

**EAST AYRSHIRE COUNCIL**

**CABINET REPORT – 20<sup>TH</sup> OCTOBER 2010**

**FOOD SAFETY SERVICE PLAN 2010/11**

**Report by Executive Director of Finance and Corporate Support**

**1. PURPOSE OF REPORT**

- 1.1 To advise Cabinet of the Food Safety Service Plan for 2010/11 to reflect new departmental structures together with legislative arrangements and to request that Cabinet formally approves the Plan which reflects the Food Law and Enforcement policies and procedures as recommended by the Food Standards Agency.

**2. BACKGROUND**

- 2.1 The White Paper “The Food Standards Agency – A Force for Change” identified the Food Standards Agency as having a key role in overseeing Local Authority enforcement activities relative to Food Safety.
- 2.2 The provision of a Food Safety Service Plan is seen as an important part of the process to ensure national priorities and standards are addressed and delivered locally.
- 2.3 This is an updated version of the Food Safety Service Plan which was approved by Community Services Committee on 24<sup>th</sup> October 2007 and will be subject to audit by the Food Standards Agency as part of the monitoring of food law enforcement by local authorities.

**3. DISCUSSION**

- 3.1 In addition to ensuring that national priorities and standards are addressed and delivered by local authorities, the Food Safety Service Plan will also:
- (i) Highlight key service delivery issues;
  - (ii) Set future objectives; and
  - (iii) Provide a means of managing the performance of the Local Authority Food Safety Service.
- 3.2 The Food Safety Service Plan provides information about the service and how it will be provided and reviewed.

- 3.3 The Food Safety Service Plan will demonstrate that the Council is providing a balanced service in respect of Food Safety enforcement.
- 3.4 The Food Safety Service Plan provides an expression of the Council's commitment to the development of Food Safety policies and procedures.
- 3.5 The Food Standards Agency Framework Agreement on Local Authority Food Law Enforcement recommends that Food Service Plans are submitted for Council approval and reviewed on an annual basis.
- 3.6 The plan reflects changes following the Departmental restructure as of January 2010 together with legislative requirements and performance information.

#### **4. LEGAL IMPLICATIONS**

- 4.1 The Food Safety Service Plan will form part of the Food Law and Enforcement Policy and will be subject to audit by the Food Standards Agency.

#### **5. FINANCIAL IMPLICATIONS**

- 5.1 Nil

#### **6. COMMUNITY PLANNING/POLICY IMPLICATIONS**

6.1 The Food Safety Service Plan is commensurate with the Community Plan vision *"East Ayrshire will be a place with strong, vibrant communities where everyone has a good quality of life and access to opportunities, choices and high quality services which are sustainable, accessible and meet people's needs"*

#### **7. CONCLUSION**

- 7.1 The adoption of the Food Safety Service Plan is in accordance with the Framework Agreement on Local Authority Food Law Enforcement and will form part of any audit by the Food Standards Agency of local authority food law enforcement.
- 7.2 The Food Safety Service Plan provides a detailed breakdown of the service provided, how the Council will maintain the service and how this will be reviewed and reflects the departmental restructure in January 2010.

## **8. RECOMMENDATIONS**

8.1 Cabinet is invited to:-

- (i) Consider the approval of the Food Service Plan; and
- (ii) Otherwise note the report.

Alex McPhee  
Executive Director of Finance and Corporate Support

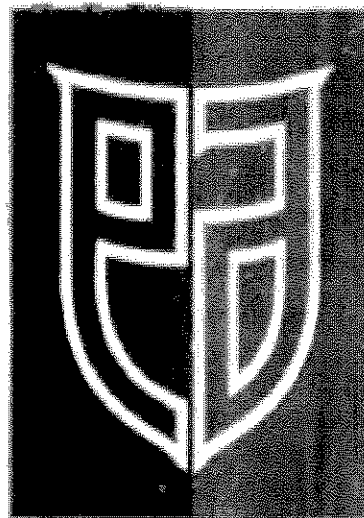
11 October 2010

### **LIST OF BACKGROUND PAPERS**

1. East Ayrshire Council: Food Safety Service Plan

Any person wishing to inspect the background papers should contact David Mitchell, Head of Legal, Procurement and Regulatory Services on 01563 576161 or by E-mail to [David.Mitchell@EastAyrshire.gov.uk](mailto:David.Mitchell@EastAyrshire.gov.uk).

# Food Safety Service Plan 2010/11



**East Ayrshire**  
COUNCIL

## RECORD OF CHANGES

CHANGE NO	01	02	03	04	05	06
DATE						

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## Section 1. Service Aims and Objectives

### 1.1 Aims and Objectives

The Environmental Health Service of Finance and Corporate Support is committed to its role in the protection and wherever possible, improving the health, of everyone within East Ayrshire. As a statutory Food Authority, our primary aim and objective is to ensure that all food intended for sale for human consumption which is produced, stored, distributed, handled or consumed within East Ayrshire is without risk to health.

In pursuit of this goal we have identified the following as key to this process.

- We aim to inspect all food premises within at least the minimum targets which have been set for inspection purposes and ensure that our enforcement policy is proportionate and consistent.
- We will work in partnership with all food businesses and other agencies to demonstrate transparency, ensure compliance with legislation and provide a co-ordinated approach to food safety issues.
- We will undertake a programme of food sampling to ensure that food is of the nature, quality and substance demanded by the public and to take appropriate action where identified food is below statutory requirements.
- We will investigate all consumer complaints in relation to food safety and food standards and take appropriate action, including legal proceedings where deemed to be in the public interest.
- We will investigate all cases of food and waterborne disease and work in partnership with all external health organisations, to provide a co-ordinated approach to infection control.
- We will prepare reports and provide food related information to other departments of the Council, the Food Standards Agency and other relevant agencies.
- We will provide advice to food businesses, the public and all relevant stakeholders to promote a co-ordinated approach to food safety issues and ensure the law is applied in a transparent and consistent manner.

### 1.2 Links to Corporate Objectives and Plans

East Ayrshire Council believes that all local people should have equal access to the highest possible quality of service throughout their lives. For all the services we provide, we are committed to securing service excellence and demonstrating best value.

The Food Safety Service Plan is linked to the Legal, Procurement and Regulatory Services Service Plan which was revised in April 2010. Both of these documents are linked to the Community Plan which is the primary strategic planning document for the East Ayrshire area and acts as the Council's Corporate Plan. The vision contained within the Plan is:

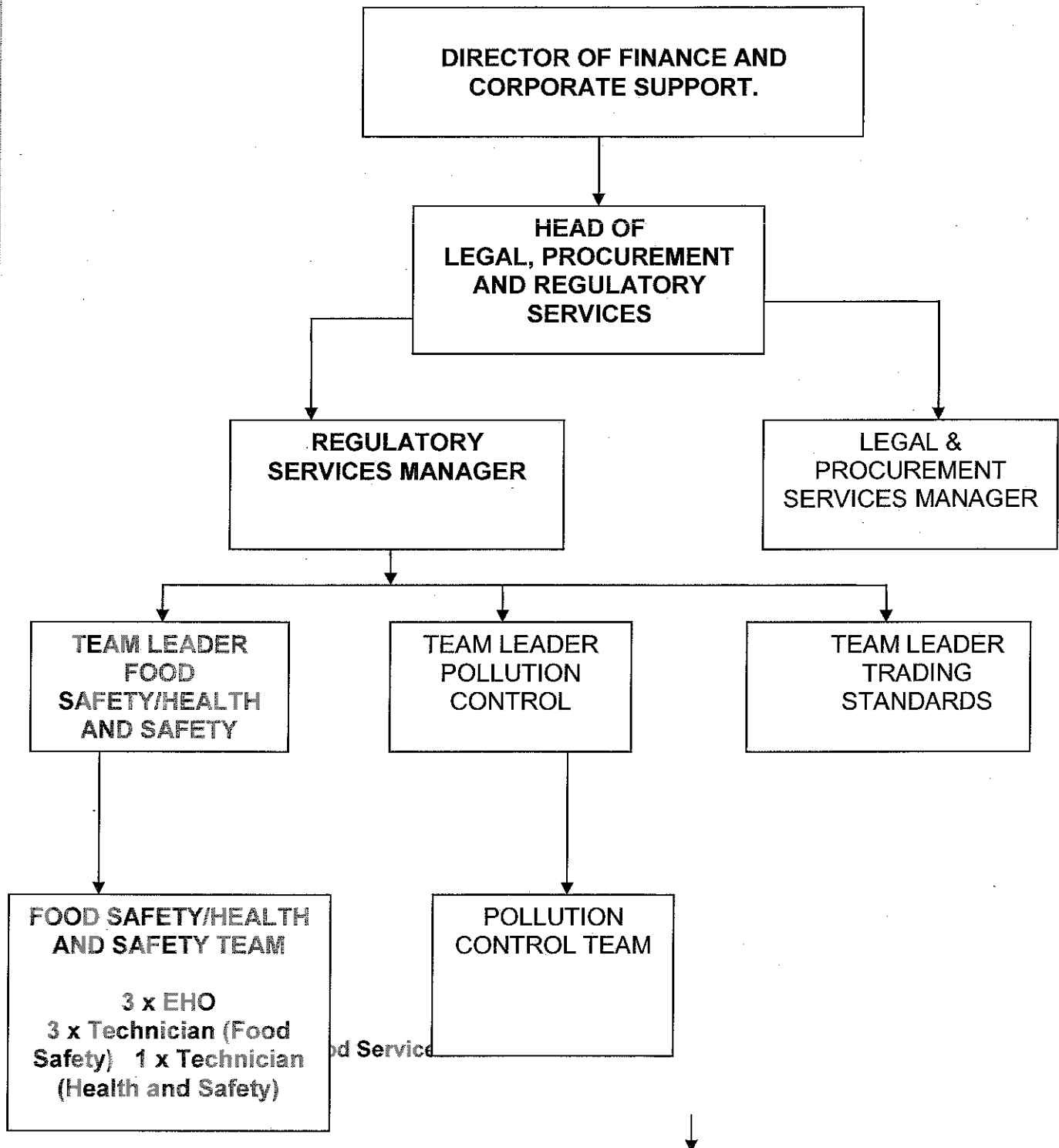
***"East Ayrshire will be a place with strong, vibrant communities where everyone has a good quality of life and access to opportunities, choices and high quality services which are sustainable, accessible and meet people's needs"***

## Section 2. Background

### 2.1 Profile of the Local Authority

Within East Ayrshire Council there are 32 Elected members and approximately 6000 staff serving East Ayrshire's 120,000 population, comprising 49,200 households in an area of approximately 490 square miles.

### 2.2 Organisational Structure



The Authority's statutory functions comprise the inspection of food premises to ensure compliance with the relevant legislation in respect of food safety and food standards; food sampling; investigation of food complaints; the issue of export certificates, advice to businesses and where necessary relevant enforcement action.

The service is currently provided by the Food Safety/ Health and Safety team. The team is part of the Environmental Health Service and exists within the Department of Finance and Corporate Support. All members of the Team operate from the same premises at Western Road in Kilmarnock.

The team is made up of a Team Leader, three Environmental Health Officers and four Environmental Health Technicians, As part of a team restructure in January 2010 the officers now inspect premises within each food premises category range and cover the full geographical area of East Ayrshire. All the Environmental Health Officers within the team now have duties and responsibilities in terms of Health and Safety enforcement in addition to their food safety/food standards enforcement duties.

One of the Environmental Health Officers is returning to the food enforcement function after a long period of working within the previous Health and Safety team and one of the Environmental Health Technicians is employed to undertake the statutory enforcement function of Health and Safety only.

The team is also responsible for liaison with the Licensing, Planning and Building Control sections in relation to Food Safety/Health and Safety matters. In this regard reports are regularly issued to the licensing board in respect of the various licensing functions carried out by the Authority. The investigation of suspected food poisoning and infectious diseases cases is also undertaken in partnership with Ayrshire and Arran Health Board.

Two members of the team are engaged in providing Food Hygiene Training for food handlers. We are an approved training centre by the Royal Environmental Health Institute of Scotland (REHIS) and therefore deliver courses to the REHIS Elementary Food Hygiene certificate courses on behalf of the Royal Environmental Health Institute of Scotland.

The Service operates from the Western Road office and is open to the public from 9.00 to 17.00, Monday to Thursday and from 9.00 to 16.00 on a Friday. The operation of a flexi time system however allows officers to work from 8.00 to 19.00 where necessary to deal with specific tasks. The public can also access the resources of all departments of the Council from our website and a range of local offices situated in all the centres of population throughout East Ayrshire. In addition as part of the Emergency Plan for the Council a call out service exists for any Food Safety emergencies that may occur.

#### **2.4 Demands on the Food Service**

The LAEMS (Local Authority Enforcement Module System) return submitted for the year 1 April 2009-31 March 2010 reported data relating to the food premises profile as follows.

#### Food Hygiene

Total Number of Category A Risk Premises	5
Total Number of Category B Risk Premises	76
Total Number of Category C Risk Premises	613
Total Number of Category D Risk Premises	118
Total Number of Category E Risk Premises	324

Food Standards

Total Number of Category A Risk Premises	2
Total Number of Category B Risk Premises	313
Total Number of Category C Risk Premises	585

Category/Sub-type

Primary Producers	156
Manufacturers/Processors	34
Importers/Exporters	0
Distributors/Transporters	5
Retailers	330
Restaurants/Caterers	652

**Total 1177**

In addition to the above there are currently 9 EU approved establishments within this Authority. These break down into the following categories:

Dairy Establishments	3
Meat Products Establishments	5
Egg Establishments	1

## **2.5 Enforcement Policy**

Our Enforcement Policy sets out what businesses and others being regulated can expect from our enforcement officers. We acknowledge that enforcement of legislation can be carried out in an equitable, practical and consistent manner and are committed to these aims and to maintaining a fair and safe trading environment. We will take care to help businesses and others meet their legal obligations without unnecessary expense. In addition we will take firm action, including prosecution where appropriate, against those who ignore the law or act irresponsibly.

In preparing the Enforcement Policy due regard has been taken of the advice issued by the Food Standards Agency, Local Government Regulation and the Scottish Food Enforcement Liaison Committee.

The Enforcement Policy for Council premises will be as detailed within the Code of Practice with the exception that all reports are submitted to Facilities and On-Site Services for action in the first instance. Standards expected and required will be identical to those required in private sector premises.

Each officer is issued with a copy of the Enforcement Policy and is required to operate within the parameters that it sets out.

## **Section 3. Service Delivery**

### **3.1 Food and Feedingstuffs Premises Inspection**

East Ayrshire Council's Policy with regard to food premises inspections is to ensure compliance with the provisions of the Code of Practice focusing on the minimum frequencies of inspections which are specified. Details of the food hygiene and food standards inspection programme planned for 2010/11 are as follows:-

#### **Food Hygiene**

Category A	14
Category B	76
Category C	359
Category D	67
Category E	167
Total	<b>683</b>

#### **Food Standards**

Category A	3
Category B	150
Category C	189
Total	<b>342</b>

In addition to the above there is a new requirement on all Local Authorities to inspect Childminder Businesses, which are now classed as Food Business Establishments depending on the extent of food activities which are undertaken. There are a total of 206 Childminder Businesses within East Ayrshire and the process of registering and inspecting these premises will begin within this fiscal year.

#### Approved Premises

Dairy Establishments-minimum of 2 inspections per year.

Egg Establishments- minimum of 2 inspections per year.

Meat Product Establishments- minimum of 2 inspections per year.

#### Feedstuff Premises

With regard to Feedstuff Inspections the Council undertake this official control function by carrying out joint inspections with Trading Standards on a programmed basis of pre-identified premises. This provides a single regime of integrated food and feed hygiene inspections for primary production farms. The scheduled inspection programme runs from 1 October 2009 to 31 March 2011 and totals 55 premises.

### **3.2 Food and Feedingstuffs Complaints**

This Authority's Policy regarding Food and Feedingstuffs Complaints is to take action proportionate to risk and the need for public protection. Dependent on all the circumstances, a prosecution may be instigated and if so the Food Law Code of Practice is consulted before a decision is taken.

In addition to this it is policy to observe the advice contained within Local Government Regulation Guidance on food complaints and to liaise with Home and/or Originating Authorities in accordance with the Home Authority Principle.

Based on previous years' trends, it is estimated that approximately 100 complaints will be received, the investigation of which can be managed within the existing resources of the Food Team.

### **3.3 Home Authority Principle**

This Authority fully endorses the Home Authority Principle as defined by Local Government Regulation. Where an officer is considering taking enforcement action which he/she believes may be contrary to any advice issued by the relevant Home and/or Originating Authority, he/she will discuss the facts of the matter with the relevant Authority before action is instigated.

Where enforcement action impacts on aspects of a company's policy which has been agreed centrally by the decision making base of the company, then reference to the Home Authority will be taken.

The duties involved in the administration of the Home Authority Principle for those premises within our area can be managed within the existing resources of the team.

### **3.4 Advice to Business**

The team regularly respond to requests for advice and information from both the public and businesses regarding food safety and food standards issues. Since January 2010 all advice given is recorded on the system database to provide an accurate detail of the resources allocated to this function.

All advice given to businesses is seen as an integral step in our work as we try to strike a balance between education and enforcement. Each visit made to a premises will automatically include advice and this is followed through in any follow up letter where advice is highlighted and separated from legislative requirements.

In addition the team has engaged in various presentations and seminars to businesses where presentations have been made on particular issues. The duties involved in giving this advice are managed within the existing resources of the Team.

### **3.5 Food and Feedingstuffs Inspection and Sampling**

We have a detailed sampling programme which details our approach to sampling, i.e. to sample most foods on sale within our area over a period but concentrating on food manufactured within our area, such as local butchers, bakers, dairies and other manufacturing processes.

For our sampling programme for 2010/11 we have reduced all non essential sampling resulting in 420 samples for examination and 246 for analysis being programmed for the year. This is an overall reduction of 425 samples taken from the 2009/10 sampling programme. It is estimated that this will be augmented by up to 20 samples submitted in relation to food complaints and 10 samples in relation to Feedingstuffs. In addition provision is also made for any sampling initiatives co-ordinated by Local Government Regulation or SFELC (Scottish Food Enforcement Liason Committee). The Council also participates in the Food Standards Agency UKFSS sampling scheme and initiatives agreed by West of Scotland Food Liaison Group.

All samples are taken in accordance with the Food Law Code of Practice and are submitted to Glasgow Scientific Services, GSS, which is a UKAS accredited laboratory. A courier service, provided by GSS, is used for collection and delivery of all food samples.

All sample failures are followed by appropriate action by the officer responsible for the premises in question and the inspecting officer has discretion to decide whether additional samples (not including those within the sampling programme) are required for a premises following either a routine or non-routine visit.

### **3.6 Control and Investigation of Outbreaks and Food Related Infectious Diseases**

The Team investigate all cases of food poisoning and notifiable diseases listed which may be food borne, e.g.

- E. Coli 0157
- Clostridium Perfringens
- Salmonella
- Campylobacter
- Bacillus Cereus

These are reported to us by the Consultant in Public Health Medicine of Ayrshire and Arran Health Board, It is estimated that approximately 250 notifications could be received in a year. Each case is investigated on an individual basis with the relevant investigation form being completed. When required we also deliver and collect faecal samples and deliver these to the laboratory for examination. Where necessary as part of the investigation, we take food and water samples for analysis and inspect any implicated premises, taking relevant enforcement action, up to and including reporting any major incident to the Procurator Fiscal.

In conjunction with the Health Board we have formulated an Outbreak Control Plan which is instigated when necessary. The duties involved in the control and investigation of outbreaks and food related infectious disease are managed within the existing resources of the Food Team.

The Pollution Control team investigate all cases of communicable disease which may arise from an environmental source.

### **3.7 Food Safety/Feed Incidents**

All Food Safety Incidents are dealt with in accordance with the procedures detailed in the Food Law Code of Practice. We will notify the Food Standards Agency in the event of a serious localised Incident or wider problem.

We are also notified regularly of Food Alerts issued by the Food Standards Agency. Notification is received by e-mail and thereafter the Team Leader will instruct the team on the level of action required. The Food Alert and any subsequent actions are recorded on the system database.

It is difficult to estimate the likely demands on the Service in relation to the above, but whatever resources are necessary will be deployed to deal with the problem.

### **3.8 Liaison with Other Organisations**

In order to ensure that enforcement action is consistent with those of neighbouring Authorities, we are active members of the West of Scotland Food Liaison Group, which meet on a monthly basis.

In addition there is a less formal arrangement with our immediate neighbours, North and South Ayrshire respectively and each of the Ayrshire Authorities and representatives of Ayrshire and Arran Health Board meet on a regular basis to discuss matters of mutual interest.

East Ayrshire is also represented on a bench marking group with our immediate neighbouring Authorities.

### **3.9 Food and Feedingstuffs Safety and Standards Promotion**

East Ayrshire Council has a service level agreement with the Food Standards Agency which includes a £5500 grant to implement the Food Hygiene Information System. This will provide details of food safety standards within all food premises in East Ayrshire in a user friendly format to allow consumers to make an informed choice of where they eat.

Most importantly we are confident that the intention to publish details of food hygiene inspection details will act as a significant incentive to food businesses to ensure that they are meeting their statutory responsibilities.

As previously mentioned we provide food hygiene training to the REHIS Elementary standard to East Ayrshire Council employees and various other stakeholders who have a locus with the Council. In the past year we have provided a number of training courses to Childminders within East Ayrshire and will continue to provide support and guidance to these businesses which are new to the process of being a registered Food Business Establishment.

In addition to the above we will continue to participate in speaking engagements with local groups when requested to do so, and take part in various other events where appropriate.

## **Section 4. Resources**

### **4.1 Financial Allocation**

The budget level of expenditure related to food safety within the Environmental Health Service of East Ayrshire Council for the current financial year 2010/11 is £253,680. This expenditure has increased marginally from the 2009/10 figure, which was £251,640. The Council as a whole requires to make a year on year saving and it is anticipated in the current economic climate that substantial savings will require to be made to future budgets.

### **4.2 Staffing Allocation**

The Food Safety/Health and Safety team is made up of a Team Leader, three Environmental Health Officers and four Environmental Health Technicians, As part of a team restructure in January 2010 the officers now inspect premises within each food premises category range and cover the full geographical area of East Ayrshire. All the Environmental Health Officers within the team now have duties and responsibilities in terms of Health and Safety enforcement in addition to their food safety/food standards enforcement duties.

One of the Environmental Health Officers is returning to the food enforcement function after a long period of working within the previous Health and Safety team and one of the Environmental Health Technicians is employed to undertake the statutory enforcement function of Health and Safety only.

There are at present 4 team members who are in the 50-65 age bracket. It is anticipated that not all of these staff will continue employment with the council to the statutory retirement age of 65 as a direct result of year on year savings that will require to be made to the overall service budget. Significant workforce planning will therefore be required to meet the challenges of future staff allocation.

### **4.3 Staff Development Plan**

All staff are required to undergo a yearly review of training needs as part of East Ayrshire Council's EAGER process. They also have the opportunity of attending continual professional development, (CPD) accredited training courses as and when they are available. In addition since March 2010 all staff now have the opportunity to undertake CPD training via the Food Standards Agency's on- line training undertaken in conjunction with ABC Food Safety Consultants.

## **Section 5: Quality Assessment**

### **5.1 Quality Assessment /Monitoring**

The Team Leader accompanies each member of the Team on a regular basis in order to monitor officer competency and accurate recording of the relevant inspection documentation. A record of these monitoring visits and the outcomes are recorded on the system database.

In addition monthly team meetings are held where inspection and other work issues are monitored and discussed with the team collectively. The Team Leader also attends the Regulatory Services Managers Meeting twice a month where inspection monitoring is discussed at a corporate level in relation to service delivery outcomes. Agenda notes and minutes are recorded for these meetings.

## **Section 6. Review**

### **6.1 Review against the Service Plan**

The Service Plan will be reviewed annually as a minimum and will undergo cabinet approval after every review. The review shall be based on the targets identified in the Service Plan at the beginning of the year and/or after any significant changes to legislation or internal restructure changes.

### **6.2 Identification of any Variation from the Service Plan**

Variances from the Service Plan will be highlighted at the time of the review and any reasons for the variance will be noted along with any corrective action, if appropriate.

### **6.3 Areas of Improvement**

Any areas identified as requiring action will be detailed as part of the review process. These will be addressed by the Regulatory Services Management Team as part of the review process and action taken shall range from immediate action to inclusion in the Service Plan for future years.