
Report to Enterprise & Environment Committee

Date of Meeting: 20 August 2015

Subject: Food Law Enforcement Policy

Report by: Head of Development & Environment

1.0 Purpose

- 1.1. The purpose of this report is to seek approval of the revised Food Law Enforcement Policy, to note the outcome of the Core Audit of the Council's Food Law Enforcement service as carried out by Food Standards Scotland in April 2015 and to note the Food Control Service Plan.

2.0 Recommendations

It is recommended that the Committee:

- 2.1. Approves the revised Food Law Enforcement Policy,
- 2.2. Notes the positive outcome of the core audit of the food law enforcement service and,
- 2.3. Notes the Food Control Service Plan.

3.0 Considerations

Food Law Enforcement Policy

- 3.1. Under the Framework Agreement on Food Law Enforcement the Council is required to have a Food Law Enforcement Policy (Appendix1). The Council's current Food Law Enforcement Policy was introduced in 2006. The policy sets out the Council's position on food law regulation and directs officers to ensure fair, consistent and proportional enforcement action is taken. The policy acknowledges that the protection of public health is the primary function of food law regulation.
- 3.2. The policy has been reviewed by Food Standards Scotland's Audit Team and determined to fully meet the requirements of the Framework Agreement on Food Law Enforcement.
- 3.3. The Food Law Enforcement Policy has been amended as follows:

- 3.4. A new Section 3 on "Conflicts of Interest" outlining the actions that must or must not be taken to protect the integrity of the Council's food law enforcement service. This includes actions by individual officers and also actions by the Council.
- 3.5. Actions to be taken when regulating food establishments run by the Council itself. These are in Section 5 "Enforcement" paragraphs 5.26 to 5.30 inclusive. This is to ensure that actions taken in relation to the Council's own food establishments are transparent, consistent and equally robust to those actions taken against other food businesses.
- 3.6. Amendments consequential to the establishment of Food Standards Scotland as the competent authority for food in Scotland. This primarily relates to name changes from Food Standards Agency to Food Standards Scotland.

Food Standards Scotland Audit

- 3.7. The Council's food law regulation service is subject to periodic audits by Food Standards Scotland and its predecessor, the Food Standards Agency. It ensures the Council is fulfilling its obligations in relation to protecting public health through the inspection of food businesses with correct follow up actions.
- 3.8. Food Standards Scotland's audit took place over three days and was an in-depth examination of how the Council applies regulation, implements centrally issued Codes of Practice and guidance, deals with food businesses and keeps appropriate records. This demonstrates how the Council achieves transparent, consistent and proportionate regulation. The audit was the first to be carried out by Food Standards Scotland which was established on 1 April 2015 and assumed responsibility from the Food Standards Agency as the public sector body for food safety, standards, nutrition and labelling.
- 3.9. Food regulation is carried out by local authorities in accordance with the policies and guidance issued by Food Standards Scotland. The audit process is the means by which the Council's performance is monitored and assessed against national and European policies and standards. The audit not only examines documented inspection reports, policies and procedures but also includes interviews with officers to assess how well those policies and procedures are followed. "Reality Checks" are carried out in which officers are taken back to food businesses they have inspected. Officers demonstrate what they did and provide evidence of the correct application of policy and procedure at the time of inspection. Any non-conformities with those policies and standards are highlighted during the audit. The Council is then required to implement an action plan agreed with Food Standards Scotland to rectify the non-conformities.
- 3.10. The Council received positive feedback from the audit by Food Standards Scotland with no non-conformities. Areas of good practice were highlighted.

Food Control Service Plan

- 3.11. Every year the Council is required to produce a Food Control Service Plan (Appendix 2) which is approved by the Head of Development and Environment. This plan is amended each year, as appropriate, to set out how

the service will meet the requirements of the Framework Agreement on Food Law Enforcement. At the end of each year any deviation from the plan is reported back to the Head of Service. It is good practice that elected members have sight of this plan, it is intended future plans will be shared through the members portal.

4.0 Sustainability Implications

4.1. There are no sustainability implications arising from this report.

5.0 Resource Implications

5.1. *Financial Details*

There are no financial implications arising directly from this report.

5.2. *Staffing*

There are no financial implications arising directly from this report.

6.0 Exempt Reports

6.1. Is this report exempt? Yes (please detail the reasons for exemption below) No

7.0 Declarations

The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.

(1) **Our Priorities** (Please double click on the check box)

- | | |
|--|-------------------------------------|
| The area has a positive image and attracts people and businesses | <input checked="" type="checkbox"/> |
| Our communities are more cohesive and inclusive | <input type="checkbox"/> |
| People are better skilled, trained and ready for learning and employment | <input type="checkbox"/> |
| Our communities are safer | <input checked="" type="checkbox"/> |
| Vulnerable people and families are supported | <input type="checkbox"/> |
| Substance misuse and its effects are reduced | <input type="checkbox"/> |
| Health is improving and health inequalities are reducing | <input checked="" type="checkbox"/> |
| The environment is protected and enhanced for all | <input type="checkbox"/> |
| The Council is effective, efficient and recognised for excellence | <input checked="" type="checkbox"/> |

(2) **Council Policies** (Please detail)

8.0 Equalities Impact

- 8.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations?
N/A

9.0 Legality

- 9.1 It has been confirmed that in adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes

10.0 Appendices

- 10.1 Appendix 1 Food Law Enforcement Policy
10.2 Appendix 2 Food Control Service Plan

11.0 Background Papers

- 11.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)
Yes (please list the documents below) No

Author(s)

NAME	DESIGNATION	TEL NO / EXTENSION
Andrew Crawford	Team Leader Environmental Health	2581

Approved by

NAME	DESIGNATION	SIGNATURE
Gordon McNeil	Head of Development & Environment	Signed: G McNeil
Garry Dallas	Executive Director	Signed: G Dallas



Clackmannanshire Council
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Clackmannanshire Council

Food Law Enforcement Policy

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1. Introduction

- 1.1. This policy covers Clackmannanshire Council's enforcement activity in relation to Food Law. Feeding-stuffs enforcement and primary production enforcement is carried out under a service level agreement with Stirling Council's Trading Standards service. Under this agreement, the provision of these services will be subject to Stirling Council's Enforcement Policy. Clackmannanshire Council discharges its responsibilities as a Food Authority through the Development and Environment Service, Kilncraigs, Alloa.
- 1.2. Only officers duly authorised by the Council may enforce food law in Clackmannanshire. Those officers will be subject to enforcement limitations, dependant upon qualification and experience, imposed by the Authorisation of Officers Procedure.
- 1.3. Copies of the Enforcement Policy are available on request from the Development and Environment Service, Clackmannanshire Council. Copies are free of charge. Copies are also available from www.clackweb.org.uk
- 1.4. The Enforcement Policy plays an important part in the Development and Environment Services Service Plan and helps to deliver Clackmannanshire's Food Law Enforcement Service taking due regard of the Scottish Regulators Strategic Code of Practice.
- 1.5. This documented policy ensures the comprehensive and consistent enforcement of Food Safety and Food Standards within Clackmannanshire in line with the Food Law Code of Practice (Scotland).
- 1.6. In preparing and updating this policy due regard has been taken of the advice issued by Central Government, Scottish Food Enforcement Liaison Committee (SFELC), and Food Standards Scotland (FSS).
- 1.7. All decisions on enforcement action shall only be made after consideration of this Enforcement Policy. Any deviation from the policy will be exceptional, be capable of justification and have been fully considered by the Team Leader, unless to delay a decision may result in significant risk to the public. The circumstances relating to any departure will be comprehensively documented.
- 1.8. Clackmannanshire Council will strive to ensure all food and drink relating to any food business activity within Clackmannanshire is without risk to health and does not mislead the consumer either about its composition or by its presentation.
- 1.9. Clackmannanshire Council recognises education as a means of securing improvement in Food Safety Standards and will work with Businesses to help them comply with the law by:-
 - offering on the spot advice during visits and inspections;

- answering queries by the end of the following working day;
- maintaining a library of training material which is available on request free of charge;
- distributing stocks of information leaflets free of charge;
- making Industry Guides available for reference in local libraries

2. Official Controls

- 2.1. An 'official control' is any form of control that the Council carries out to verify a business's compliance with food law.
- 2.2. The aim of an official control is to prevent, eliminate or reduce to acceptable levels any risks to health presented by food businesses whilst aiming to:
 - guarantee fair practices in food trade
 - protect consumer interests, including food labelling and other forms of consumer information.

3. Conflict of Interests

- 3.1. It is essential that all staff carrying out official controls in food law are free from conflicts of interest.
- 3.2. There are many situations in which the interests of an officer or the authority may conflict with the carrying out of official controls. Examples are where an authorised officer provides their own training service for food hygiene; where they give advice to food businesses which is independent and distinct from the advice that is given in the course of carrying out official controls (whether in conflict with that advice or not); or acting as a consultant to food businesses.
- 3.3. Conflict may be reduced or negated through being remote from the Council and/or its neighbours. If an authorised officer is involved with any activity that has any connection whatsoever with their duties of carrying out official controls in Clackmannanshire, they must first obtain the written permission of the Council. In the first instance the Team Leader must be informed. A decision will then be made, at an appropriately senior level, as to whether that activity might give rise to a conflict of interests. If it is so decided then permission will not be given and the officer must refrain from that activity.
- 3.4. The Council has withdrawn from providing food hygiene training within Clackmannanshire. Should this training be provided again in the future, it will be necessary to ensure the service is not exclusively promoted by the council in competition with other providers or in any other way which may conflict with the interests of food law delivery.

- 3.5. Although the council provides a pest control service, it does not serve private businesses. No service is to be offered to local businesses without the approval of the Team Leader and this only when it can be shown there is no conflict with the interests of food law delivery.
- 3.6. The Council will provide no other service to food businesses which could involve a conflict of interests with food law delivery. Any such service provided outwith the Environmental Health Service will be reported to the Head of Development & Environment Services for action.

4. Inspections

- 4.1. The format of inspections is covered by the Food Safety Inspection Procedure. This procedure will be adhered to at all times.
- 4.2. Letters will be sent to the proprietor, where possible, within 15 working days except in cases where it has to be translated by the Translation Service. Standard paragraphs for Food Hygiene Inspections are used where applicable.
- 4.3. Inspection frequency is determined by the inspection rating of the premises as per Food Law Code of Practice (Scotland).
- 4.4. Revisits for both food hygiene and food standards WILL be carried out when a food business is failing to comply with significant statutory requirements. When an officer gives a score of 15 or more in either of the “level of current compliance” elements of the inspection rating schemes, this will act as a trigger for a revisit to be scheduled. The presumption is that a revisit will be scheduled.
- 4.5. Regarding Food Standards inspections if a score of 40 “general failure to comply with legal requirements” is given for “level of current compliance” that will also trigger a re-visit inspection for Standards.
- 4.6. In some circumstances the track record of the Food Business Operator may indicate that the significant contravention(s) will be remedied without a further visit being required. In these circumstances the officer needs to be confident that the matter will be remedied and that food safety will not be compromised by leaving the premises until the next scheduled inspection. Under these circumstances, only with prior agreement from the Team Leader , a re-visit may be allowed to pass.
- 4.7. The timing of a revisit will be determined by the nature of risk to public health and the action required to secure compliance. In any case, it will take place no longer than 3 months after the initial inspection. The appropriate enforcement action MUST be taken when food businesses have failed to remedy the

significant contravention(s), which initiated the secondary inspection.

- 4.8. Notwithstanding any of the above, officers may re-visit any premises *at any time* if they believe this is in the interests of food safety. This policy is not intended to prevent an officer from carrying out a revisit if it is felt necessary, in the officers opinion, to protect health.
- 4.9. When a score greater than 15 is given for either of the compliance elements in Food Hygiene or 40 for Standards compliance element the officer **MUST** consider whether additional enforcement action is required. Inspections other than programmed or revisit inspections may be carried out:-
 - On request from a proprietor looking for advice;
 - to reply to a property enquiry for the premises;
 - to investigate a complaint about the premises;
 - to investigate a complaint about food sold from the premises;
 - to inform the proprietor and investigate any unsatisfactory samples Submitted to Glasgow Scientific Services for analysis or examination;
 - new premises or change of proprietor will instigate an inspection.
- 4.10. Officers are provided with mobile phones, white overcoats, hair nets, a hat and a pair of safety shoes. Protective clothing shall be worn during inspection, wherever appropriate, or to conform with the Business own policy. Where a Business supplies additional protective clothing this shall be worn.
- 4.11. Officers are provided with probe thermometers and probe wipes.
- 4.12. Officers are responsible for ensuring they are appropriately equipped and are to inform the Team Leader of any deficiencies that need replacement.
- 4.13. Before inspecting premises, Officers shall introduce themselves by showing their photo identification card and explain the purpose of the visit.

5. Enforcement

- 5.1. Environmental Health Officers, Environmental Health Technical Officer and The Team Leader (Food and Licensing) are authorised to carry out enforcement under The Food Safety Act 1990, The Food Hygiene (Scotland) Regulations 2006 and all other Regulations made there under subject to being suitably qualified, experienced and competent. Suitable qualification, experience and competency is as detailed in the Food Hygiene

(Scotland) Regulations 2006, The Food Safety (Sampling & Qualification Regulations 2013 and the Food Law Code of Practice (Scotland), Official Feed And Food Control Regulations 2009 and The European Communities Act 1972. A record of officers suitably qualified is at Annexe 1 of the Authorisation of Officers Procedure.

- 5.2. Each Officer receives in-house training and attendance at formal courses or vocational visits. Officers will receive a minimum of 10 hours per year CPD for food related subjects. The Team Leader (Food and Licensing) will review progress in relation to adequate CPD for food law enforcement purposes.
- 5.3. All officers have access to suitable, sufficient, and up to date information to enable them to carry out competent inspections including all legislation, codes of practice, industry guides, SFELC, Food Standards Scotland guidance and Internet.
- 5.4. Training needs are assessed during annual Performance, Review & Development interviews with the Team Leader.
- 5.5. Officers shall ensure that all communication, including advice, on enforcement issues is clear, structured and capable of being understood by the recipient.
- 5.6. Where it appears to an Officer that communication in English may be a barrier to compliance he/she will utilise the Language Line call centre via their issued mobile phone. Arrangements for a translator to attend any site visit may be made with prior consultation and agreement from the Team Leader .
- 5.7. Officers will provide, where available, information leaflets in the proprietors own language.
- 5.8. Clackmannanshire Council will adopt a graduated approach to enforcement using education and advice to secure compliance. Where advice is confirmed in writing a clear distinction must be made between statutory requirements and recommendations. However, the approach taken to enforcement will always be consistent with current guidance and the protection of public health remains the paramount consideration.
- 5.9. Robust action will be taken against any food business operators who deliberately or recklessly flout the law or where there is a serious risk to the safety of consumers. This will include reporting to the Procurator Fiscal where appropriate.
- 5.10. The Council is guided by the Home Authority Principle. Where the principle cannot be adhered to, concerns would be discussed with SFELC and Food Standards Scotland.
- 5.11. The Council shall provide advice for businesses on legal compliance where it acts as home and/or originating authority. Clackmannanshire Council shall liaise with the Home Authority of a Company on issues of advice or enforcement directly

related to centrally agreed policies or procedures of a food business.

- 5.12. The Council shall have regard to any information provided from home and/or originating authorities and will notify them of the outcome of any investigation.
- 5.13. There are the following hierarchal enforcement options open to officers:
 - No action at all
 - Verbal advice/warning
 - Written advice/warning
 - Formal Notice (where appropriate)
 - Seizure or detention (where appropriate)
 - Report to Procurator Fiscal
- 5.14. In deciding whether or not to take formal action, consideration will be given to the Home Authority principle. Where appropriate the Home and Originating Authority will be consulted and kept informed.
- 5.15. In deciding which form of enforcement action is most appropriate, the likely timescale to conclude the action will be weighed up against the risk to public health. The most expedient and effective action will be taken to protect health.
- 5.16. In deciding whether or not a business presents a risk to food safety regard shall be had to:-
 - the nature of the food
 - the manner in which it is handled
 - the manner in which it is packed
 - any process to which it is subjected
 - the conditions under which it is stored or displayed
- 5.17. Significant risk – in deciding whether or not any risks associated with a business are significant, consideration will be given to the adequacy of the controls at the critical points in the process and the possible consequences for food safety if the controls are inadequate. Significant risk in this context means that an incident is more likely to occur than not.
- 5.18. Contraventions may be dealt with informally subject to the following provisos:-
 - where the consequences of non-compliance will not present a significant risk to health
 - where (from the business's previous record) it can reasonably be expected that compliance will be forthcoming
 - where, due to the nature of the business (e.g. – voluntary organisations) informal action may be more effective
- 5.19. In all cases, information requests and agreements will be confirmed in writing.

- 5.20. Where the health risk condition (as defined in food safety law) is fulfilled, the primary action of all officers will be to eliminate that risk. This may be by use of one, all or any combination of the following:
- Issue of Emergency Prohibition Notice (or voluntary closure procedures if this is more appropriate having regard to guidance on voluntary closure)
 - Seizure or Detention of food (or voluntary surrender procedures if this is found to be more effective)
 - Report to the Procurator Fiscal
- 5.21. The procedures dealing with each action are to be followed.
- 5.22. Full guidance on the “health risk condition” and examples of use of Emergency Prohibition Notices is provided by the Food Law Code of Practice (Scotland).
- 5.23. In cases of contraventions which do not warrant immediate formal action such as Notices or report to the Procurator Fiscal, normally the following actions will take place:
- Verbal or Written notification of the contravention including remedial works required.
 - Follow-up action to ensure the necessary work is completed (either by re-visit or at the next programmed inspection depending on the seriousness and trigger values for re-visit being met).
- 5.24. When enforcing within Clackmannanshire Council run establishments, a letter concerning any contraventions will be sent to the appropriate manager for that service. Any continued failure by that service to satisfactorily remedy the contravention will be escalated in accordance with this Policy to include the appropriate enforcement action.
- 5.25. Any serious breach of food law will be notified by letter addressed to the Chief Executive, drafted by the officer responsible for the enforcement action but signed by the Service Manager or above.
- 5.26. Serious breaches will include, for example:
- the service of any enforcement notice (including Hygiene Improvement Notice, Remedial Action Notice, etc),
 - a report to the Procurator Fiscal,
 - service of any fixed penalty notice,
 - any food standards contravention deemed likely to place any potential consumer at risk of harm or distress (e.g. contamination, substitution, food fraud, etc.)
 - any other matter related to food law enforcement which in the opinion of the Team Leader requires to be notified to the Chief Executive.
- 5.27. Any decision by a manager not to send a letter to the Chief Executive, contrary to the recommendations of the officer

responsible for the enforcement action, will be fully documented in the file system. This will include full details of the contravention, officer recommendation and reason for not notifying the Chief Executive.

- 5.28. All Council run establishments will be dealt with exactly as any other food business would be dealt with. All actions and decisions made concerning enforcement at Council run establishments will be transparent.

6. Hygiene Improvement Notice

- 6.1. When serving Hygiene Improvement Notices regard shall be had to Food Law Code of Practice (Scotland) and Practice Guidance. Improvement Notices, as a minimum measure, will be served under the following circumstances:-
- where the consequences of non-compliance present significant risk (See "Enforcement Options" above)
 - where co-operation in rectifying routine contraventions is not forthcoming
 - where the severity of the contravention is such that it would not be appropriate to leave the matter unresolved until the next programmed inspection or until the conclusion of a prosecution
- 6.2. While Improvement Notices may be served on the evidence of the authorised officer alone, upon expiry of the notice (where prosecution is likely) the authorised officer will be accompanied by a witness. Except where circumstances have changed such as to cast doubt on the quality of the evidence, all persons failing to comply with Improvement Notices will be subject of a report to the Procurator Fiscal. Improvement Notices will not be signed by authorised officers on behalf of another officer unless the authorised officer has witnessed the contravention.

7. Hygiene Emergency Prohibition Notice

- 7.1. All Hygiene Emergency Prohibition Notices shall be served in accordance with the Food Hygiene (Scotland) Regulations 2006. When serving Hygiene Emergency Prohibition Notices, regard shall be had for Food Law Code of Practice (Scotland) and the Practice Guidance.
- 7.2. If an authorised officer, in the course of his/her duties, encounters a situation where there is evidence that the health risk condition is fulfilled (as defined in the Food Hygiene (Scotland) Regulations 2006) that officer will immediately serve a Hygiene Emergency Prohibition Notice. The Food Law Code of Practice (Scotland) gives examples of situations where this might be appropriate action to take but it is up to the authorised

officer to decide, based on evidence, if the condition is fulfilled. The Team Leader (Food and Licensing) must be advised immediately (or in his absence the Environmental & Consumer Services Manager) of any notice served or intention to serve such notice.

- 7.3. The “health risk condition” (for the purpose of an Hygiene Emergency Prohibition Notice) is fulfilled if any of the following involves an imminent risk of injury to health (including any impairment, whether permanent or temporary):
- the use of any process or treatment;
 - the construction of any premises used for the purposes of the business, or the use for those purposes of any equipment; and
 - the state or condition of any premises or equipment used for the purposes of the business.
- 7.4. Hygiene Emergency Prohibition Notices will not be signed by authorised officers on behalf of another officer unless the authorised officer has also witnessed the contravention and is satisfied that the health risk condition is fulfilled along with imminent risk to health.
- 7.5. Voluntary procedures may be used only when there is sufficient evidence to proceed with emergency prohibition procedures. The Procedures For Issue Of Improvement And Hygiene Emergency Prohibition Notices must be followed.

8. Prosecution

- 8.1. The ultimate decision as to whether or not to prosecute rests with the Procurator Fiscal, and the Council’s authorised officers shall liaise with the Procurator Fiscal regarding those cases presented for prosecution.
- 8.2. In deciding whether or not there are sufficient grounds to recommend that prosecution be sought by the Procurator Fiscal, due consideration will be given to all relevant centrally issued criteria and guidelines.
- 8.3. A recommendation to prosecute will, in general, be considered for those persons who blatantly disregard the law, fail to achieve a basic compliance with the minimum legal requirements, or who put the public or other groups at a serious risk to health.
- 8.4. Circumstances which are likely to warrant a recommendation to prosecute include:
- cases where the alleged offence involves a blatant breach of the law such that health is or has been put at risk
 - cases where there has been a blatant breach of the law in respect of product description, packaging or associated issue
 - cases where the offence involves a failure to comply in full or part with the requirements of an authorised officer

- cases where the offence involves a failure to comply with the requirements of a statutory notice
- cases where there is a history of similar offences related to risk to health or safety, or breach of food standards requirements
- cases where an officer has been obstructed in undertaking his/her duties

9. Quality Management

- 9.1. The Team will maintain a computer database (Civica) of all known businesses in the area for which there is responsibility for food safety enforcement.
- 9.2. Officers will keep this database up to date for their work with regard to new premises or the accuracy of details for existing premises using the Civica Procedure Manual.
- 9.3. The Team Leader will carry out internal monitoring of officers work in food law enforcement in accordance with a prepared procedure. The procedure will detail the monitoring records required to be kept to demonstrate officers are applying this Policy and all procedures relevant to food law enforcement.
- 9.4. Any failures to follow this Policy or a procedure will result in action being taken to remedy the failure. This may include re-training or disciplinary proceedings dependant upon the severity of the failure.

Appendix 1 – References

The Food Hygiene (Scotland) Regulations 2006
The Food Safety Act 1990
Regulation EC/178/2002
Regulation EC/852/2004
Regulation EC/853/2004
Regulation EC/854/2004
Regulation EC/882/2004
Food Safety (Qualifications & Sampling) (Scotland) Regulations 2013
Framework Agreement on Local Authority Food Law Enforcement – Food Standards Scotland
Food Law Code of Practice (Scotland)
Practice Guidance (Scotland)
The European Commission Guidance Document on Regulation EC/852/2004 (Hygiene of Foodstuffs)
Scottish Regulators Code of Practice



Clackmannanshire Council
www.clacksweb.org.uk

Development & Environment Services

Regulatory Services

Official Food Control Service Plan

2015 - 2016

Approved by Head of Development & Environment Services

Signed

(Gordon McNeil)

Date

Aims & Objectives

- 1.1. Clackmannanshire Council's food law enforcement service is provided by the Environmental Health Section. The Section aims to:
 - provide a food law enforcement service that meets the requirements of the Framework Agreement on Local Authority Food Law Enforcement
 - ensure that all staff who are engaged in food law enforcement duties meet the minimum requirements in terms of qualification, training, continuing professional development and competence
 - ensure that sufficient financial resources are provided to ensure officers have the necessary equipment to carry out their food law enforcement duties
 - ensure that food businesses within Clackmannanshire produce food that conforms with legal requirements in relation to production and safety
 - ensure that food law enforcement is carried out in accordance with the Council's Food Law Enforcement Policy. This will ensure fair and consistent enforcement throughout Clackmannanshire
- 1.2. This Service Plan sets out the Council's delivery of food law regulation in support of Development & Environment Services' Business Plan. That Business Plan sets out the main priorities to be pursued and outcomes to be achieved taking account of the Corporate Plan, Making Clackmannanshire Better and the Single Outcome Agreement. The Official Food Control Service Plan contributes to the following Corporate Priorities:
 - the area has a positive image and attracts people and businesses
 - our communities are safer
 - health is improving and health inequalities are reducing
 - the Council is effective, efficient and recognised for excellence

2. Background

- 2.1. Clackmannanshire Council is the smallest mainland Scottish Council. The county covers an area of 61 square miles and has a population of 51,190¹. It's bounded by the Ochil Hills in the North and the River Forth in the South. Neighbouring authorities are Fife, Perth & Kinross, Stirling and, south of the River Forth, Falkirk. Clackmannanshire is a mix of rural and urban areas with Alloa as the main town. The district is primarily residential in nature with no large industrial sites.
- 2.2. The 2011 census contains details of Clackmannanshire's population statistics and can be found at - <http://www.clacksweb.org.uk/document/4480.pdf>
- 2.3. Clackmannanshire Council has six service areas, each managed by a Head of Service, consisting of:
 - Development & Environment
 - Housing & Community Safety

¹ National Records of Scotland 2015

- Social Services
- Education
- Resource & Governance
- Strategy & Customer Services

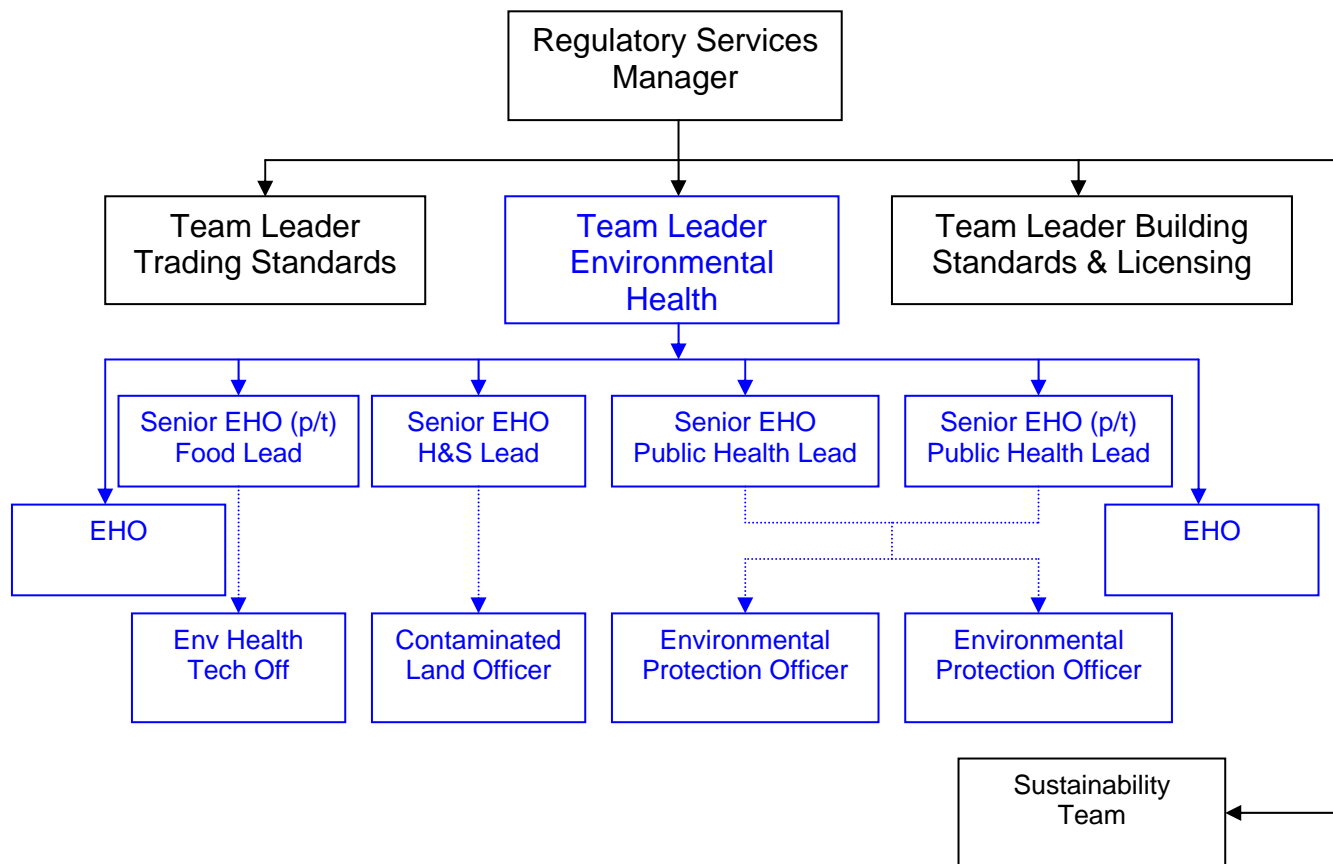
2.4. Development & Environment Services covers the following predominantly statutory front-line services that support community health & safety, well being and economic prosperity:

- Regulatory Services (Environmental Health, Building Standards, Trading Standards & Licensing, Sustainability)
- Roads Services (Roads Infrastructure Management, Road Safety, Street Lighting, Flood Management, Transport Planning and Public Transport)
- Land Services (Parks, Cemeteries and Open Spaces)
- Environmental Protection (Climate Change Mitigation and Adaption, Outdoor Access and Biodiversity)
- Environment Services (Waste Management, Refuse Collection, Street Cleaning, Grounds Maintenance, Vehicle Maintenance and Fleet Management)
- Development Services (Development Management, Development Planning, Economic Development and Property)

2.5. The Council's Environmental Health Officers and Environmental Health Technical Officer are responsible for the entire range of Environmental Health work, including delivery of the food law enforcement service. Environmental Health is managed by a Team Leader. The Team Leader is the Council's Lead Officer responsible for delivery of Official Food Controls both food standards and hygiene. A Senior Environmental Health Officer, with specialist food knowledge, has lead responsibility for routine food law enforcement service activities. Official Feed Controls are delivered by Stirling Council's Trading Standards service under a Service Level Agreement.

2.6. We have to ensure that our services are prioritised on meeting targets and fulfilling statutory obligations to protect peoples health, safety and welfare.

2.7. The Structure of Environmental Health within Regulatory Services is as below (Blue denotes Environmental Health staff):



Dotted lines denote supervisory duties, solid line denotes management duties.

2.8. Environmental Health provides the following headline food services:

- Programmed inspections of food businesses in respect of Food Safety and Food Standards
- Enforcement of legal requirements in respect of food law enforcement, e.g. Hygiene Improvement Notices, Hygiene Emergency Prohibition Notices, Remedial Action Notices, Reports to the Procurator Fiscal, etc.
- Investigation of cases of food poisoning
- Investigation of food complaints and complaints about food premises
- Approval of premises in terms of EU Hygiene Regulations
- Sampling of foods for analysis by Glasgow Council Scientific Services
- Consultation to the Licensing Board and other Council Services
- Consultation advice on Civic Government (Scotland) Act 1982
- Advice on all food safety and food standards matters to the general public and others
- Responding to “Food Alerts” issued by Food Standards Scotland

2.9. Clackmannanshire has 563 Registered Food Premises. There are currently two premises approved for handling products of animal origin other than by retail sale in Clackmannanshire. There is also a large multi-national manufacturer of yeast food products which is supplied with water by its own private water supplies. There are a large number of take-away fast food premises of various ethnic types, small breweries and public houses serving food.

2.10. The service is located at Kilncraigs, Greenside Street, Alloa, FK10 1EB. The offices are open from 9:00am to 5:00pm for access by the public and officers work flexible hours between 8:00am and 6:00pm. Out of hours services are provided when necessary by arrangement with officers although there is no formal system of out of hours cover.

2.11. The Council has produced a Food Law Enforcement Policy which is agreed by the full Council Committee and written procedures cover all major aspects of the food law enforcement service. Officers are instructed in these procedures and they are available electronically to all officers. Internal monitoring is in place to ensure officers are adhering to the Council's policies and procedures.

2.12. Performance for the service, in terms of food law delivery, is measured by:

- Completion of the annual food hygiene inspection programme. For higher risk premises, that is category A, B & C food hygiene and category A & B for food standards, being within the following targets.
 - 100% for Cat A & B food hygiene and Cat A food standards;
 - 95% for Category C food hygiene; 90% for Cat B food standards)
- Officer's achieving the required 10 hours Continuing Professional Development
- Response times to service requests
- Internal monitoring of officers delivering the food law enforcement service by the Team Leader, including accompanied inspections.

3. Service Delivery

3.1. Clackmannanshire Council follows the inspection risk system contained within Annex 5 of the Food Law Code of Practice Scotland.

3.2. The following hygiene inspections are planned for the year 2015 - 2016:

Cat A Food Hygiene:	6 (X2)
Cat B Food Hygiene:	47
Cat C Food Hygiene:	77
Cat D:	45
Cat E (AES):	15
Unrated:	8

There are also 101 lower risk Cat D inspections outstanding from the last three years. These were deliberately delayed by following the Scottish Food Enforcement Liaison Committee programme for implementing Cross Contamination Guidance. This action was endorsed by Food Standards Agency (predecessor to Food Standards Scotland) and provided the time to ensure compliance with the Cross Contamination Guidance by higher risk food businesses. It is planned to catch up with these lower risk premises inspections during the course of this year.

3.3. The following standards inspections are planned for the year 2015 - 2016:

Cat A Food Standards:	3
Cat B Food Standards:	98
Cat C Food Standards (AES):	107
Unrated:	14

3.4. All programmed interventions are by way of Inspection. An Alternative Enforcement Strategy is employed for all Category E Food Hygiene and Category C Food Standards. All inspections are carried out in accordance with the provisions of the Food Law Code of Practice Scotland, Practice Guidance Scotland and other centrally issued guidance. The frequency of inspection is as laid down in Annex 5 of the Food Law Code of Practice Scotland.

3.5. Investigation of food complaints is in accordance with the Council's written procedure and all complaints are investigated. There are, traditionally, few food complaints received and so no significant trends can be determined from historic records.

3.6. The Council supports the Home Authority Principle and Primary Authority Scheme. It does not act as Home or Primary Authority for any business.

3.7. The Senior Environmental Health Officer for Food Safety attends the East of Scotland Food Liaison Group as part of the Council's commitment to ensuring full participation in the national delivery of food law enforcement. The Council provides full commitment to supporting working groups and specialist forums.

3.8. Clackmannanshire Council provides advice for businesses either on request or in the course of normal service operation. The Council is committed to providing

quality and comprehensive advice to local food businesses and this is reflected in the Enforcement Policy and written procedures.

- 3.9. A budget of £19,600 is set aside for all sampling needs and a food sampling programme based on local food business activity is in place. The sampling programme includes a 10% "imported food" element in accordance with Food Standards Scotland's requirements. Sampling is carried out by the Environmental Health Technical Officer and Environmental Health Officer's in accordance with written procedures. The Council has appointed Glasgow City Council Scientific Services as Public Analyst and all food samples for examination are submitted to them.
- 3.10. The Council, in partnership with Forth Valley Health Board, investigates all reported cases of outbreaks and food related infections. This is in accordance with procedures agreed with Forth Valley Health Board.
- 3.11. All food safety incidents reported to the Council by local food businesses will be dealt with in accordance with the Council's procedures. These procedures follow the requirements of the Food Law Code of Practice Scotland. The Council's procedures extend to reports of food safety incidents through the alert system operated by Food Standards Scotland. All alerts "for action" are acted upon if relevant to businesses in Clackmannanshire. A record of all alerts is kept electronically.

4. Resources

4.1. Staffing levels dedicated to food law enforcement are as follows:

Team Leader Environmental Health:	0.1	F.T.E.
Senior/Environmental Health Officers:	2.8	F.T.E.
Environmental Health Technical Officer:	0.6	F.T.E.
Business Support:	0.3	F.T.E.

4.2. All of the above posts are currently filled and any staffing issues that impact on food law enforcement will be monitored and reported in the end of year report.

4.3. The levels of competency and authorisation of these staff is as outlined in the Inspection Procedure and Enforcement Policy. The Business Support staff member is not authorised in any capacity for food law enforcement work.

4.4. The following financial resources are available to the service for **all** Environmental Health Work, including food law enforcement and it is not possible to break this figure down any further.

Staff	£463,290.00
Transport	£4,100.00
Equipment Maintenance	£8,500.00
Equipment Purchase	£1,750.00
Staff Clothing	£770.00
Materials	£4,760.00
Training (Centrally Held)	£6,650

4.5. Clackmannanshire Council is committed to staff development and during the Performance, Review and Development process training needs are identified and where possible these needs are fulfilled. Internal training is also carried out which includes all aspects of Environmental Health.

5. Quality Assessment

5.1. The Council is committed to providing quality services and has obtained the Customer Service Excellence (CSE) Award as part of a wider service award.

5.2. The Council has in place a system of internal monitoring. This covers:

- review of files to check that inspection procedures etc. have been carried out;
- checks on formal and informal notices and documents;
- accompanied inspections and visits to check quality and practices;
- verification of correspondence;
- cross checking of all changes to risk assessment of higher risk food premises.

5.3. The performance of this Authority against the Service Plan will be monitored by:

- comparison of annual inspections against the inspection programme
- annual review of food sampling;
- annual review of procedural guidance
- annual training assessment.

6. Review

6.1. The Service Delivery Plan will be reviewed on an annual basis by the Team Leader Environmental Health to assess its relevance to current operations and targets and will be amended where there are significant changes. The Official Food Control Service Plan will be submitted annually to the Head of Service for approval.

6.2. An end of year report will be submitted to the Head of Service identifying where the service has varied from the Service Plan, the reasons for this and the actions taken as a consequence.

6.3. Any areas of improvement of service delivery identified will be set out within the review with proposals for their implementation.

Service Plan prepared by the Environmental Health Team Leader

Signed

(Andrew Crawford)

Date