

**FOOD SAFETY LAW ENFORCEMENT WORKPLAN
AND ENFORCEMENT POLICY**

1. PURPOSE

- 1.1** The Council, as a Food Authority, is required by the Food Standards Agency Framework Agreement to produce and review an annual Food Safety Law Enforcement Plan which is endorsed by elected Members.
- 1.2** This report produces the Food Safety Law Enforcement Plan for 2013/2014 for Members' approval which covers the areas of food hygiene, food standards and feed standards.

2. RECOMMENDATIONS

- 2.1** Members are asked to endorse the Food Safety Law Enforcement Plan for 2013/2014 and the Enforcement Policy which are attached to this report.
- 2.2** Affirm the statutory appointments of the Council's Head of Food Safety, Lead Officer (Food Hygiene Standards) and Lead Officer (Feed); the status of authorised officers within the Council and the external appointments for the Public Analyst, Agricultural Analyst, and Food Examiners

3. FOOD SAFETY IN ARGYLL AND BUTE

- 3.1** The strategic objectives of Regulatory Services in terms of food safety are to protect public health and promote the production and sale of safe food. This work is also consistent with the Council's objectives of supporting our economy (given the importance of the food and drinks sector to Argyll and Bute) and supporting our local communities.
- 3.2** Food Safety consists of food hygiene (how food is produced), and food standards (i.e. composition and traceability, labelling, etc.), with this work is undertaken by Environmental Health. There is another component, namely the safety of feed (animal feed) which is regulated by Trading Standards.
- 3.3** The Food Safety Law Enforcement Service Plan details the arrangements and service priorities and targets for 2013/2014. This is our first Plan which provides an integrated approach to food safety and feed as the Feed Plan is attached as an appendix to the Food Safety Plan. It is my intention to further integrate this in 2014/2015.

3.4 The changing landscape of food safety nationally, allied with the financial climate affecting public services, businesses and consumers, poses considerable challenges to food safety, These challenges have been reflected in the Service Plan for 2013/2014, and I would highlight the following :-

- (i) There is a consultation paper relating to the provision of a new Food Body for Scotland, which is considering how food safety will be delivered. It is clear that it is likely that food safety enforcement will be retained within Local Authorities, and that there will be changes as to how it is delivered.
- (ii) The National *E.coli* Strategy on Cross-Contamination highlights the importance of separation between raw and cooked foods, effective handwashing and cleaning and disinfection. There are significant impacts on businesses in implementing these new requirements, and we have developed an *E.coli* 0157 Strategy to support the introduction of higher standards, whilst supporting the economy, yet protecting public health. Our strategy targets specific businesses and interventions will be directed on a risk basis.
- (iii) Food safety standards in Argyll and Bute are generally good, and we have the third highest number of EatSafe Awards (which recognise compliant businesses) in Scotland, have 96% of catering premises identified with "Pass" certificates under the Food Hygiene Information Scheme, and have 91.8% of food businesses classed as "broadly compliant". (This is a measure that they have adequate systems and management in place.)

However, the Food Standards Agency and the Audit Scotland report, "Protecting Consumers", identify that we have 19% (342) of premises unrated, which would take this figure down to 71%. We need to address this, and this falls within our Service Plan for 2013/2014.

- (iv) The horsemeat scandal indicated the importance of food standards and traceability of food, given the international supply chains. Food standards have generally taken a lower priority to food hygiene, although I would expect this to change in the forthcoming year.

3.5 In 2012/2013 we achieved the majority of the Service Plan, although reactive workload, including demands from the Food Standards Agency through audits, resulted in some activities not being achieved. Section 4.1 of the Plan reviews this, but I would highlight :-

- (i) The Action Plan to address the Food Standards Agency audit report was formally "signed off", with our inspection procedures being regarded as best practice in Scotland.
- (ii) We met, and exceeded, our inspection programme targets for high risk (100%) and medium risk (96%, with target of 80%).

- (iii) Alternative enforcement is critical to provide information to lower risk businesses so they can manage their business, minimising risks. We embarked on this work in 2012/2013, providing targeted information to business sectors and through attendance at the Food Fayre in Oban.
- (iv) Preparation continues to deliver the *E.coli* Strategy, although implementation has been delayed.
- (v) We continue to support businesses in Argyll and Bute which are vital to our economy. In particular, the shellfish sector, which exports internationally, is supported through our work, the shellfish monitoring contract, and we have made amendments to the formal movement of shellfish documentation to address concerns of fraudulent use of certificates. This is also an area we are working closely with Police Scotland on, through joint working
- (vii) We have reviewed our procedures for feed and have a strategy and work plan in place to take this forward in 13-14.

3.6 We have a generic Environmental Health Service which focuses on risk, can redeploy resources across the service to deal with significant issues (e.g., food outbreaks), and have mutual aid arrangements in place with other Local Authorities.

We do not have sufficient resources to undertake the full range of duties and the 100% targets expected of Local Authorities through the Food Safety's Code. Argyll and Bute Council are no different from other Local Authorities in this regard.

Members should note that we deploy resources in a manner in which to manage the risks to the Council, as the Food Authority, to issues of non-compliance with the Code, although the Food Standards Agency audits will undoubtedly identify this issue as a "non-conformance".

The Food Safety Law Enforcement Plan has been developed having regard to the statutory requirements and our available resource.

3.7 Our Enforcement Policy across Regulatory Services, and in particular food safety, is predicated on targeted, risk-based enforcement, working with businesses to secure compliance. Formal enforcement action, which consists of service of formal Notices, prohibition of activities or premises, seizure of goods, and reports to the Procurator Fiscal, are used where there are significant risks to food safety or where management are unco-operative.

The Enforcement Policy is consistent with the Better Regulation principles, has proven effective given the figures in 3.4 (iii), and the Policy is appended to the Plan for endorsement by Members.

4. WORKPLAN 2013/3014

- 4.1** The 2013/2014 Service Plan builds upon this work, and Section 5 of the Plan outlines our priorities. These include our intervention work, the delivery of the *E.coli* 0157 Strategy, a programme for rating our “unrated low risk businesses”, revitalising food standards interventions; and a gap analysis on the resource requirements to deliver the food safety service. We also need to prepare for pending audits from the Food Standards Agency.
- 4.2** Critical to this work is joint working with other Local Authorities, the Food Standards Agency, NHS Highland (disease control) and businesses/consumers. We have positive relationships in place and these will continue.

5 DELIVERY ARRANGEMENTS

- 5.1** To deliver this Plan, and recognising our available resource, we are to recruit a 0.5 FTE Environmental Health Officer/Regulatory Services Officer to undertake specific project-related work including the unrated premises, projects, specific work in terms of food standards, and support the wider service, for a 12-month period.
- 5.2** The implementation of the *E.coli* guidance is the key priority for the period 2013-16 at a local and national level. It has been recognised nationally that this may be unachievable unless there are allowances made by the Food Standards Agency to relax the burden of the programmed inspection frequency for medium risk premises on local authorities, allowing these resources to be targeted at the *E.coli* interventions. . The Food Standards Agency has agreed to this and local authorities require to make formal application where this is necessary.

We are current evaluating the resource allocation required to deliver the *E.coli* 0157 strategy and this will be assessed against the planed intervention programme required by the Code. The decision on whether there is a need for a “relaxation” will be made by the Regulatory Services Manager once the priority businesses have been identified for the *E.coli* 0157 strategy. Members are asked to endorse this approach.

5. CONCLUSIONS

- 5.1** The Service Plan satisfies the requirement to review annually our Food Safety Enforcement Service Plan, and our Enforcement Policy relating to food safety.
- 5.2** The Plan is designed to deliver food safety on a risk-rated, targeted and proportionate approach. It focuses activity on key priority areas and, as the Council’s Head of Food Safety, I commend the Service Plan and the Enforcement Policy to Members for endorsement.

Argyll and Bute Council

Food Law Enforcement Policy - Extract and Summary

1 Purpose

- 1.1 The Council Food Law Enforcement Policy falls to be approved by Council annually in accordance with the Food Framework Agreement. The purpose of this briefing is to obtain Members approval for revisions to the Enforcement Policies on Food Safety and on Food Standards which were approved at the Protective Services and Licensing Committee on the 19th April 2012

2 Recommendations

- 2.1 That Members formally agree this enforcement policy for Food Safety Law Enforcement and require the Regulatory Services Manager to implement this policy

3 Enforcement Policy

- 3.1 The service ethos to enforcement remains unchanged. It seeks to :-
- Ensure that all enforcement activity is proportionate, consistent to the risks to food safety; statutory requirements and public health
 - Provide an effective food law enforcement service by focusing resources on a risk-based approach
 - That enforcement staff are competent and authorised officers.
 - To protect food safety through working with businesses and the public. As appropriate
 - To support the concept of the “informed consumer”.
- 3.2 A revision to current policies has been undertaken against ‘emerging regulatory landscape’ and our service delivery arrangements. The policy is predicated on proportionate risk-based, enforcement action designed to protect food safety and public health, whilst also avoiding placing undue regulatory burdens upon business. This is consistent with the national better regulation agenda.
- 3.3 The revision has identified that there is no need to amend the enforcement policy although there is a programme to review our enforcement procedures in the course of 2013-14. These will be approved by the Regulatory Services Manager who will ensure they are consistent with this Policy and national Frameworks.
- 3.4 The enforcement policy relates to the areas of food hygiene, food standards and feed.

4 Conclusions

- 4.1 The existing policies have been reviewed by the service and in my opinion, are sufficient to enable Argyll and Bute Council to meet its duties as “the food authority”,

Regulatory Services Manager; 10th May 2013