

All Technical Officers (Animal Feedstuffs) have been assessed as competent to carry out joint food and feedstuffs hygiene inspections and have been duly authorised by the Lead Officers for feed

The Food and Feed Law Enforcement Service Plan 2019-21, incorporates the FSS national priorities for Primary Production in Feed. The main priority for the period was stated as being the development of effective information sharing, communication and exchange of intelligence to support official feed control delivery. The Trading Standards Service have undertaken a central role in the shaping and development of new IT solutions, that will be incorporated into the revised Feed Delivery model. Aberdeenshire Council are fully supportive of the work undertaken to develop a new Feed Delivery Model and have assisted in field trials of the new IT solutions on behalf of the FSS.

Feedstuffs Inspection Programme

The frequency and number of feed hygiene inspection visits stated within the Feedstuff inspection plan are based upon appropriate legislative risk assessment of each relevant premises. The planned inspection programme ensures that the legal responsibility for the effective inspection and control of feed hygiene is maintained. Relevant risk assessment models are contained within the Food Law Enforcement Code of Practice (Scotland) 2015 and within Annex 5 of the Feed Law Enforcement Code of Practice (Scotland) 2016.

Earned Recognition

Within Scotland, the principal of earned recognition has applied from 2016. The principal applies to non-primary production businesses (mainly feed mills and hauliers). The Earned Recognition Practical Guidance 2016 provides the framework for the reduction in the number and frequency of inspections, to relevant premises. Relevant risk assessments must take account of membership of approved trade assurance schemes and a previous record of legislative compliance. Inspection frequencies will range from 1 year to 5 years, with the option of an alternative enforcement strategy, such as desktop auditing.

Premises

The planned visit schedule includes the following premise type

- feed mills,
- agriculture merchants selling animal feed,
- business selling co products as feed bakers,
- sellers of feed materials,
- feed material stores,
- hauliers of feedstuffs,
- fish processors
- unregistered premises which may require registration
- miscellaneous general farming activities

Annual Risk Rated Visit Programme

1. Feed Primary Production Premises

- 2% of all unrated primary production establishments and those establishments previously inspected and deemed to be satisfactory. Currently 2714 Registered Primary Production premises
- 25% of previously inspected primary production establishments noted as unsatisfactory or which have never had an inspection.

2. Registered Non-Primary Production Premises

- 50% of all unrated non-primary production establishments and those establishments previously inspected and deemed to be satisfactory. There are believed to be currently 322 Registered Non Primary Production premises
- 100% of all non-primary production establishments previously inspected and deemed to be broadly un-satisfactory.

3. Unregistered Production farms and Mixers

- 50% of known farms and mixers not registered not had a visit. There are currently 78 premises

Total Planned Inspections 2019-2020 = 281 premises

In addition to the planned inspection programme, officers will contact premises currently identified as unregistered and carry out inspections at newly registered premises.

Joint Working

In order to reduce the number of visits to feed premises, the service will share information, and inspection plans, as well as conduct joint inspections with other agencies such as the Scottish Agriculture and Rural Affairs office and Local Authority Environmental Health. In addition, the Service will assist in a small number of joint inspections within Aberdeen City. The joint visits are designed to improve the competency of Aberdeen City staff, in terms of feed hygiene inspection and control.

Funding Non-Primary Production

The development of a new Feed Delivery Model will continue through 2020/21. During the transition period Aberdeenshire will receive funding of £15,500 per quarter to conduct general feed hygiene enforcement and inspection duties. It is expected that the Primary Production funding will not be renewed from April 2020 and funding for the activity should be provided through the quarterly payment.

Future Feed Service Delivery

The FSS is developing a centralised model of feed service delivery for Scotland. The proposal is currently at the stage of stakeholder consultation, with an initial implementation date of 2021. The Service will continue to receive FSS funding and will proceed with the annual plan until further notice.

3.2 Food and Feedstuffs Complaints

The Service will consider and, where appropriate, fully investigate every food complaint in accordance with procedures and the Food Law Code of Practice (Scotland). Where sufficient evidence is available to warrant formal action being taken, this will be done in accordance with the Food Law Enforcement Policy.

A Food Complaint Policy and Procedure is available to harmonise the investigatory process. It was implemented on 1 August 2001 and is reviewed annually.

Where food involved in a complaint originates outside Aberdeenshire, liaison with the appropriate home/originating or enforcement authority is undertaken in accordance with the policy and procedure. Food complaints are accepted at all service delivery points whether the responsibility of another area or local authority. Arrangements are in place to allow the transfer of information and investigatory responsibilities when necessary.

All subjects of complaint, if sent to the Public Analyst for examination or analysis, are recorded on the national electronic Scottish Food Sampling Database in accordance with laid down procedures.

Complaints about feedstuffs are received from purchasers in Aberdeenshire and from enforcement authorities elsewhere. These are raised with the suppliers or manufacturers

and investigations are carried out to determine the cause. Apparent breaches of legislation are dealt with in accordance with the Trading Standards` enforcement policy.

3.3 Advice to Businesses

The Environmental Health Service encourages the provision of advice, guidance and education to all food businesses within Aberdeenshire and actively seeks to progress this issue in the following manner:

- ✧ Provision of advice and guidance when carrying out planned interventions and during post intervention discussion.
- ✧ Encouragement to food businesses to seek further advice, assistance and guidance on food related issues through pro-active contact with individual officers at all service delivery points.
- ✧ Issuing of published guidance to food businesses on specific food safety issues and offering further guidance in person, if required.
- ✧ Encouragement to food businesses in attending relevant food safety training courses and provision of details of available courses externally and in-house.
- ✧ Offering private meetings to food business proprietors to provide education and advice out with the “intervention environment”.
- ✧ The organisation of seminars and workshops to assist food businesses in compliance with food hygiene, safety and standards issues (e.g. food safety management systems, quantitative ingredient declarations (QUID), cleaning and disinfection, cross contamination controls etc.).
- ✧ Encouragement to authorised food officers to participate in the provision of food hygiene training courses and presentations to food businesses, trade associations, education establishments, charity and community organisations, with a view to promoting the work and increasing the profile of the food law service.

It is estimated that advice and assistance will be given to food businesses during the majority of the annual planned interventions either verbally or contained in the written intervention report.

It is felt that existing resources are adequate to continue the provision of this facility.

The Environmental Health Section also seeks to form working partnerships with local enterprise companies, further education colleges, private training companies, trade associations and any other bodies in order to facilitate discussion and to provide advice, assistance, guidance and training concerning all food safety issues.

Similarly, for feedstuffs businesses, advice is provided as follows:

- Providing advice and education during programmed inspection visits.
- In response to specific enquiries from businesses.
- The provision of trader guidance leaflets free of charge
- Via guidance placed on the Council website.

Provision of Training

The Environmental Health Section is approved as a Level 2, 3 and 4 training Centre by the Royal Environmental Health Institute of Scotland.

The Food and Safety Support Officer presents Level 3 Intermediate level courses and Level 4 Advanced courses over 3 and 5 days however, dependent on the location or demand, local enforcement officers assist as additional presenters, when necessary.

The Elementary level food hygiene one day course is normally presented by the Food and Safety Support Officer and when demand dictates by the Authorised Technical Officer.

Due to the number of Aberdeenshire Council employees actively involved in the handling of food and the amount of high risk food prepared and served on a daily basis throughout Aberdeenshire (e.g., school kitchens, care homes, lunch clubs, meals on wheels, etc.), the Intermediate level course is offered to all Aberdeenshire Council employees involved in food handling at a supervisory or management level.

The provision of the Elementary food hygiene course to Aberdeenshire Council employees is also the responsibility of the Environmental Health Service.

The following courses have also been added to the Environmental Health training programme:-

- REHIS Advanced HACCP (5 days)
- REHIS Intermediate HACCP (3 days)
- REHIS Introductory HACCP (1 day)
- REHIS Introductory HACCP for Caterers (1 day)
- REHIS Food and Health (1 day)
- REHIS Control of Cross Contamination (1 day)
- REHIS Safe Manual Handling Awareness (1/2 day)
- REHIS Risk Assessment (1/2 day)
- REHIS Control of Infection (1 day)

3.4 Food and Feedstuffs Sampling

Food sampling is carried out to a set annual programme for microbiological, compositional and labelling parameters agreed between Aberdeen Scientific Services, 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 Aberdeenshire 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 and is primarily targeted at food produced locally for local consumption or for distribution out with Aberdeenshire. Whenever possible, sampling will be 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 (NSFLG), the Scottish Food Enforcement Liaison Committee (SFELC) and Food Standards Scotland (FSS).

The food law service will participate in the following planned local, regional and national surveys during 2019/2020:

- ✧ Microbiological quality of soft and semi-soft pasteurized and non-pasteurised cheeses.
- ✧ Surface swabs from food premises.
- ✧ Microbiological quality of non-leaf salads.
- ✧ Microbiological quality of frozen fruit and vegetables.
- ✧ Microbiological quality of whippy ice cream.
- ✧ Microbiological quality of ice.
- ✧ Microbiological quality of water used as an ingredient.
- ✧ Microbiological quality of vacuum-packed fish.
- ✧ Microbiological quality of sandwich fillings.
- ✧ Microbiological quality of raw eggs of non-UK origin.
- ✧ Microbiological quality of ready-to-eat salmon products of non-UK origin.
- ✧ Microbiological quality of chocolate.
- ✧ Microbiological quality of sliced cold cooked meats.
- ✧ Nut-free products and meals for allergen contamination.
- ✧ Wholemeal bread and flour for ingredients.
- ✧ Mince for composition and labelling.
- ✧ Dry red spices for composition.
- ✧ Vegan sandwiches and cakes for composition.
- ✧ Prepacked sausages for meat content and sulphite.
- ✧ Foods claiming to be gluten-free.
- ✧ Foods for acrylamide.

Food samples may also be taken:

- ✧ As part of foodborne disease investigations.
- ✧ As part of food complaint investigations.

For the purposes of compositional and labelling analysis and microbiological examination (including contamination by foreign bodies) Aberdeen Scientific Services is appointed as Food Examiner and Public Analyst in accordance with the Food Safety Act 1990 and the Food Hygiene (Scotland) Regulations 2006.

Aberdeenshire Council actively supports the national Scottish Food Sampling Database (SFSD) which electronically records and downloads all food and feed sampling. Sample results are placed on a secure website where national trends can be easily identified.

The Information Officer is designated as the Systems Administrator.

Sampling

The purpose of annual Feed sampling is to detect deficiencies in labelling and compositional requirements and monitoring the presence of contaminants. In doing so the feed and food chain is protected

Samples are taken to establish:

- ✧ the presence of the main nutrients at the prescribed and/or stated levels;
- ✧ that additive levels do not exceed those prescribed
- ✧ that physical, biological and chemical contaminants are not present at significant levels
- ✧ the validity of complaints made to the service.

The department has bid for FSS sampling funding. In the period 2019-20 the Service was funded to conduct 8 formal samples of mill compound feeds, 4 compound samples and 4 brewers grain samples for Copper. The FSS has stated that the national priority for sampling during 2019-20 should prioritise feed originating outside of the EU. The national priority and available funding will be considered when developing the annual sampling plan for 2020-21

3.5 Notification, Control and Investigation of Outbreaks of Foodborne Disease

The notification, control and investigation of food poisoning, food borne, waterborne and food related infectious disease is carried out in partnership and liaison with the NHS Grampian Health Protection Team. The Health Protection Team is headed by the Consultant in Public Health Medicine. Control and investigation procedures are carried out in accordance with the requirements of the NHS Grampian, Aberdeenshire Council, Aberdeen City Council and the Moray Council Infectious Disease Incident Plan.

Control measures are implemented under the local Enteric Exclusion Policy developed in accordance with nationally agreed management guidelines.

Confirmed cases of food and water related disease (e.g. Salmonella, E.coli 0157, Campylobacter, Cryptosporidium, Listeria, Dysentery) are notified by the Health Protection Team to the Team Manager (Food) by way of a secure electronic mail system.

Notifications are immediately forwarded to the area Team Manager who responds in accordance with the agreed Memo of Understanding between NHS Grampian Health Protection Team and Aberdeenshire Council Environmental Health Section.

Investigation procedures may include:

- ✧ Interview with cases and contacts.
- ✧ Procurement of water samples (in particular from private supplies).
- ✧ Procurement of environmental samples.
- ✧ Arrangement for the submission of faecal specimens.
- ✧ Inspection of suspected premises.
- ✧ Sampling of suspected food.
- ✧ Advice and guidance on personal hygiene and infection control given to cases and/or contacts.

A regional Health Protection Group, consisting of representatives from NHS Grampian Health Protection Team, Aberdeenshire Council, Aberdeen City Council, the Moray Council, Aberdeen Scientific Services and other relevant agencies, meets on a monthly basis to report and discuss current infection figures, investigatory and control findings and national issues pertaining to food related infectious disease.

An out of hours service for the notification, investigation and control of food related disease is also in place and ensures a 24-hour facility for discussion and action, if deemed necessary.

No one can predict an outbreak incident, however, previous experience indicates that food poisoning episodes may, on occasion, place an extraordinary demand on the food service. It is anticipated that such incidents can be dealt with utilising existing resources.

3.7 Food Safety Incidents / Food Hazard Warnings

Food Safety Incidents and Food Hazard Warnings are dealt with under the Food Hazard Warning Policy and Procedure developed in accordance with the Food Law Code of Practice (Scotland).

Arrangements are in place to enable the Team Manager (Food), other area Team Managers, nominated area Food Focus Group representatives and designated Authorised Officers to receive notifications directly from Food Standards Scotland.

This arrangement allows all Environmental Health service delivery points to receive Food Alerts simultaneously, thereby ensuring that any immediate action required may be carried out promptly. It is the responsibility of the Team Manager (Food) to determine appropriate local action to be taken in response to a Food Alert over and above any specific action detailed in the alert by Food Standards Scotland.

When a specific category or categories of food premises requires to be contacted and made aware of a particular food hazard warning by means of written notification then this procedure is carried out centrally under the responsibility of the Team Manager (Food) and the Information Officer.

Out of hours contact arrangements with regard to Food Alerts are in place and full details have been intimated to Food Standards Scotland in accordance with the Food Law Code of Practice (Scotland).

Current arrangements have been in place since the inception of Food Standards Scotland from April 2015.

All notifications are fully investigated and reported on, when necessary, and have not placed any specific demand on existing staff resources.

3.7 Liaison with Other Organisations

In order to ensure consistency of enforcement action with neighbouring local authorities within the North of Scotland area, and with other local authorities throughout Scotland, a delegated representative from the Environmental Health Section attends regular meetings of the following:

- ✧ North of Scotland Food Liaison Group (meets quarterly).
- ✧ Health Protection Group (meets monthly)
(chaired by Consultant in Public Health Medicine)
- ✧ Food Sampling Working Group (meets annually)
(chaired by the Public Analyst)
- ✧ Scottish Food Enforcement Liaison Committee (SFELC)
- ✧ SFELC Artisan Cheese Working Group.
- ✧ SFELC Official Control Verification Implementation Group.
- ✧ Society of Chief Officers of Environmental Health in Scotland (SCOEH)

- ✧ SFELC Feedstuffs Sub-Committee
- ✧ North of Scotland Quality Liaison Group

When appropriate, attendance will also be sought at meetings held by other Agencies such As:

- ✧ Food Standards Scotland (FSS)
- ✧ AFRC (Agriculture, Feed & Rural Communities)
- ✧ Health Protection Scotland (HPS)
- ✧ Convention of Scottish Local Authorities (COSLA)
- ✧ Fertilisers and Feeding Focus Group (LGR)

Due attention is also paid to guidance issued by the Royal Environmental Health Institute of Scotland (REHIS), the Chartered Institute of Environmental Health (CIEH), HPS, SFELC, and COSLA on enforcement issues as well as Government Guidelines, Industry Guides and Codes of Practice.

Attendance at and representation on liaison, working and advisory groups is the joint responsibility of the Team Manager (Food) and the Trading Standards Team Manager (Lead Officer Feed) and is a major task identified in the job descriptions.

On occasion, however, dependent on current workload, designated senior food enforcement officers are invited to attend such meetings as a substitute for or accompanied by the Team Manager (Food). Attendance at food safety, hygiene and standards related meetings is accorded to individual officers as part of continuous professional development arrangements.

These arrangements are accommodated within the food law service resource allocation.

3.8 Food and Feedstuffs Promotion

Aberdeenshire Council actively encourages participation in food safety promotional and educational work by individual officers on a local level or by the Environmental Health Section at a local, regional and national level. The development of and participation in food safety promotions/campaigns is a dedicated duty identified in the job description of the Food and Safety Support Officer who is directly line managed by the Team Manager (Food).

It is anticipated that the Authority's involvement in food safety promotional work will be progressed over the current year at the following levels:

National

- ✧ Participation in the Healthy Living Award Scheme – the national award scheme for the food service sector that rewards achievements for making it easier for consumers to eat healthier food.
- ✧ Participation in and support of the Eat Safe Award Scheme launched in Scotland on 20 January 2005. The scheme provides an incentive to food businesses to

strive for food hygiene and food safety management standards beyond those required by law. It also assists consumers make informed choices about where to eat out by providing a recognisable “branded sign” of excellence in standards of food hygiene. Aberdeenshire Council has, at present, 63 recipients of the Eat Safe Award.

Celebrations Restaurant, Turriff (2nd award in Scotland)
Macphie of Glenbervie Staff Restaurant, Glenbervie (3rd award in Scotland)
Inverurie Garden Centre Restaurant, Inverurie.
Happy Plant Garden Centre & Coffee Shop, Mintlaw.
Balmedie Fish and Chip Bar.
ESS, St Fergus.
Hilton Hotel, Ballater.
Biocchi's, Fraserburgh.
Davidson's (Butcher), Inverurie.
John Stewart (Quality Butcher), Banff.
Banff and Buchan College Refectory, Fraserburgh.
Ellon Kirk Centre, Ellon.
Glencairn Lodge, Fraserburgh.
Kynnauld House, Fraserburgh.
The Pitsligo Arms Hotel, New Pitsligo.
Allandale House Care Home, Peterhead.
Rockfish, Whitehills.
Banff Day Services, Colleonard Road, Banff.
Hoodles Playbarn Coffee Shop, Oldmeldrum.
The Bay Fish and Chip Shop, Stonehaven.
Peterhead Family Centre.
The Fishy Shoppee, Peterhead.
New Inn Hotel, Ellon.
Meldrum Primary School, Oldmeldrum.
Lows Fish and Chip Shop, Westhill.
Gordon Primary School, Huntly.
Gordon Schools Kitchen, Huntly.
Café Connect, Fraserburgh.
Formartine's, Tarves
Robertson Road Resource Centre, Fraserburgh.
The Pit Stop, Pitcaple.
Flowerpots Nursery, Kingseat.
Insch Primary School.
Sinclairs Bistro, Inverurie.
Cherry Tree Pre-school Nursery, Blackburn.
Country Flavours of Alford.
Deans of Huntly Bistro.
Delicious, Ellon.
Entier, Westhill.
Forbes Raeburn (Butcher) Huntly.
Newmachar Primary School.
Seasons Coffee Shop, Parkhill.
Beachside Coffee Shop, Balmedie.
Westhill Primary School.
Westbank Care Home, Oldmeldrum.
Tough Primary School.
The Spotty Bag Shop, Banff.
The Murly Tuck, Tarves.

Huntly Chip Shop.
Tarves Primary School.
Meldrum Community Café.
Andersons Coffee Shop, Inverurie.
Bonnyton House, Ellon.
Crombie Primary School, Westhill.
Drumblade Primary School.
Forest Farm, The Organic Dairy, Kinellar.
Hilda Brown Catering, Blackburn.
Hill of Banchory Primary School.
Inspire @ TAQA, Westhill.
Kemnay Primary School.
Rayne North Primary School.
Rothienorman Primary School.
Sodexo @ Bibby Offshore, Westhill.

- ✧ Participation in the Scottish Food Hygiene Information Scheme which provides information to consumers about the standard of hygiene at food businesses by the issue of a “Pass” or “Improvement Required” certificate to the food business operator on the completion of each official control intervention.
- ✧ Food enforcement officers are encouraged to participate in food safety presentations on receipt of invitations/requests from local community organisations, educational establishments, etc, in order to promote the work of the Service and to highlight food safety issues causing consumer concern at a national level.
- ✧ Guidance leaflets are developed and issued to target specific and seasonal food issues.
On publication, the leaflets are featured in a press release and are available in downloadable format on the Council website and Arcadia. Hard copies are circulated to all Environmental Health Service delivery points and to relevant catering and retail premises.
- ✧ A programme is prepared to ensure an Environmental Health Food Safety Service presence at food related events and shows throughout Aberdeenshire on an annual basis.

It is estimated that the majority of this work will be undertaken by the Team Manager (Food) and the Food and Safety Support Officer, as per their job descriptions. However, additional food enforcement staff may be required to undertake out of hours presentations, as required, dependent upon workload.

4. RESOURCES

4.1 Financial Allocation

The current budget (2019/2020) for food safety law enforcement is £529,779.80

Details of the non-fixed costs incurred during 2019-20 were as follows:

Food Safety Expenditure:

* Staffing Costs coded to food safety	£ 305,763.14
Equipment	£ 6,866.90
Purchase of Samples	£ 502.88
Travel & Subsistence	£ 11,832.12
Public Analyst (including feed analysis costs)	£ 338,357.32
Other costs	£ 23,654.95
TOTAL	£ 686,979.31

* officers dedicated to food and feed law enforcement duties

Food Safety - Income:

Health Certificates	£ 28,893.85
Street Traders Certificates of Compliance	£ 3,798.50
Food Hygiene Courses	£ 52,046.00
Fish Hygiene Charges	£ 22,314.68
Border Inspection Post	£ 1,002.03
Port Health	£ 8,679.00
Other Income	£ <u>10,795.00</u>
TOTAL	£ 127,529.06

Feedstuffs - Expenditure:

* Staffing Costs	£ 32,515.00
Travel & Subsistence	£ 30.00
Equipment	£ 20.00
Fuel Cost	£ <u>671.12</u>

Total Expenditure £ 33236.12

Feedstuffs – Income:

Primary Production bid 2019/20	£5415.69
Feed Hygeine Enforcement 2019/20	£46,500.00

Total Income **£51,915.69**

The Public Analyst fee is based upon a specific figure for each unit of analytical work carried out.

No specific financial provision is made in respect of legal action necessary as part of the food enforcement function. However, appropriate funding can be made available in extraordinary circumstances from Council revenue balances.

4.2 Staff Allocation

The staff complement in terms of food safety is as follows:

Team Manager (Food)	1
Area Team Managers	3
Senior / Environmental Health Officers (incl. part-time/job share)	13
Senior / Authorised Officers	4
Authorised Technical Officer	1
Food and Safety Support Officer	1

The Team Manager (Food) is designated as the lead officer on food law matters, as required under the Food Law Code of Practice (Scotland), and Food Standards Scotland has been duly notified.

In terms of Environmental Health Officer provision, there are no dedicated food law enforcement officers and all carry out duties as part of a generic work remit from the Area Offices. Area Team Managers have line management responsibility in respect of their relevant area enforcement teams.

The Food and Safety Support Officer does not carry out enforcement duties but undertakes food safety related duties such as training assessment, development and provision, the promotion of food safety issues and the food safety management system mentoring of food businesses. This post is line managed by the Team Manager (Food).

All Officers have the necessary qualifications, training and competence required to carry out their designated roles and are authorised in accordance with the Food Law Code of Practice (Scotland).

The full-time equivalent of 6.15 qualified full-time officers are involved in Food Law Official Controls.

Administration support and office resources are shared with other functions of the Environmental Health Service.

Technical Officers (Animal Feedstuffs) carry out sampling work with some assistance from other staff, when necessary for health and safety or evidential reasons. Where necessary Trading Standards Officers may be asked to assist with inspections and audits.

4.3 Staff Development Plan

Formal development schemes for Environmental Health Officers and Authorised Officers have been developed, approved and adopted. The schemes allow officers to progress above the current salary bar by meeting CPD criteria, demonstrating competency, expertise, innovation and initiative. Eight Environmental Health Officers have progressed to become Senior Environmental Health Officers and all four Authorised Officers have progressed to become Senior Authorised Officers

An annual Personal Performance Plan interview is carried out by line managers with training needs and requirements identified for individual officers and addressed by the development and production of an ongoing training programme which is managed, maintained and recorded in accordance with the Continuous Professional Development criteria required by the Royal Environmental Health Institute of Scotland.

There is an ongoing commitment to training through proactive and reactive attendance at courses, seminars and conferences. The Team Manager (Food) has responsibility to provide in-house training sessions and will continue to set up working groups in order to discuss and progress local and national food safety issues such as Product of Animal Origin Premises Approval, Code of Practice Review and Interpretation, Policy and Procedure Review and Inspection Harmonisation.

Cascade training sessions will also be arranged and provided when necessary in relation to identified food issues such as EC Hygiene Legislation, Food Sampling, Food Standards, Communicable Disease and Imported Food.

Food safety training and development records for all food enforcement officers are retained and maintained by the area Team Managers.

The development requirements of the Technical Officers (Feedstuffs) are covered by the Council's Employee Annual Review scheme and career progression. Update training is provided as and when required.

5. QUALITY ASSESSMENT

5.1 Performance Management Assessment and Monitoring

An Internal Management Monitoring Policy and Procedure was implemented in December 2003 and forms the basis of verifying the consistency and quality of food premises interventions, responses to food complaints, enquiries and other service requests.

Quality management is the responsibility of the Team Manager (Food) and the area Team Managers and addresses the following criteria:

- ✧ Food premises database – maintenance and accuracy
- ✧ Compliance with planned intervention programmes and agreed targets
- ✧ Compliance with local policies and procedures
- ✧ Consistency and quality of interventions
- ✧ Consistency and quality of post intervention paperwork
- ✧ Consistency and quality of electronic food premises database input
- ✧ Qualifications and experience of officers
- ✧ Training and continuous professional development

Monitoring arrangements include accompanying officers during inspections by the relevant area Team Manager with an agreed target of a minimum of one intervention per officer per year.

Interventions to be monitored will be a full inspection/audit of premises rated in A and B risk categories and should include premises with Product of Animal Origin approval.

Accompanied interventions for internal monitoring purposes are not used as a personal appraisal of individual officers.

Monitoring records are recorded in the personal file of each officer for audit purposes.

The Team Manager (Food) carries out area audits of food premises files and the food premises database on an annual basis to verify compliance with local policies and procedures and in accordance with The Standard contained in the Food Standards Agency Framework Agreement.

These audits assess the appropriateness of enforcement action taken and ensure that a full compliance history is clearly documented in respect of each premises.

6. REVIEW

6.1 Review Against the Service Plan

A Service Plan review and improvement action plan is produced on an annual basis when the relevant performance figures have been calculated. The review is available as a separate document in order that it can be published on the Aberdeenshire Council website for ease of access.

6.2 Service Plan Variance

Any variance from the service plan and the reason for the variance will be identified and recorded.

Additional work carried out in other enforcement areas which have achieved the service objectives through other means will also be recorded.

6.3 Service Improvement

As part of the Service Plan review improvements will be identified and adopted in order to raise the performance standards and quality. Improvement plans will be available within the annual Service Plan review documents.

APPENDIX 2

Food & Feed Law Enforcement Service Plan Review

2018/2019

(Ref: Food and Feed Law Enforcement Service Plan: Chapter 6.1)

1.1 Food Hygiene Inspections

The number of food hygiene inspections achieved between 1 April 2018 and 31 March 2019 within the target time were as follows:

Risk Category	Target	Achieved	%
A (High)	22	21	95.5
B (High)	191	187	98
C (Medium)	392	306	78
D (Low)	205	125	61

The figures indicate that despite the performance achievement in respect of high risk premises decreasing from the usual 100%, the 1 Category A and the 4 Category B premises, recorded as missed, were inspected within the annual planned programme, however, out-with the recognised 28 day window.

The performance achievements in respect of Category C, medium risk and Category D, low risk premises were deemed to be satisfactory as they both exceeded the targets set of C – 75% and D – 50%.

1.2 Food Standards Inspections

The number of food standards inspections achieved between 1 April 2018 and 31 March 2019 within the target time were as follows:

Risk Category	Target	Achieved	%
A (High)	33	24	73
B (Medium)	215	179	83

These figures indicate that the Category A, high risk premises have more than doubled in total, therefore, the performance achievement is deemed to be satisfactory, however, the 9 Category A premises, recorded as missed, were inspected within the annual planned programme although out-with the recognized 28 day window.

1.3 Feedstuffs Inspections

Feedstuff hygiene inspections take place at both Primary and Non-Primary Production premises. Primary production premises are those that produce agricultural products that do not undergo any other operation following their harvest or are those raising and storing animals, prior to slaughter. Non-Primary premises are premises involved in feed production outside of the definition for Primary production, such as feed mills.

The number of feedstuffs inspections carried out between 1 April 2018 and 31 March 2019 were as follows:

Inspection Premises Type	Risk Category	Target	Visits	%
Non-Primary	High	6	6	100
Non-Primary	Medium	161	161	100
Primary	No previous visit or compliant (2%)	82	109	100
Primary	Previous visit non-compliant (25%)	21	21	100
Non-Primary	Unregistered not previously visited	120	40	33

The total number of planned feedstuffs inspections for 2018-19 was 281. A total of 308 visits were completed. This total included 6 high risk feed manufacturers. The total visits were higher than expected due to businesses with multiple premises which are inspected together in order to reduce the burden on these businesses.

11 visits were conducted to unregistered premises, not having previously received a visit. These visits were part of a rolling programme to risk assess all relevant premises and are conducted when officers have spare visit capacity.

The number of visits to high and medium risk premises remained high with a completion rate of 100%.

The majority of medium and low risk premises are farms. Appointments are normally made for inspection visits due to accessibility issues. In order to comply with Food and Veterinary Office recommendations the period of notification is no more than 7 days prior to the visit date.

Minor breaches were dealt with via verbal advice and revisits when applicable.

A number of enquiries were received seeking trader advice. This included providing detailed advice to a potential manufacturer of organic horse treats on development of a new product.

1.4 Formal Enforcement Action

Eleven Hygiene Improvement Notices (HINs) were served under Regulation 6 of the Food Hygiene (Scotland) Regulations 2006 in respect of 7 food premises. This represents a decrease of 54% from the previous year.

This decrease is due to the effectiveness of the intervention system allowing officers to spend more enforcement time with those businesses which pose the highest risk and the Food Hygiene Information Scheme encouraging businesses to complete minor recurring work promptly in order to obtain a Pass certificate.

A breakdown of the non-compliances contained within the Notices is as follows:

Food Safety Management Systems	4
Water supply	3
Pests	2
Structure	1
Training	1

Eight Remedial Action Notices (RANs) were served under Regulation 9 of the Food Hygiene (Scotland) Regulations 2006 as follows: -

Inadequate allergen control measures not providing the required level of protection from cross contamination in a Chinese restaurant.

The business was prohibited from preparing and selling meals advertised as allergen-free to consumers with specific allergen requirements until it provided the required level of protection.

Four separate Remedial Action Notices were served on a fish processor prohibiting the hot and cold smoking of salmon and tuna and the use of a specific processing room due to poor repair, inadequate ventilation, the lack of staff training on the specific processes, the lack of food safety procedures, based on HACCP principles to identify specific toxins associated with the processes, the inadequate implementation of appropriate monitoring and the validation of end product shelf-life.

A hotel was found to be vacuum packing both raw and ready-to-eat food using the same vacuum packing machine which presented a significant risk of cross contamination.

The vacuum packing of ready-to-eat foods was prohibited until a separate vacuum packing machine was provided for this specific purpose.

A fish processor was prohibited from storing boxes of fish outside their premises while awaiting the arrival of transportation vehicles.

The boxes of fish were required to be maintained under temperature control within the premises until dispatch.

A hotel was prohibited from the sous-vide cooking of food until a food safety management system on the process was developed and implemented including adequate monitoring procedures and staff training on the process.

The requested remedial action was completed promptly in respect of the provision of the vacuum packing machine, the external storage of fish, and the sous-vide cooking procedure which resulted in the Remedial Action Notices being revoked after verification.

The RANs in respect of allergen control and the hot and cold smoking process currently remain in force.

One Voluntary Closure Agreement was entered into between the EH Service and a public house in respect of the lack of a hot water supply.

The business closed immediately to affect the necessary remedial action and was only allowed to re-open on written authorisation from the EH Service.

1.5 **Food Complaints**

A total of 107 food complaints, in respect of food and food premises, were received and fully investigated.

A breakdown of the food complaints logged is as follows:

Suspected source of food poisoning	31
Unhygienic practices	28
Unhygienic premises	20
Foreign body	11
Poor of quality food	8
Food labelling	3
Mouldy food	3
Out of date food	3

1.6 **Food Sampling**

There is no statutory target in respect of obtaining and submitting food samples.

Aberdeen Scientific Services Laboratory operates a unit charging scheme and a fixed number of units is allocated, on an annual basis, in respect of food microbiological examination and food chemistry analysis.

Sampling targets for the year were calculated as 154 chemical and 211 microbiological. These totals include general monitoring, local targeted exercises and regional and national surveillance surveys.

The actual samples submitted for laboratory analysis or examination during 2018-2019 totaled 184 chemical and 232 microbiological.

The additional 30 chemical samples and 21 microbiological samples are reactive samples submitted as a result of consumer complaints, as part of investigations of food poisoning outbreaks or at an officer's discretion during a planned inspection.

All chemical and microbiological failures were subject to written confirmation of the results to the food business, a visit to discuss required remedial action if deemed necessary and a repeat sample. No formal sampling action was required in respect of any repeat sample failure.

1.7 **Feedstuffs Sampling**

The total samples planned for 2018-19 were as follows:

Target	Achieved	Result
compound feedstuffs from manufacturers for accuracy of declared constituent analysis	16	4 pass, 12 fail
6 farm feed samples for undesirable substances	6	All satisfactory

The department undertook 16 formal samples at compound feed manufacturers. The samples were analysed for declared constituents, vitamins and additives. The results indicated that 12 of the formal samples failed for a variety of reasons, although none substantially to the detriment of the purchaser.

- 5 samples failed for ash content.
- 2 samples contained unsatisfactory levels of fibre.
- 3 samples contained insufficient levels of protein.
- A number of samples contained low levels of vitamins.
- 3 samples failed for labelling issues

The stated deficiencies, whilst below statutory tolerance, were at levels that did not compromise the effectiveness of the product. The deficiencies were dealt with as quality improvement issues and were considered to have resulted in limited prejudice to the consumer.

The manufacturers responsible for each non-compliant sample were contacted by the Service and requested to undertake suitable audit and review to examine the possible source of the inaccurate declarations. After discussions with the manufacturers, it appears that the most likely cause for the high failure rate was poor production methods that had resulted in inadequate blending, taking place during production. The manufacturers have been advised to review blending procedures. Further testing will take place during 2019-2020 to ensure legislative compliance.

High moisture content was attributed to barley being incorporated into the feed at a higher than normal moisture level. The high levels were attributable to the weather conditions during the relevant harvest period. The issue of moisture content may be addressed by the reformulation of recipes. The sample plan for 2019-2020 will include products incorporating large amounts of barley. The sampling will determine whether amendments have been made to the recipes and that the products are now compliant.

1.8 Notification, Control and Investigation of Outbreaks of Foodborne Disease

Notifications were received from NHS Grampian regarding 442 foodborne disease cases within Aberdeenshire which was the exact same total from the previous year

A breakdown of specific diseases with comparison to the previous year is as follows:

Salmonella	80	(-1.2%)
E Coli 0157	33	(0)
Cryptosporidium	39	(-28%)
Giardias	32	(-11%)
Aeromonas	9	(+89%)
Dysentery	2	(0)
Yersinia	3	(-25%)
Hepatitis E	5	(-29%)
Scrombotoxin	1	(0)
Cyclosporiasis	1	(0)
Campylobacter	237	(+6%)

No major foodborne disease outbreaks occurred during the year and all required sporadic interviews were undertaken in accordance with the Memo of Understanding between NHS Grampian Health Protection Team and Aberdeenshire Council and with reference to the NHS Grampian Health Protection Team Exclusion Policies for Infectious Diseases and the Shared Action Chart.

Seventy-eight outbreaks of gastrointestinal illness (GII) were notified during the year in respect of care homes, schools and nurseries.

All were investigated fully in partnership with the NHS Grampian Health Protection Team without the necessity of any formal action.

1.9 Food Alerts

The food alerts received from the Food Standards Agency during 2018/2019 are classified below and compared to previous year's trends below.

Category of Alert	2018/2019	2017/2018	2016/2017	2015/2016
For Action	1	0	5	2
Recall	25	26	66	75
Withdrawal	0	0	0	0
Allergy Alert	80	64	85	90
TOTAL	106	90	156	167

The Food Alert for Action concerned cake and confectionery products e.g. dyes, pigments and dusts imported from a company in South Africa and used primarily by specialist cake bakers.

No such branded products were found in Aberdeenshire.

All other food alerts were fully investigated by telephone or by personal visits.

1.10 Training

Forty-nine Elementary Food Hygiene courses were presented during 2018/2019.

783 candidates attended these courses and an examination pass rate of 100% was achieved.

Six Intermediate level Food Hygiene courses were also presented resulting in 29 candidates attending. The examination pass rate was recorded at 100% with 15 Credit passes achieved.

Twenty Refresher Food Hygiene courses were presented resulting in 309 candidates attending with a pass rate of 100%.

1.11 Improvement Actions 2019-2020

1.11.1 Food Law Rating System (FLRS)

As a result of a review of the Food Law Code of Practice (Scotland) the individual food hygiene and food standards risk rating systems have been replaced by a new Food Law Rating System which was adopted and implemented by all 32 Scottish Local Authorities from 1 April 2019.

The previous five risk categories, A and B (high), C (medium) and D and E (low) have been replaced with three business groups.

Group 1 - manufacturers and caterers of high-risk foods.

Group 2 - all other manufacturers and caterers and retailers handling open

high risk foods.

Group 3 - all other retailers, licensed premises not providing catering or providing limited refreshments and other low risk businesses.

Each group contains five performance levels from Band A - full and continuing compliance to Band E – serious and sustained non-compliance with the position of each business on a particular band being determined by scoring each of seven compliance categories from 1 to 5.

The average score indicates the performance level each business is placed on and each banding corresponds to a specific inspection frequency from 36 months for full compliance to every month for serious non-compliance.

This new regime amalgamates food hygiene and food standards into one food law inspection termed an “Official Control”.

1.11.2 Food Enforcement Action

Although the current level of formal enforcement is excellent, it is proposed to continue the practice of serving formal action Notices on food business operators at the first revisit stage following the notification of a contravention of the Regulations including an appropriate time scale for improvement.

1.11.4 Food Sampling

Routine sampling numbers have been reduced slightly in order to allow sampling officers more scope to use their professional judgement during interventions and submit proactive samples which give cause for concern

The continued participation in national sampling surveys co-ordinated and funded by Food Standards Scotland will reduce the annual Public Analyst sampling costs while maintaining the standard of surveillance of locally produced products and generating a small amount of income from this statutory requirement.

Sample failure trends identified during the year are prioritised within the following year’s sampling programme.