

WEST DUNBARTONSHIRE COUNCIL

Report by the Executive Director of Corporate Services

Corporate and Efficient Governance Committee: 21 September 2011

Subject: Food Enforcement Service Plan 2011/2012

1. Purpose

- 1.1 To seek Committee approval of the Food Enforcement Service Plan 2011/2012. (Appendix 1).

2. Background

- 2.1 The framework agreement on Local Authority Food Law Enforcement issued by the Food Standards Agency (FSA) requires an annual Food Service Plan to be approved by Committee.

3. Main Issues

- 3.1 The Food Service Plan includes details of activities undertaken during 2010/2011 and has been updated to reflect any changes introduced and the progress of Regulatory Services Food Service during the year.

4. People Implications

- 4.1 There are no personnel issues.

5. Financial Implications

- 5.1 There are no financial implications.

6. Risk Analysis

- 6.1 Failure to approve the Food Enforcement Service Plan would be deemed to be non-compliant with mandatory requirements of the Framework Agreement on Local Authority Food Law Enforcement.

7. Equalities, Health & Humans Rights Impact Assessment (EIA)

- 7.1 No issues were identified in a screening for potential equality impact of this plan.

8. Strategic Assessment

- 8.1 Local Authorities are key partners with the FSA in the enforcement of food safety legislation and for delivering the FSA strategy in Scotland at a local level. The Food Enforcement Service Plan 2011/12 details our priorities for the year ahead. The actions contribute to the health and well being and community safety themes of the Social and Economic Regeneration priority for 2011/12 by protecting public health and enhancing public confidence in the food they buy and eat locally through a programme of enforcement and advice to local food businesses.

9. Conclusion and Recommendations

- 9.1 The Food Enforcement Service Plan requires to be approved to ensure compliance with the Framework Agreement on Local Authority Food Law Enforcement.
- 9.2 It is recommended that the committee approve the Food Enforcement Service Plan 2011/2012.

Executive Director of Corporate Services

Date: 27 July 2011

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Background Papers:

Framework Agreement on Local Authority
Food Law Enforcement
Impact Assessment Policy Profile

Wards Affected:

All

West Dunbartonshire Council
Corporate Services Department
Regulatory Services

FOOD ENFORCEMENT SERVICE PLAN 2011/2012

1. Service Aims and Objectives

1.1 Aims and Objectives

The aim of the Environmental Health Section in relation to food safety is to strive through the application and maintenance of adequate human, technological and physical resources to ensure that food and drink intended for human consumption, which is produced, stored, distributed, handled, prepared, labelled, or consumed within the West Dunbartonshire Council (WDC) area complies with the requirements of the Food Safety Act 1990 and is safe for the consumer.

This will be achieved through a combination of:

- risk based programmes of inspections covering all food business in the WDC area
- risk based food sampling programmes in line with the Food Law Code of Practice and Practice Guidance (Scotland)
- open and transparent engagement with local businesses to encourage, through education and advice, compliance with food safety legislation
- investigation of food complaints and dealing with enquiries relating to food business operation which are received by or referred to WDC Environmental Health
- management and processing of approvals, certificates, registrations and licences in relation to food business operation in the WDC area
- engagement and participation in projects, surveys and campaigns to raise awareness of food safety and related issues and to highlight issues current issues of note to the communities of WDC
- continued development of service provision in line with Food Standards Agency Scotland Guidance, Local Authority Co-ordinators and Regulatory Services (LACORS), The Scottish Food Enforcement Liaison Committee (SFELC) and the Food Law Code of Practice and Practice Guidance (Scotland)
- continued engagement with internal and external community partners to promote fairness, consistency, equality and best practice in food safety service provision.

In respect of animal feeding stuffs, the Trading Standards Section enforces Part IV of the Agriculture Act 1970 and the EC Feed Hygiene Regulation (1831/2003)

The aim is to ensure that animal feeding stuffs are produced and distributed in accordance with statutory quality standards in order to maintain animal health and to safeguard the human food chain.

1.2 Links to Corporate Objectives and Plan

West Dunbartonshire Council has policy commitments in its 2011-2015 Corporate Plan that influence all Council services.

The Council has a programme that sets out how it will deliver the commitments.

The corporate themes for the next 4 years are:

- (i) Regeneration and the local economy
- (ii) Health and well being
- (iii) Safe and strong communities
- (iv) Sustainable environments
- (v) Education and life long learning
- (vi) An improving Council

1.3 Organisational Structure

1.3.1 Council Structure

Food Service issues are reported to the Corporate and Efficient Governance Committee.

1.3.2 Departmental Structure

1.3.3 The Environmental Health and Trading Standards and Licensing Sections of the Corporate Services Department have responsibility for the enforcement of food and feeding stuffs safety.

The Environmental Health Section has designated responsibility for food safety, including food hygiene and standards.

The Lead Officers for the delivery of the food service are John Stevenson Section Head Environmental Health and Martin Keeley, Team Leader, Environmental Health.

The Trading Standards and Licensing Section has designated responsibility for all feedingstuffs legislation.

The Lead Officer is David McCulloch, Section Head, Trading Standards and Licensing.

The service structure incorporating Environmental Health and Trading Standards and Licensing is detailed in Appendices 1 and 2 respectively.

1.3.4 Specialist Services

Glasgow Scientific Services provide analytical services and microbiological services in addition to being the appointed Food Examiner for West Dunbartonshire Council.

Glasgow Scientific Services are also designated as Agricultural Analyst under the Agriculture Act 1970 for feed samples.

1.4 Scope of the Food Service

The Commercial Team within the Environmental Health Section has responsibility for all areas of food safety regulation and includes food sampling and the investigation of non-waterborne communicable disease in liaison with NHS Glasgow and Clyde public health partners.

Inspections of and other interventions at all food premises are based on assessment of risk in compliance with WDC procedures and the revised and consolidated Food Law Code of Practice (Scotland) issued under Section 40 of the Food Safety Act 1990.

A Flare based software system is used to manage the food inspection programmes.

Inspections, interventions, sampling, complaint or incident investigations etc., are undertaken by both Environmental Health Officers and suitably qualified and authorised Environmental Health Assistants. The number of full time equivalent officers available to undertake food enforcement and advice work is 5.

The Commercial Team is also responsible for health and safety inspections and enforcement, smoking in public places enforcement and licensing functions e.g. Licensing Standards, HMOs, Skin Piercing and Tattooists, Pet Shops, Animal Boarding, Riding Schools, Cinemas, Caravan Sites, Game and Venison Dealers and Private Landlord Registration.

The Trading Standards and Licensing Section is wholly responsible for enforcement of feeding stuffs legislation described in paragraph 1.1 within West Dunbartonshire.

Other services provided by Trading Standards and Licensing include the regulatory areas of fair trading, consumer safety, weights and measures, and animal health in addition to consumer advice.

1.5 Demands on the Food Service

The food premises profile for West Dunbartonshire can be broken down (at 1 April 2011) into the following categories as follows.

	2011/12
Primary Producer	19
Small Retailer	213
Restaurant/Café/Canteen	146
Takeaway	96
Caring Premises	80
Pub/Club	58
School/College	43
Hotel/Guest House	36
Mobile Food Unit	30
Manufacturer/Packer	40
Supermarket/Hypermarket	26
Restaurants and other caterers	27
Distributor/Transporter	8
Retailer/Other	1

There are currently 5 approved premises within the WDC area in terms of Regulation EC 853/2004.

Within West Dunbartonshire there are no businesses manufacturing animal feeding stuffs for sale.

There are currently 33 feed businesses registered under the Feed Hygiene Regulation (183/2005). Over the last two years we have visited all premises recorded on our database as keeping livestock. As a result we have been able to delete various premises and we now know that, with the exception of pet food suppliers, there are 40 feed businesses in West Dunbartonshire, mainly farms. Included in this total are two distilleries which supply co-products.

There are also a number of grocery businesses which sell ready made pet foods including a small number of specialist pet shops which produce retail packs by splitting larger packages.

Accordingly the number of premises regulated by animal feeding stuffs legislation is relatively small and well defined and the consequences of non compliance are relatively minor due to the size and nature of the businesses concerned.

Environmental Health and Trading Standards and Licensing Services operate from one central office in Rosebery Place, Clydebank and is open Monday – Friday 9a.m. to 4p.m.

1.6 Enforcement Policy

On 27 January 2010 the Corporate and Efficient Governance committee approved a single enforcement policy covering all of Regulatory Services including Environmental Health and Trading Standards and Licensing. The policy is not exclusively for food regulation activities and applies to all food and feed businesses as well as other regulatory activities undertaken by Regulatory Services.

2. **Service Delivery**

2.1 Review of 2010/11 Activities.

2.1.1 The Environmental Health Section's food enforcement activities can be summarised as follows:

The food enforcement policy was reviewed to ensure it accords with the Food Law Code of Practice. It is incorporated into the Regulatory Service Enforcement Policy as described in 2.5. .

An inspection rate for the highest risk food premises (every 6 months) of 100% was achieved.

An inspection rate for medium risk food premises (every 12 months) of 100% was achieved.

Compliance with HACCP in 91% of food businesses was achieved.

Broad compliance with all relevant food legislation in 75% of food businesses through various enforcement initiatives was achieved.

5 Primary Farm Producers in accordance with the Food Law Code of Practice were inspected in conjunction with Trading Standards Officers in March 2011. 84% of bacteriological samples and 73% of chemical samples taken passed relevant standards. All samples that failed were followed up and appropriate action taken to secure compliance.

The Eatsafe Food Safety Award scheme continued to be promoted during all programmed food safety inspections throughout the year and there are 12 current award holders.

Local businesses and Council Members were advised of the launch of the Food Hygiene Information Scheme 1 October 2010. The launch was publicised locally and was included in the locally filmed BBC Scotland continuing drama 'River City'. Residents and visitors to West Dunbartonshire can now see Food Hygiene Information Scheme Pass Certificates issued by Environmental Health displayed by a number of restaurants and other food premises around the area and on the Council's Website.

Food safety and food standards inspection reports continue to be publicised on the West Dunbartonshire Council Website.

Food safety messages were promoted during National Food Safety Week in June 2010.

2.1.2 The Trading Standards and Licensing Section's feed enforcement activities can be summarised as follows:

- 100% of animal feeds inspections were undertaken by the predetermined target date.
- Two samples of animal feed were taken between April 2010 and March 2011 (inclusive) and submitted for analysis.
- Steps have been to ensure compliance with the Feed Law Code of Practice.

3. Food and Feedingstuffs Premises Inspection

3.1 Food Premises Inspection

The inspection programmes are generated on 1 April each year.

The target number of inspections due to be undertaken for the year 2011/12 is 451. Full target compliance is expected to be achieved. The total number of programmed inspections is broken down into the following risk band categories.

Food Hygiene

Category A	18
Category B	78
Category C	257
Category D	76
Category E	5
Unrated	17

Food Standards

Category A	2
Category B	144
Category C	297
Unrated	1

In line with the revised Code of Practice all premises subject to a food hygiene inspection will be inspected jointly for food standards.

For the year 2010/11 1268 visits covering sampling, programmed inspections, complaint investigations, licensing inspections and advice were undertaken. The food related visits are detailed below.

Food Visits Undertaken 2010/2011/...

Food Visits Undertaken 2010/2011

Food Hygiene and/or Standards Inspections	673
Food Sampling visit	41
Food Complaint visit	54
Food advice visit	13
Food re-visits	229
Not trading at time of visit	123
Licensing (including Street Trader licensing visits)	135

3.1.2 Feedingstuffs Premises Inspection

Premises which produce or sell animal feeds will receive an unannounced routine inspection either every 1, 2, or 5 years depending on whether the risk of non-compliance presented by the premises is high, medium or low respectively. The risk assessment scheme was devised by the Food Standards Agency and was introduced in December 2006. Over the last two years we have carried out a risk assessment in all feed businesses under the FSA scheme and allocated a next inspection date in accordance with the newly calculated risk. As a result the breakdown of risk ratings is now as follows:

High risk:	0
Medium risk:	40
Low risk:	0
Total	40

3.2 Food and Feedingstuffs Complaints

3.2.1 Food Complaints

The Food Service deals with a wide variety of food complaints from a variety of sources e.g. members of the public, other local authorities.

It is the policy of the service that all complaints are investigated within two working days of receipt of the complaint.

Where deemed necessary food complaints are submitted to Glasgow Scientific Services for analysis to aid our investigations.

For the year 2010/2011, a total of 265 food service requests were received by the Commercial Team of the Environmental Health Section. Food related service requests are detailed as follows:

Food Service Requests 2010/2011 /...

Food Service Requests 2010/2011

Extraneous matter	2
Unfit	5
Condition/taint	5
Mouldy	1
Foreign bodies	6
Out of date	11
Labelling	7
Wrongly described	2
Contamination risk	16
Food alerts	51
Food allergy alerts	12
Export certificate requests	34
Advice	23
Approval of premises	6
Microbiological	3
Hygiene of premises	30
Street Traders	18
Late Hours Catering	21
Public Entertainment Licences	9
Game Dealers	2
Venison Dealers	1
Total	265

3.2.2 Feedingstuffs Complaints

The Trading Standards and Licensing Section will investigate any complaint received about animal feeding stuffs, in most cases starting within 5 working days of receipt unless the complaint is of a serious nature in which case the aim will be to investigate it within 2 working days of receipt.

The authority will begin investigation of any incidents of disease outbreak attributable to animal feeds within 2 working days although no such incidents have occurred to date.

The nature of the premises involved is such that any outbreaks sourced within West Dunbartonshire are likely to be easily contained. Resources required to deal with outbreaks sourced out-with West Dunbartonshire will depend on the extent of distribution of the suspect product within the area.

Historically no complaints of this nature have ever been received about feed for farm animals. Very rarely we receive complaints about pet foods.

3.3. Home Authority/Primary Authority Agreements

No formal home or primary authority agreements have been entered into by the Environmental Health Section although we do respond to requests as originating authority for a number of food manufacturing premises within the

district. Any requests by the business sector to enter such an agreement would be given due consideration.

3.4.1 Advice to Business

Regulatory Services actively encourages and supports working closely with the local business community and encourages compliance primarily through education and advice.

The Environmental Health Section is committed to encouraging uptake of REHIS Elementary Food Hygiene Courses each year and participation on such courses is actively promoted. The Section was awarded fully approved centre status by REHIS during 2003/2004.

General advice during routine programmed inspections is provided as a matter of course by all authorised officers and special advisory visits are arranged on request.

The Eatsafe Award Scheme is encouraged and supported and there are currently 12 award holders within the area. All authorised officers have been briefed on the scheme and promotional literature is available.

3.4.2 Food and Feedingstuffs Inspection and Sampling

3.5.1 Food Inspection and Sampling

Glasgow Scientific Services is the appointed Public Analyst to carry out chemical analysis of food and also the appointed Food Examiner for bacteriological analysis.

The number of chemical and microbiological food samples taken by the service is determined by local need with cognizance also being taken of WDCs active contribution to national and regional surveys used to inform public health strategy and policy. Sampling is focussed towards local food producers serving the people of WDC and local surveys are developed to take in emerging areas of concern or interest.

Sampling duties are carried out by Environmental Health Assistants under the guidance and supervision of an Environmental Health Officer.

A total of 207 bacteriological and 96 chemical samples are planned for 2011/12. When, as a result of sampling, a breach of statute is determined, appropriate action will be taken in accordance with the enforcement policy.

In addition to the sampling programme for the local area, the Service participates in coordinated Food Liaison Group Studies involving National and Regional Sampling Programmes organised by a number of bodies including the West of Scotland Food Liaison Group, Scottish Food Enforcement Liaison Committee (SFELC), and the Health Protection Agency/ Local Government Regulation (LGR) – formerly known as LACORS.

West Dunbartonshire Council in partnership with Health Protection Scotland (HPS), FSAS and Glasgow Scientific Services is committed to the Food Surveillance System (FSS) as a means of extending food surveillance from local to national level. At present this Service's commitment relates to samples submitted to Glasgow Scientific Services for microbiological examination and chemical analysis.

3.5.2 Feedingstuffs Inspection and Sampling

Each year the Section Head will consider the need to carry out a routine sampling programme for feeds.

Ten samples will be taken in 2011/12

Unless there is any reason to suspect an infringement, any sample will be taken on an informal basis due to the resource constraints involved with formal sampling. Where the sample is found by the Agricultural Analyst to fail to meet the statutory requirements a further sample will be taken on a formal basis.

This general policy will be reviewed for particular premises in light of the risks of non-compliance demonstrated by those premises.

Based on experience it is not anticipated that there will be any need to take samples in response to complaints.

3.6 Control and Investigation of Outbreaks and Food Related Infectious Disease

The service works in partnership with the Consultant in Public Health Medicine from Greater Glasgow and Clyde Health Board together with other public health professionals in outbreak control situations and the investigation of certain notifiable cases of communicable disease in the community including cases where food is a potential mode of infection.

A Joint Health Protection Plan (JHPP) 2010-2012, which covers the period of the food service plan, has been in effect from 01 April 2010. The JHPP provides an overview of health protection (communicable disease and environmental health) priorities, provision and preparedness within Greater Glasgow and Clyde.

All communicable disease (food poisoning) notifications requiring investigation are investigated within 2 working days of receipt and recorded on our database. Urgent cases reported by the Health Board are given an immediate response.

The outcomes of our investigations are recorded on the relevant prescribed forms which are then returned to the Health Board.

There were 28 cases of infectious disease investigated by Environmental Health during 2010/11.

The Service is represented at Public Health/Environmental Health Working Groups.

3.7 Food Safety Incidents

Food Safety and Food Allergy Alerts are notified to the Service predominantly by fax and email.

Full details of each alert are entered onto the Flare database and a hard copy of the notification retained on file. The number received for the year 2010/11 is shown in 3.2.1.

The Team Leader – Commercial Team is responsible for ensuring that appropriate action is taken to deal with the notification. In his absence the Section Head deputises.

The Food Standards Agency shall be notified of any incidents arising locally that may necessitate the need to implement a food hazard warning.

3.8.1 Liaison with other Organisations

The main liaison forum is the West of Scotland Food Liaison Group which is attended by the Team Leader - Commercial Team or a team member in his absence. This group meets bimonthly and comprises representatives from 14 authorities together with representatives from Glasgow Scientific Services and the Food Standards Agency.

Graham Pollock, Manager of Regulatory Services attends the Society of Chief Officers of Environmental Health in Scotland (SOCOEH).

As mentioned in paragraph 3.6 the Service is represented on liaison groups with the NHS Boards.

West Dunbartonshire is represented on the West of Scotland Feeding Stuffs Working Group. That group reports to the Scottish Feeding Stuffs Working Group which is a sub-group of the Society of Chief Officers of Trading Standards in Scotland (SCOTSS). The Section Head (Trading Standards and Licensing) is a member of SCOTSS and is an office bearer (treasurer) on the SCOTSS Executive committee.

4. **Resources /...**

4. Resources

4.1 Environmental Health Section Financial Allocation for Food Enforcement Services –

2011/2012.

Employee Costs	£194,701
Property Costs	£4,000
Transport Costs	£2,860
Training	£1,035
Flare/Civica	£5,125
Payments to other bodies (i.e. lab costs)	£125,000
Gross Expenditure	£332,721

4.2 Trading Standards and Licensing Section Financial Allocation for Feed Enforcement Services 2011/2012

£

Employee Costs	6,400
Property Costs	0
Transport Costs	229
Supplies, Services	229
Admin	
Payments to other bodies	0
Gross Expenditure	6,858

5. Quality Assessment

All areas of food safety enforcement are continuously reviewed in line with Best Value/Practice. The service is audited by the FSA to ensure compliance with the Framework Agreement.

The Service underwent a core audit of its food hygiene, food standards and feeding stuffs law enforcement service during 26-28 October 2010. An action plan addressing the three non-conformances identified during the audit was approved by the Corporate & Efficient Governance Committee on 20 April 2011.

A number of Key Performance Indicators for food safety have been developed as part of the Environmental Health Operational Plan 2011/12 some of which are recorded on the Councils Performance Management Database and reported annually to the Corporate and Efficient Governance Committee.

ISO 9001:2000 Lead Auditor training has been undertaken by most of the Commercial Team authorised officers and by the Trading Standards Officer who undertakes feeding stuffs inspections/sampling. Acquired skills are used in auditing and assessment of business activities and systems. The team

leader - commercial engages in internal monitoring to support consistency and identify improvement opportunities in training and service delivery

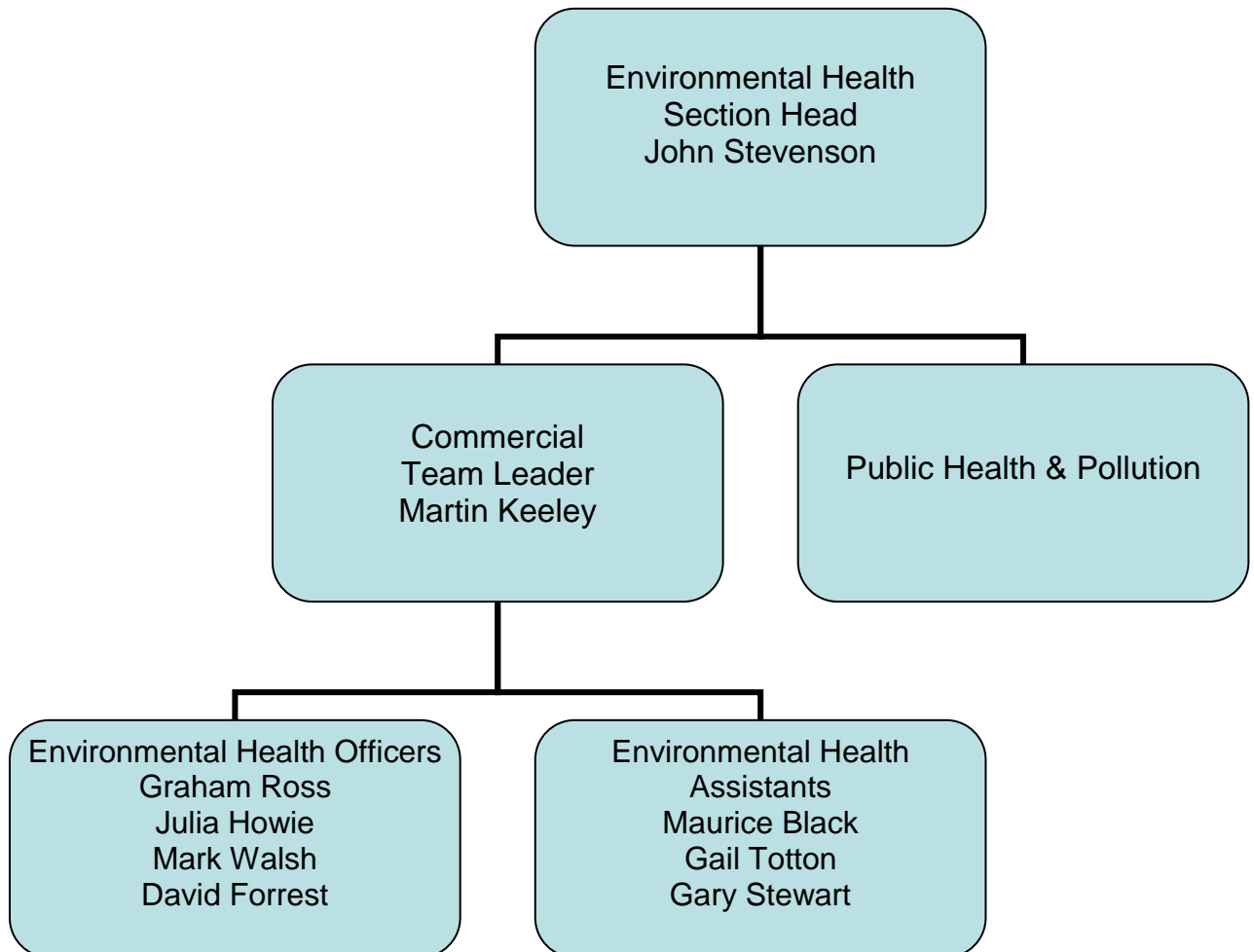
6. Review

The Service Plan is reviewed on an annual basis to take account of information on the previous year's performance and performance targets, variances from the Service Plan, additional work undertaken and setting improvement plans where identified by the review.

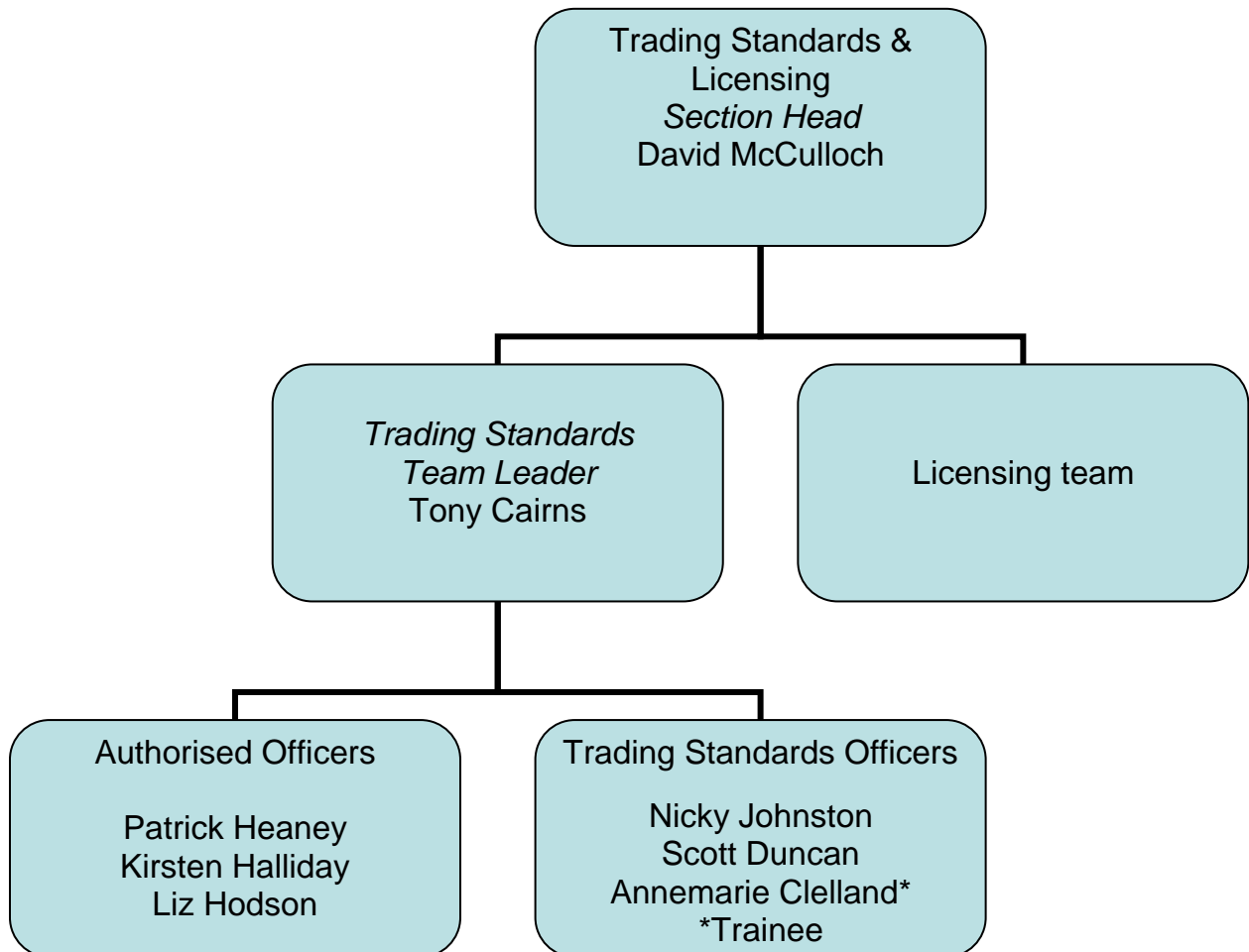
References

1. Enforcement Concordat
2. Census Statistics 2001
3. Food Safety Act 1990. Food Law Code of Practice (Scotland)
4. Enforcement Policy for Regulatory Services

Appendix 1:- Environmental Health Section



Appendix 2:- Trading Standards and Licensing Section



Appendix 3 - Bacteriological Sampling Programme 2011/12

MONTH→	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Total	Units
PRODUCT														
1. Milk-Liquid	1	1	1	1	1	1	1	1	1	1	1	1	12	72
2. Butter														
3. Other Milk Products (inc. Cream)			1			1		1					3	30
4. Wine														
5. Alcoholic														
6. Non-Alcoholic														
7. Packaged Water		1				1			1			1	4	50
8. Fruit Juices														
9. Solid Milk Products (inc. Cream)						1			1				2	52
10. Eggs & Egg Products														
11. Fresh & Frozen Fish									20				20	300
12. Fish Products (inc. Shellfish)														
13. Baby & Infant Foods														
14. Fruit Juices														
15. Fresh & Frozen Vegetables														
16. Canned & Preserved Vegetables														
17. Fresh & Frozen Fish														
18. Fish Products (inc. Shellfish)											9		9	180
19. Baby & Infant Foods			4	4	4	4							16	48
20. Articles in Contact														
21. Fresh & Frozen Vegetables														
22. Processed Meat	8	8	8	8	8	8	8	8	8	8	8	8	96	1440
23. Protein Foods														
24. Nuts & Nut Products														
25. Restaurant Meals	2	2	2	2	2	3	2	3	2	2	2	2	6	26
26. Ready Meal Contact Sandwiches	4	4	4	4	4	4	4	4	4	4	4	4	48	740
27. Pies & Pastries														
28. Processed Meat	4	4	3	3	3	3	3	3	3	3	3	4	39	6
29. Contingencies														250
30. TOTAL	15	15	20	19	19	21	15	17	21	15	15	15	207	3058
25. Restaurant Meals						1	1	1	1				4	120

26. Ready Meals incl. Sandwiches	1	1	1	1	1	1	1	1	1	1	1	1	12	360
27. Oils & Fats														
28. Water														
Contingencies														250
<u>TOTAL</u>	5	6	4	10	4	7	5	5	27	4	13	6	96	3042

Appendix 4 - Chemical Sampling Programme 2011/12