



Environment and Protective Services Committee
17 June 2008

Sustainable Communities



Food Law Enforcement Service Plan 2008-2009



FOOD LAW ENFORCEMENT SERVICE PLAN 2008-2009

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INTRODUCTION

The Comhairle's Food Service Plan covers the work undertaken as part of the Health and Consumer Services section of the Department for Sustainable Communities. This plan does not take into account revised department structures due in July 2008. It details the framework that will be adopted for the following year and describes the Service's:

- aims and objective;
- scope of responsibilities;
- service delivery;
- resources; and
- quality management

The Service Plan will be reviewed on an annual basis. The Comhairle's mission statement is detailed below.

MISSION STATEMENT 2007-11

The Comhairle's mission statement is:

To provide excellent public services throughout the Outer Hebrides

The corporate values are:

- Our customers and communities are at the heart of all we do
- We provide strong and effective community leadership
- We are proud of our islands and promote a positive and professional image of them
- We take pride in delivering quality and value for money and look constantly for improvement and efficiency
- We strive to involve our colleagues and partners in our work recognising that true partnership can achieve great things
- We provide integrated services whenever we can as we recognise that this can only strengthen the retention of public services in the islands
- We endeavour to make the Comhairle the place where people choose to come and work
- We manage our assets to ensure that they match our service delivery plans and are fit for purpose

1. SERVICE AIMS AND OBJECTIVES

1.1 Aims and Objectives

1.1.1 It is the food service's objective to serve the communities and individuals of the Outer Hebrides by protecting public health.

1.1.2 The food service aims to:

- meet all statutory objectives;
- carry out its duties as a statutory Food Authority;
- provide advice to consumers, traders and the public;
- improve levels of food hygiene in the Outer Hebrides; and
- increase the level of training among food business personnel.

1.2 Links to corporate objectives and plans

1.2.1 This plan will be integrated into the objectives of the Health and Consumer Services Section of the New Sustainable Communities Service Plan, and is consistent with the Comhairle's Mission Statement.

2 BACKGROUND - PROFILE, ORGANISATION ETC.

2.1 Profile

2.1.1 Comhairle Nan Eilean Siar is the local authority for the Outer Hebrides, which are located off the northwest mainland of Scotland. The Outer Hebrides have a land area of 290,000 hectares and a coastal line of 2,700 kilometres (km). The Islands measure 210 km from the Butt of Lewis in the north to the uninhabited small islands of Berneray and Mingulay in the southern extremity. The islands are 60 km at their widest point.

2.1.2 The Outer Hebrides population at the 2001 census was 26,502. The largest settlement is Stornoway. The islands have a declining population and the projected population by 2016 is 23,980, a drop of 12.7%.

2.1.3 The main economic sectors are public services, construction, fishing, fish farming and fish processing. Government employment surveys suggest that 80% of employment is in service sector related activities.

2.1.4 There are around 3000 primary agricultural producers registered in the islands with around 5000 registered crofts. It is estimated that the islands have over 150,000 livestock.

2.2 Organisational Structure

2.2.1 The following charts outline:

Chart 1 - The Comhairle Committee Structure

Chart 2 - Departmental Structure of the Comhairle

Chart 3 - Structure of Environmental Services Section

Chart 4 - Management Structure and Organisational Responsibilities of Environmental Services Section

2.2.2 The Departmental Structures are due to change on 1st July 2008. The changes will be highlighted in the 2009-10 Service Plan.

Chart 1: Committee Structure of Comhairle Nan Eilean Siar

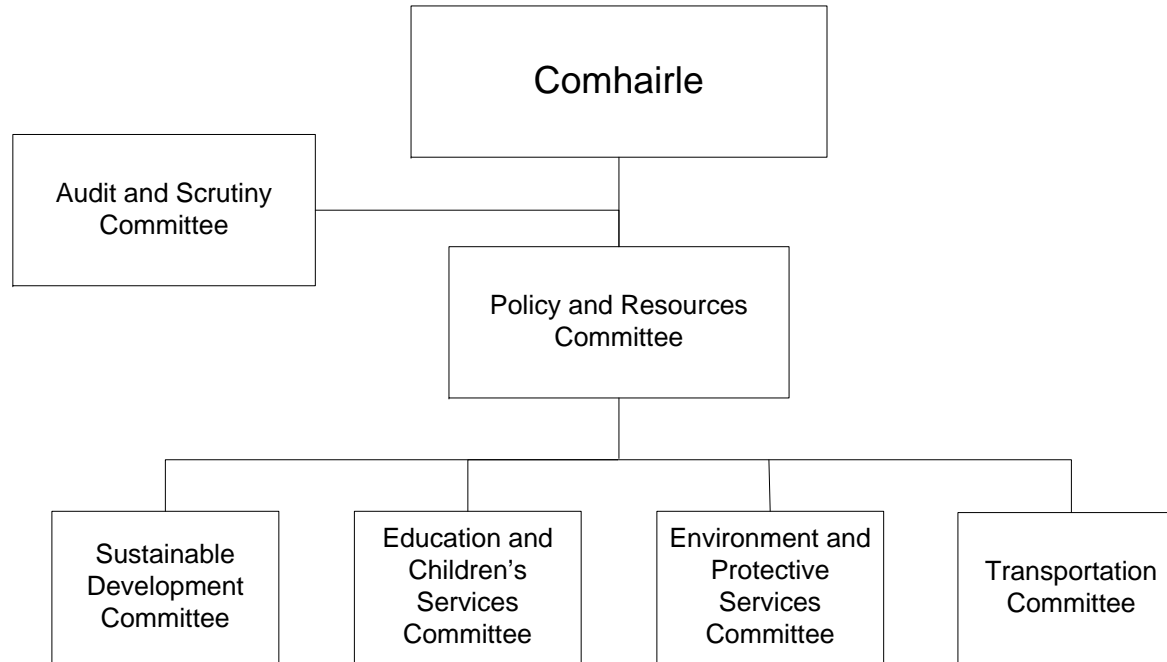


Chart 2: Departmental Structure of Comhairle Nan Eilean Siar

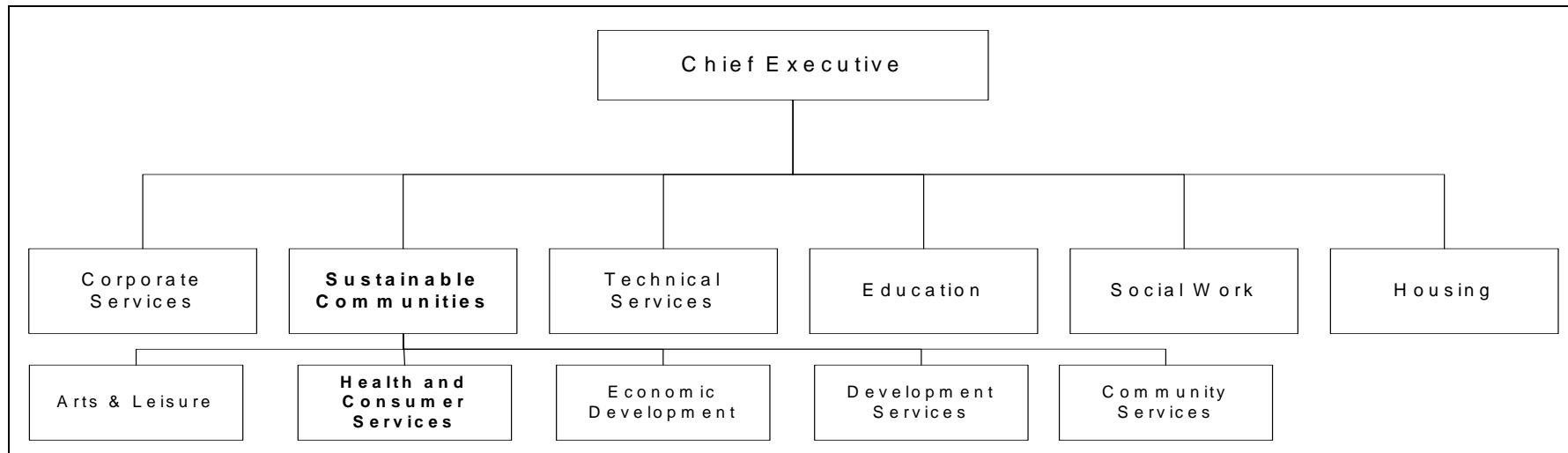
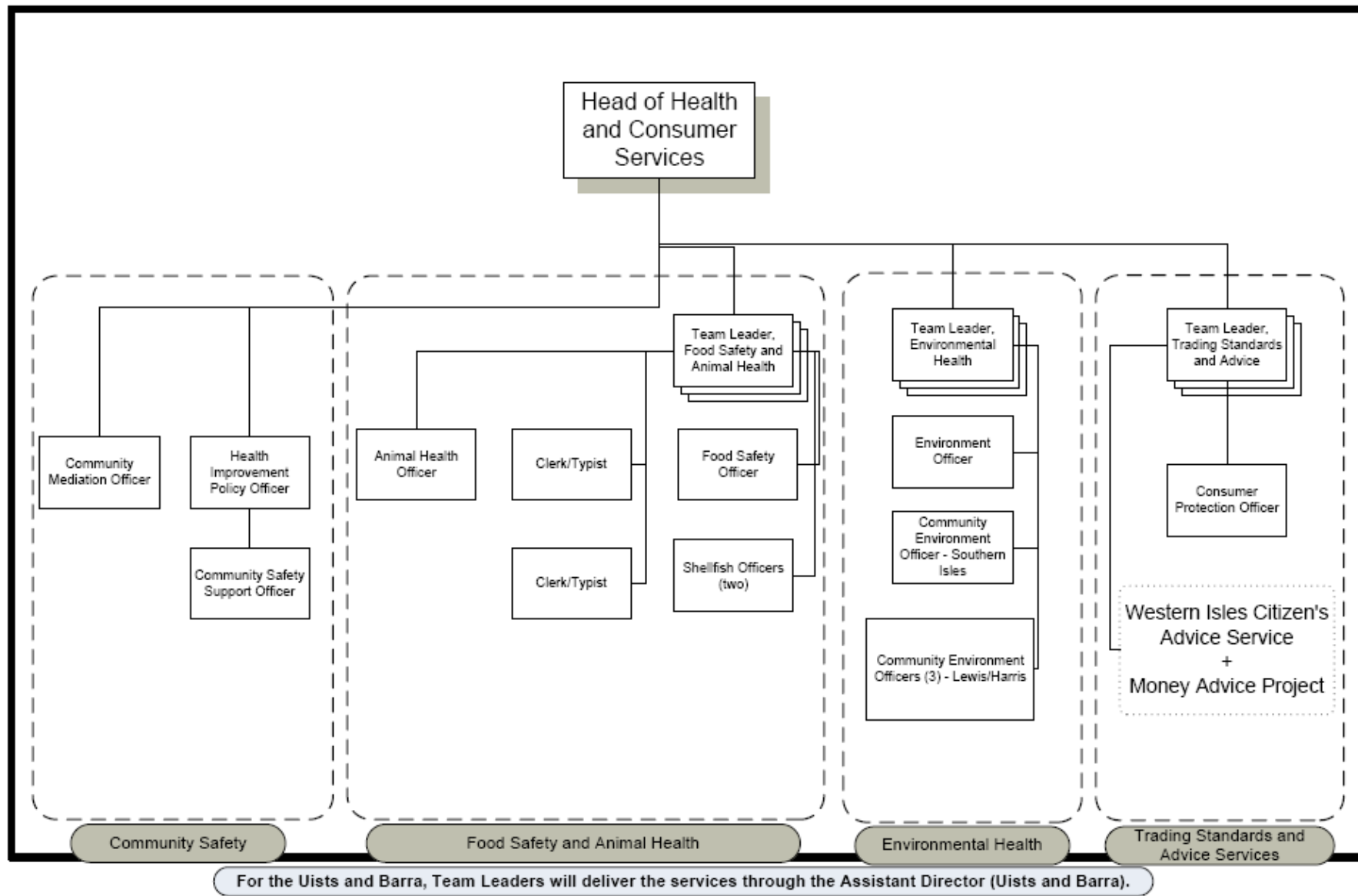


Chart 4 Structure of Health and Consumer Services Section of Sustainable Communities

Health and Consumer Services Organisational Chart



2.3 Scope of Food Service

2.3.1 The Comhairle is the statutory food authority for the Outer Hebrides with the Department for Sustainable Communities having responsibility for all relevant food legislation.

2.3.2 The Health and Consumer Services Section of the Department for Sustainable Communities also provide the following services alongside food:

- Health And Safety Inspections
- Public Nuisances
- Private Water Supplies
- Trading Standards
- Licensing
- Contaminated land
- Landlord registration
- Smoking controls
- Health improvement
- Community Safety
- Animal Health
- Anti-Social Behaviour

2.4 Demands on the Food Service

2.4.1 There are around 4500 premises in the Outer Hebrides, which are covered by food safety legislation. An approximate breakdown of this figure is detailed below:

Distributors	6
Manufacturers(selling mainly by retail)	3
Manufacturers	24
Packers	9
Caterers	356
Primary Producers (>3000 crofts etc)	3600
Fishing Vessels	300
Retailers	81

2.4.3 The Department for Sustainable Communities has offices in Stornoway (serving Lewis and Harris) and Balivanich (serving Uist and Barra), which are normally open between 9am and 5pm, each weekday.

2.4.4 There are four officers qualified to undertake food safety duties, along with other departmental duties, (3 officers based in Lewis and 1 officer based in the Southern Isles). The Comhairle has also appointed two Shellfish Sampling Officers (funded by the Food Standards Agency) who are on a fixed term contract till March 2009.

2.4.5 The Food Hygiene (Scotland) Regulations 2006 have introduced a new requirement that all primary producers of food, subject to a few exemptions, will require to be inspected in accordance with European food legislation. The Food Standards Agency-Scotland are currently working on the finalised guidance for this, however it appears that Animal Health inspectors, subject to appropriate training, will be allowed to carry out these inspections. Inspections will also be carried out by the Scottish Government Rural Payments and Inspections Directorate (SGRPID). There are over 3000 holdings in the Outer Hebrides which may require inspection under this legislation. Depending on the finalised inspection frequency, this could have a large impact on the Service.

2.4.6 Although fishing vessels have been covered by food hygiene regulations for a number of years local authorities have not tended to carry out these inspections, as they were deemed low risk. There is currently an FSAS initiative on to ensure fishing vessels are inspected. As there are an estimated 300 fishing vessels spread throughout the Outer Hebrides, this will place an additional burden on the Food Service. The frequency of inspection is still being discussed through the Scottish Food Hygiene Working Group.

2.5 Enforcement Policy

2.5.1 The Comhairle is legally responsible for enforcing the terms of a significant body of legislation. Much of this legislation is aimed at protecting the interests of individuals and the public. To enable enforcement to be done in a consistent and clearly understandable way, it is best done within the framework of an enforcement policy. The Comhairle has adopted a general enforcement policy, on which the Food Safety Enforcement Policy is based.

3 SERVICE DELIVERY

3.1 Food Premises Inspections

3.1.1 Food premises inspections are carried out in line with the Approved Code of Practice and the departmental food procedures. The Approved Code of Practice will be revised again in 2008/09 and will impact on the various aspects of food enforcement, including reinstating approved premises within the risk based inspection programme. The main inspection principles are:

- To identify risks arising from the activities of that business;
- To ensure that businesses have carried out an effective food hazard analysis, and implemented suitable controls;
- To assess compliance with compositional and labelling requirements;
- To identify contraventions of food safety legislation and seek to have them remedied;
- To advise proprietors of legislative changes and to offer advice on food safety including the use of guidance documents where appropriate.

3.1.2 Premises Profile

3.1.2.1 The premises type is as defined in the Food Standard Agency Framework Agreement.

3.1.3 Food Hygiene Inspections

3.1.3.1 Food hygiene inspections are carried out in accordance with the Code of Practice. The following risk categories have been determined in accordance with the Code of Practice.

Premises Type	Risk Category						Totals
	AP	A	B	C	D	E	
Distributors					1	5	6
Manufacturers(selling mainly by retail)			3				3
Manufacturers	16	2	2	3		1	24
Packers	4		3	1	1		9
Caterers			15	105	64	172	356
Primary Producers	4						4
Retailers			4	27	24	26	81
Totals	24	2	27	136	90	204	483

3.1.4 Food Standards Inspections

3.1.4.1 Food hygiene inspections will be carried out in accordance with the Code of Practice. The following risk categories have been determined in accordance with the Code of Practice.

Premises Type	Risk Category			Totals
	H	M	L	
Distributors			0	
Manufacturers(selling mainly by retail)		3		3
Manufacturers	1	13	10	24
Packers		2	3	5
Caterers		27	329	356
Primary Producers			4	4
Retailers		20	61	81
Totals	1	65	407	473

3.1.5 **Approved Premises**

3.1.5.1 Approved Premises are inspected in line with the current Code of Practice.

3.2 **Food Complaints**

3.2.1 Food complaints are investigated in line with relevant LACORS guidance, Approved Codes of Practices and the departmental food procedures.

3.3 **Home Authority Principle**

3.3.1 The Comhairle shall have regard to any information or advice it has received from any liaison with home and/or originating authorities. The Comhairle having initiated liaison with any home and/or originating authority, shall notify that authority of the outcome.

3.3.2 The Comhairle does not have any formal home authority agreements but will respond to enforcement queries when acting as the originating authority.

3.4 **Advice to Business**

3.4.1 The Comhairle shall work with businesses to help them comply with the law.

3.4.2 As well as offering on the spot advice during routine visits and inspections and responding to queries, the Comhairle also organises training courses for food businesses (through the use of external trainers).

3.5 **Food Inspection and Sampling**

3.5.1 Food inspection and sampling shall be carried out in accordance with the Comhairle's sampling policies, which are based on the relevant code of practice, where available.

3.5.2 Very few samples are submitted as a result of food complaints and again resources are provided from within the Service.

3.5.3 The Comhairle's currently has a Service level agreement appointing Glasgow City Council's Public Analyst Service (Glasgow Scientific Services) as the Food Examiner for bacteriological and chemical analysis.

3.6 Control and Investigation of Outbreaks and Food Related Infectious Disease

3.6.1 The Comhairle operates a documented procedure for the investigation of outbreaks and notifications of food related infectious diseases, where it is part of a multi-agency team, including the Western Isles Health Board.

3.7 Food Safety Incidents

3.7.1 The Comhairle manages food alerts from the Food Standards Agency - Scotland in line with the Code of Practice.

3.8 Liaison with other Organisations

3.8.1 The food service ensures that enforcement action taken is consistent with those of neighbouring local authorities by means including:

- Representation at the West of Scotland Food Liaison Group;
- Representation at the Scottish Fish Hygiene Working Group;
- Liaison with other authorities via EHCnet, LACORS, and other discussion sites on the internet;
- Liaison with the Director of Public Health of the Outer Hebrides;
- Consultation and liaison with other departmental services including building and development control; and
- Reference to REHIS and SCIEH good practice information and guidance notes.

3.8.2 No specific allocation of resources is made for these liaisons as they are covered by existing arrangements.

3.9 Food Safety and Standards Promotion

3.9.1 The Comhairle shall aim to promote food hygiene, throughout the islands. This shall include publicity through press releases and articles for the local papers/newsletters and local radio.

3.10 Priorities

3.10.1 The Department's priorities are to:

- provide a food service that is adequately maintained and to ensure that officers are appropriately trained.
- Apply the new food legislation and to apply the new code of practice when it is available, to all applicable areas of the food service.
- Promote the adoption of HACCP based food systems in food businesses
- The Department is able to draw on expertise from the Food Standards Agency - Scotland, Glasgow Scientific Services – the Public Analyst, the Scottish Centre for Infection and Environmental Health (SCIEH), the Director of Public Health for the local health board, and other local authorities.

- Ensure that the premises database can provide the information required by the Food Standards Agency's Local Authority Enforcement Monitoring System (LAEMS)
- Initiate the inspection of Primary Production establishments

4 RESOURCES

4.1 Financial Allocation

4.1.1 The Health and Consumer Services, is currently restructuring its finances and until this is complete figures cannot be provided for the cost of the Food Service for 2008/09. Costs for 2007-08 are detailed below.

4.1.2 The overall level of expenditure, involved in providing the food service is budgeted at £243,820 which is an increase from last year, although this does include the funding provided by the Food Standards Agency for the provision of shellfish monitoring. Feedingstuffs enforcement is not included.

4.1.3 The budget is broken down into the following categories.

Categories	Cost
Staffing	£91,124
Travel and Subsistence	£5,000
Departmental Services, (including IT support)	£73,265
Food Database	£2,300
Sampling	£5,530
<i>Miscellaneous income</i>	£2,000
Shellfish Budget	£4,763
Food Standards Shellfish Funding	£63,838

4.1.4 The Comhairle has a contingency fund that the food service could utilise for any legal action necessary as part of its enforcement function, subject to Comhairle approval.

4.2 Staffing Allocation

4.2.1 The number of staff currently working in food law enforcement and related matters (including clerical and management) is 5.25 in terms of full time equivalent (fte) staff. All officers (not including clerical staff) are authorised by the Chief Executive, under current food legislation.

4.2.2 All staff are authorised in accordance with the 2004 Approved Code of Practice, and with the Comhairle's "*Food Authorisation Procedure*". Although there are 4 officers fully authorised under the Act, the full time equivalent (fte) has reduced from 2.50 to around 1.7 as authorised officers are engaged in other duties).

4.3 Staff Development Plan

- 4.3.1 The Comhairle supports ongoing staff training, and the food service ensures that staff are trained in accordance with the food training policy, ensuring that staff remain professionally competent and meet the requirements of any continual professional development schemes. Staff development is incorporated within the Comhairle's staff appraisal scheme, with staff being appraised biannually.

5 QUALITY ASSESSMENT

- 5.1 The quality of the food service is audited using the internal monitoring procedure. Auditing is also carried out by:
- department auditors;
 - internal and external auditors for the Comhairle and
 - auditors from the Food Standards Agency - Scotland.
- 5.2 To improve services to our customers, during the coming year local performance standards and indicators will be developed.

6 REVIEW

- 6.1 This service plan shall be reviewed on an annual basis and will include information on the previous year's performance against the service plan and any specified performance targets and performance standards and target outcomes. The review is attached in Appendix 1.
- 6.2 The review of the 2008-2009 service plan shall be carried out in April/ May 2009.

7 2008/09 Targets

- 7.1 The targets for 2008-09 are detailed in Appendix 2.

Food Safety Service Plan

2007/08 Review

1. Food Premises Inspections

1.1 Food Hygiene

1.1.1 The aim of the Service was to inspect all food premises in accordance with the Code of Practice, with priority being given to Approved Premises and premises in the two highest risk categories (A, B) and those approved under EC Food Hygiene regulations e.g. food manufacturers and processors.

1.1.2 Additional burdens placed on the service did not permit the inspection of all premises in terms of the minimum frequencies specified in the Code of Practice.

1.1.3

Category	Inspection frequency (minimum)	% done on time
Approved Premises	2-3 times a year	96.2%
A	Every 6 months	100%
B	Every year	90%
C& D	> 12 Months	45%
	Alternative Strategy	N/A

1.2 Food Standards

1.2.1 Food Standards work is concerned with composition and labelling of food. In 2007/08 premises in the highest risk category (High) were prioritised for inspection in terms of the minimum frequency specified in the Code of Practice.

1.2.2 Resources did not permit the inspection of all premises in category 'Medium' in terms of the minimum frequencies specified in the Code of Practice.

Category	Inspection frequency (minimum)	% done on time
High	Every year	100%
Medium	Every 2 years	75%
Low	Alternative Strategy	N/A -

1.3 Food Sampling

1.3.1 Environmental Health currently has contracts for bacteriological examination and chemical analysis of foodstuffs with the Public Analyst of Glasgow City Council.

1.3.2 In 2007/08 officers took **32 bacteriological** samples and **34 chemical** samples.

1.4 Control and Investigation of Outbreaks and Food Related Infectious Disease

- 1.4.1 The Service is party to the Western Isles Health Board and Comhairle Nan Eilean Siar Outbreak Control Plan for the Investigation of Foodborne and Waterborne disease. In 2007-08 there were no incidents which warranted further investigations.

1.5 Food Safety Alerts

- 1.5.1 National and international Food Alerts are brought to the attention of Food Officers by the Food Standards Agency. In 2007-08 there were 53 food alerts and 73 Allergy Alerts.

1.6 Liaison with other organisations

- 1.6.1 The Food Service takes measures to ensure that enforcement action taken in its area is consistent with that in neighbouring authorities. The Lead Food Safety Officer is a member of the West of Scotland Food Liaison Group and the Scottish Fish Hygiene Working Group. The Comhairle may join the North of Scotland Food Liaison Group in 2008/09.

1.7 Food Safety and Standards Promotion

- 1.7.1 The resources available to the Food Service are limited and hygiene inspections of high risk food premises have been given priority. Consequently food safety promotion has been limited.

1.8 Staffing allocation

- 1.8.1 The number of staff working on food law enforcement in 2007-08 was initially at 2.5 full-time equivalent staff, however this has dropped to around 1.7 due to the increased legislative duties being placed on the department also impacts on the time that qualified officers can allocate to Food Safety. We currently have two members of staff who are training as Environmental Health Officers, along with their own duties., This should result n an additional member of staff qualified in food by 2010. The Comhairle has also employed two shellfish sampling officers, however these officers are not qualified in accordance with the code of practice and can therefore only carry out limited food duties, outwith shellfish sampling.

2007/08 Targets

Subject	Target	Status
Staffing	The provision of the Food Safety Service in Uist and Barra will need to be reviewed in 2007/08 due to the increasing workloads placed on the Authorised Officer covering that area.	Ongoing -under review alongside the new departmental restructuring
Food Hygiene	A 100% 'inspection on time' target has been set for premises in categories A, B, and for the inspection of Approved Premises. Premises in category C and D will be inspected where resources permit	2 Approved premises and 2 B inspections were missed-due to the geography of the sites and other Service demands.
Food Standards	Premises in the highest risk category (High) have been prioritised for 100% inspection in 2007/08. Premises in 'medium' category will be inspected where resources permit	Ok
Food Sampling	Target figures for 2007/08 are 32 bacteriological samples and 34 chemical samples (composition and labelling).	Ok

Targets for 2008/09

1 Staffing

- 1.1 The provision of the Food Safety Service in Uist and Barra will need to be reviewed in 2008/09 in line with the reorganisation of the Department and the increasing workloads placed on the Authorised Officer covering that area. Also in general food staffing will have to be reviewed to try and increase the full time equivalent spent on food.

2. Food Premises Inspections

2.1. Food Hygiene

- 2.1.1 A 100% 'inspection on time' target has been set for premises in categories A, B, and for the inspection of Approved Premises.
- 2.1.2 Premises in category C and D will be inspected where resources permit.

2.2 Food Standards

- 2.2.1 Premises in the highest risk category (High) have been prioritised for 100% inspection in 2007/08.
- 2.2.2 Premises in 'medium' category will be inspected where resources permit.

2.3 Food Sampling

- 2.3.1 Target figures for 2007/08 are 32 bacteriological samples and 34 chemical samples (composition and labelling).

2.4 Primary Production

- 2.4.1 Initiate inspection programme for primary producers, on provision of guidance from FSAS, subject to the demands on the Food Service.

2.5 Fishing Vessels

- 2.5.1 Initiate inspection programme for fishing vessels, on provision of guidance from FSAS/Scottish Fish Hygiene Working Group, subject to the demands on the Food Service.