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Authorised By	Monica Patterson
Designation	Depute Chief Executive
Date	June 2014

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REPORT TO: Members' Library Service

MEETING DATE:

BY: Head of Development

SUBJECT: Environmental Health Food Service Plan 2014-2015

1 PURPOSE

- 1.1 To advise Council of the Environmental Health Food Service Plan for 2014-2015 and to recommend approval of the plan.

2 RECOMMENDATIONS

- 2.1 To approve the Food Service Plan for 2014-2015.

3 BACKGROUND

- 3.1 The Food Standards Agency (FSA) Framework Agreement on Official Feed and Food Controls provides the FSA with a mechanism for implementing its powers under the Food Standards Act to influence and oversee local authority enforcement activity and defines a Local Authority's responsibilities in delivering a food enforcement service.
- 3.2 The Framework Agreement states that the Council has a duty to provide an up to date food service plan and stipulates that *"To help to ensure local transparency and accountability, and to show their contribution to the authority's corporate plan, feed and food service plans and performance reviews should be approved at the relevant level established for that local authority, whether that is Member, Member forum, or suitably delegated senior officer level."*
- 3.3 The provisions of the Food Service Plan reflect the planning and delivery requirements of feed and food official controls, based on the existing statutory Code of Practice.

4 POLICY IMPLICATIONS

- 4.1 There are no immediate policy implications arising from this report. Environmental Health & Trading Standards are statutory functions and this Plan is produced in pursuance of these functions. Failure to produce and implement a food safety plan leaves the local authority open to the challenge of failing in its statutory duty.

5 EQUALITIES IMPACT ASSESSMENT

- 5.1 There are no known equality issues arising from this report.

6 RESOURCE IMPLICATIONS

- 6.1 Financial - There are no financial implications arising from the Plan that cannot be met from within the existing food safety revenue budget.
- 6.2 Personnel - The requirements of the plan can be met provided existing Food and Safety staffing levels are maintained.
- 6.3 Other - None

7 BACKGROUND PAPERS

- 7.1 Food Standards Agency Framework Agreement on Official Feed and Food Controls by Local Authorities.

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REPORT TO: Members' Library Service

MEETING DATE:

BY: Depute Chief Executive - Partnership and Community Services

SUBJECT: Food & Safety Service Plan 2014-2015

Part I Food Service Plan 2014 – 2015

1. Service Aims and Objectives

- 1.1 The main aim of the Food Service is to protect public health by ensuring that food produced or consumed in East Lothian is safe to eat. We also check that food is described in a way that allows the consumers to make informed choices about what they eat.
- 1.2 The Food Service carries out the statutory duties which are required of East Lothian Council as a Food Authority.
- 1.3 The work of the Food Service contributes to the East Lothian Single Outcome Agreement through reducing criminality amongst food business operators together with the achievement of Sustainable Growth by assisting and advising new and existing food businesses.
- 1.4 The Council has adopted local performance indicators to measure how well the service carries out its work. These indicators are:
 - the percentage of planned food premises inspections achieved
 - as an outcome measure the percentages of businesses deemed to be broadly compliant with food legislation.
- 1.5 The Food Service Plan has been prepared in accordance with the requirements of the Food Standards Agency Framework Agreement on Local Authority Food Law Enforcement issued in April 2010. It covers the financial year from 1st April 2014 to 31st March 2015.

2. Background

2.1 Profile of Local Authority

East Lothian is one of the fastest growing local authority areas in Scotland, with a population of approximately 100,000, and 40000 households. It is a popular tourist area with approximately 82km of fine coastline and numerous golf courses. The main towns are: Musselburgh, Tranent, Prestonpans, Cockenzie/ Port Seton, North Berwick, Dunbar and Haddington. There are many small villages and much of the area is rural in nature. The main industry / commercial activity is based around public sector (Council & NHS), power generation, quarrying/ cement manufacture, agriculture/ food, local shops and offices together with the service industries supporting tourism and leisure activities. East Lothian shares its borders with Midlothian, Edinburgh City and Scottish Borders. Significant house building programmes are increasing the resident population many of whom commute to the city.

2.2 Scope of the Food Service

The Food and Safety team carry out a range of activities to meet the requirements of the Food Service plan. These include:

- The regular inspection of food premises for food hygiene and food standards.
- The approval and licensing of certain premises.
- The sampling of food and animal feedstuffs to check on microbiological quality and composition.
- Investigation of complaints from the public about food, food labelling and food premises.
- Investigation of food related cases of infectious diseases.
- Enforcement of the legislation in relation to the above activities.
- Providing advice and assistance to the public and new or existing food business operators.

In addition the Food and Safety team has responsibility for the enforcement of the Health and Safety legislation in certain premises in the East Lothian area and carries out the local authorities functions in relation to the monitoring and improvement of private water supplies. The team also contributes to the licensing of many premises and activities.

The food hygiene and standards elements of the service are delivered by Environmental Health Officers and Food Safety Officers. The feeding stuff element is dealt with by Trading Standards Officers.

The field staff of the Food Service are based at John Muir House, Haddington, East Lothian EH41 3HA - Tel 01620 827365

Office hours are: 9-5pm Monday to Thursday and 9-4pm Friday.

However, a significant amount of inspection work takes place “after hours” in order to access businesses which open in the early mornings, evenings or at weekends.

Outwith these hours contact for emergency purposes is via the Councils out of hours contact number.

The organisational Structure, lines of responsibility and establishment of Environmental Health and Trading Standards sections are illustrated in Appendix A.

In November 2013 the Environmental Health and Trading Standards services of East Lothian and East Lothian Councils entered into a pilot project of partnership working. Management of the Food Service was extended across both local authorities as part of this project. The partnership project will be evaluated in November 2014.

2.2.3 Staffing Allocation

The current number of staff in the Food and Safety Team working directly on food law enforcement and related matters equates to approximately 3.4 full time equivalents (FTE).

2.2.4 Financial Allocation for Food and Safety Team

£	
Direct Staffing costs	156644
Inspection Services equipment and maintenance costs	2494
Training	1575
Provision for sampling and scientific services	53850
Total	214563

** proportion of total budget attributed to FTE for food service*

2.2.5 Staff Development

Food service staff are subject to the Council’s appraisal process which sets and monitors individual performance targets and identifies training and development needs. The Food Standards Agency requires all food enforcement officers to obtain at least 10 hours of update training in food related matters during the year to maintain their competency.

2.3 Service user profile

As of 1 April 2014 there were 1230 registered and operating food businesses in East Lothian. The majority of the food premises in the area are small to medium enterprises employing less than ten people (see Appendix B). There are 9 Approved premises located in the area manufacturing and supplying food to national and international markets. Currently the non-English speaking

population is relatively small but occasional use is made of a translation service (particularly for the Chinese food business community) and guidance and information in other languages is provided whenever possible.

2.4 Policy on Enforcement

The Authority has a documented food enforcement policy that sets out how the food service will deal with infringements of the legislation and will intervene to bring the operation back into compliance. We regulate the activities of food businesses through a mix of enforcement and advisory action. Our resources are targeted at those of the food business community which present the greatest risk to consumers.

2.5 Safe food and compliance with the law

Central to the regulation of food premises and producers is the concept that their activities are assessed on the basis of the risk they present to consumers. The greater the risk, or potential risk, the more resources the Service directs to those operations. We are required to subject higher risk premises to regular "Official Controls". This means those premises are inspected or audited at more frequent intervals and may have their food products sampled. Lower risk premises may be subject to inspections if resources allow for it or they come to our attention.

The **Food Hygiene Information Scheme** (FHIS) has been running in East Lothian since 1st March 2009. Using our assessment of the risk of food operations businesses are categorised as having PASSED their last inspection or needing IMPROVEMENT. Food business operators are provided with a certificate to display on their premises informing the consumer of their FHIS status. The results for all businesses subject to the scheme are published on the Food Standards Agency Website. A PASS classification has been adopted as one of the criteria for a business to be listed in the East Lothian Food and Drink Directory.

To obtain a PASS classification a business must be **broadly compliant** with the law. This measure uses parameters from the risk assessment of a premises based on hygiene, structure and confidence in management. Since these are areas where we can intervene to improve matters we use the percentage of businesses which are broadly compliant as one measure of our effectiveness. About 78.9% of East Lothian food businesses are part of the scheme and of those 96% have a PASS status.

The Food Information Regulation for consumers was published by the EU and will come into force in stages starting in April 2014. Changes to help consumers include the requirements for;

- "country of origin or place of provenance" information on labels
- Mandatory nutrition information on labels on all prepacked foods – and possibly for food sold loose such as restaurant or takeaway foods
- Date of first freezing for meat and fish

- A minimum font size so that labels are easier to read
- The names of vegetable oils used in food will have to be stated
- Provision of allergen information will be extended to loose foods and catering outlets

New legislation to transpose the EU regulation in to Scottish law are expected in May 2014. The Food Service will be undertaking training in order to assist businesses with complying with these new requirements.

In March 2014 the Scottish Government introduced a bill into parliament to establish Food Standards Scotland – a replacement autonomous body for the Food Standards Agency Scotland. Also included in the bill are proposals to introduce administrative penalties for food hygiene offences and provisions to make the display of inspection ratings compulsory at food premises.

The service expects to be engaged with a multi-agency operation against the illegal harvesting of razor clams from the sea off the East Lothian coast. This may have some impact on the programmed work of the plan.

3. Service Objectives

3.1 Planned work

At the end of March 2014 89% of premises were broadly compliant with food hygiene legislation and 90% with food standards legislation. For this plan it is the intention of the Service to increase the percentage of broadly compliant premises as follows:

Objective 1 Improve the % of premises which are broadly compliant for Food Hygiene to 93%

Objective 2 Improve the % of premises which are broadly compliant for Food Standards to 92%

In order to meet these objectives the Service will carry out the following planned work;

Objective 3 Complete programmed food hygiene inspections or audits

Planned Food Hygiene Inspections		
Premises Risk Rating	Inspection Target	Number of planned inspections
A	100% of High risk	3
B		59
C	95% of Medium risk	321
D	70% of low risk	101
New premises	100%	14
Outstanding missed inspections high and medium risk		0
Total		498

Objective 4 Complete programmed Food Standards inspections or audits

Planned Food Standards Inspections		
Premises risk rating	Inspection Target	Number of planned inspections
A	100% of High	1
B	100% of Medium	81
New premises	100%	14
Outstanding missed inspections medium risk		
Total		96

Objective 5 Carry out Alternative intervention at low risk food premises

Where a Food Business presents a very low risk to the consumer i.e. those rated as “E” for food hygiene and “C” for Food Standards, we will not normally carry out a routine inspection. This reduces the regulatory burden on the business and allows the service to direct our resources to higher risk operations. Self-assessment questionnaires will be sent to premises as an alternative to carrying out an inspection. Where self assessment questionnaires indicate a significant change in the food operations at the premises or assessments have not been returned, the business is likely to receive an inspection. Should we receive a complaint about the business, we may also decide to inspect the premises.

Premises risk rating		Number of premises
Food Hygiene	E	40
Food Standards	C	113

Objective 6 Complete contracted for Primary Production inspections

The Service carries out food hygiene inspections at primary producers such as animal and arable farms on behalf of the Food Standards Agency. For 2014-2015 we will carry out inspections at 6 primary producers.

Objective 7 Complete 100% of Feeding stuffs inspections due (Trading Standards responsibility)

Feeding Stuffs inspections	
Number of registered premises	Number of planned inspections

3.3 Food Sampling

The sampling of food for microbiological and chemical contamination and for analysis of the ingredients forms an important part of the work of the Service. It provides “end point” monitoring of food safety and the standards of food production. Samples submitted for analysis of their ingredients are often also assessed on the legality of their labeling. The technology is now available to determine the nature of animal species present in food using DNA testing. The Authority samples food from outlets within the district and participates in local and nationally organised food sampling campaigns whenever resources allow.

Food sampling is targeted at high risk premises and products and is carried out in line with the Authority’s documented procedure. Food samples are submitted to Edinburgh Scientific Services who employ the Authority’s appointed Food Examiner, Public Analyst and Agricultural Analyst.

The Service plans to take the following samples provided resources allow for it.

Objective 8 Complete Sampling from Approved Premises

Sampling from Approved premises		
Food Sampled	Samples for Microbiological Examination	Samples for Chemical Analysis
Processed Milk	12	12
Cream	12	12
Ready to eat Meat Products	48	48
Ready meals	0	4
Raw meat products	0	4
Fish	7	7
Various Foodstuffs	6	6
Water used as an ingredient	11	11
Ice	4	
Eggs		1
Raw milk from production holdings	8	8
Totals	108	113

Objective 9 Complete high risk food planned Sampling programme

Food Sampled	No samples	
	Microbial contamination	Chemical Contamination or composition
Cooked sliced meats from manufacturing butchers	3	3
Fresh Cream products from manufacturing bakers and retailers	3	3
Pre-packed sandwiches from Supermarkets	3	3
Sandwiches from sandwich makers	6	3
Ready to eat foods inc meals from takeaway premises	15	8
Meals from care premises	3	3
Following Food Complaints	8	8
Total	41	20

Objective 10 Complete contributions to planned sampling surveys

The Service contributes to sampling surveys organised by the Food Standards Agency, Lothian and Borders Food Liaison Group and the Scottish Food Enforcement Liaison Committee. At the time of writing, surveys were still being planned.

The Food Standards Agency has sought help with sampling to meet national priorities identified by its intelligence gathering activities. This work is coordinated by the Public Analyst and the Food Liaison Group. For this year the following foodstuffs are proposed and the service will participate where resources allow and suitable premises exist.

Foodstuff proposed for sampling	Analyses/examinations proposed
[1] Prawns from Asia	Gamma radioactivity
[1] Shellfish via internet	Norovirus by RT-PCR
[1] Rice from Asia	Bt63 by Real-Time PCR
[4] Maize and maize prods from Africa	Aflatoxins
[4] High-fibre/ bran breakfast cereals	Zearalenone
[4] Spices inc capsicum	Aflatoxin & Ochratoxin A
[5] Nylon kitchen utensils	PAA's
[5] Melamine cookware	Formaldehyde
[7] Shellfish verification contaminants	Heavy metals As, Cd, Pb
[7] Shellfish verification micro	E coli and salmonella
[7] Shellfish verification virus	Norovirus by RT-PCR
[7] Shellfish verification radioactivity	Gamma radioactivity
[8] Herbs	Food irradiation
[9] Spices	Food irradiation
[9] Food supplements	Food irradiation

[9] Instant noodle	Food irradiation
[9] Fish sauces and Pastes	3-MCPD
[10] Micro Scotland - chicken liver products at catering	Campylobacter, E.coli, Salmonella, Listeria mono detection & count
[10] Micro Scotland - Smoked fish/smoked fish pates,	Listeria mono count, Salmonella, TVC, Enteros, Ecoli, S aureus
[10] Micro Scotland - Soft and semi-soft cheeses	Listeria mono count, Salmonella, Enteros, Ecoli, S aureus
[10] Micro Scotland - Cooked sliced meats.	Listeria mono count, Salmonella, Enteros, Ecoli, S aureus, TVC
[10] Micro Scotland -Sprouted seeds at retail	VTEC inc O157 by RT-PCR & E.coli by culture
[11] Raw minced meat species	Fat, connective tissue, added water
[11] Raw meat species inc kebab, curry	Meat speciation/DNA
[11] Fish authenticity at retail catering	Fish speciation/DNA
[12] Manuka honey	Peroxide activity
[13] Nut powders in Asian cuisine	Peanut protein
[13] Sulphites in dried fruits	Sulphites
[13] Almond products and pastes	Peanut protein
[13] Sauces from restaurants, takeaways	Southampton 6 colours
[15] Body building products	DNP

Objective 11 Catermatch project

The Food Service will conduct a project with Economic Development to examine the possibility of bringing together start up caterers and food businesses with underused facilities. Start up catering businesses often struggle to find suitable premises. The financial costs of setting up compliant premises are difficult to recover in the early stages of a food business and often lead to business failures. The Food Service is aware of a number of premises which are in good physical condition but are only used occasionally. These are premises which could act as a source of income for their owners whilst providing a suitable environment for food preparation.

3.4 Reactive work

3.4.1 A proportion of the Services' work relates to dealing with requests for service about matters relating to food safety. Approximately 400 requests are received each year.

Requests may relate to such things as:-

- complaints about food that people have bought or consumed
- food premises which appear to be being run unhygienically

- requests for advice about starting food businesses, legal requirements, food hygiene training or the layout and fittings of proposed premises.
- licensing of street traders or premises selling alcohol
- scrutinising planning applications and building warrants received by the Council relating to food premises and offering advice to applicants regarding premises layout, fittings and so on.
- investigating cases and outbreaks of infectious disease associated with the consumption of food or water (“food poisoning”).
- responding to notifications of incidents of public health significance received from the Food Standards Agency or Scottish Water

Objective 12 Commence investigation of 100% of requests for service made to the service about food and food premises within target working days

3.4.2 Liaison with Other Organisations

The Food Service works alongside the Lothian Health Board’s Health Protection Team in dealing with any major outbreaks of food related disease in or affecting East Lothian. As all Food Service Officers are appointed as investigators under the Public Health etc. (Scotland) Act 2008 they may also be involved in dealing with other public health emergencies. The service may be required to act in partnership with the Food Standards Agency to ensure food which is regionally or nationally distributed and has some problem associated with it is removed from sale by food businesses in East Lothian.

The Food Service is represented at the Lothian and Borders Food Liaison group which meets at two monthly intervals. The group has representation from the Public Analyst and members attend the Scottish Food Enforcement Liaison Committee. Regular liaison also takes place with NHS Lothian’s Health Protection Team and Scottish Water on matters of infection control and with the Care Inspectorate.

3.4.3 Enforcement Activity

Authorised Officers have a variety of powers to secure compliance with the food safety legislation and to investigate disease related matters. These powers include the service of legal Notices, reporting businesses to the Procurator Fiscal and issuing Approvals.

4.0 Quality Assessment

The Service relies on the professional skills of its authorised officers for the delivery of the service plan. In order to maintain the quality of their work;

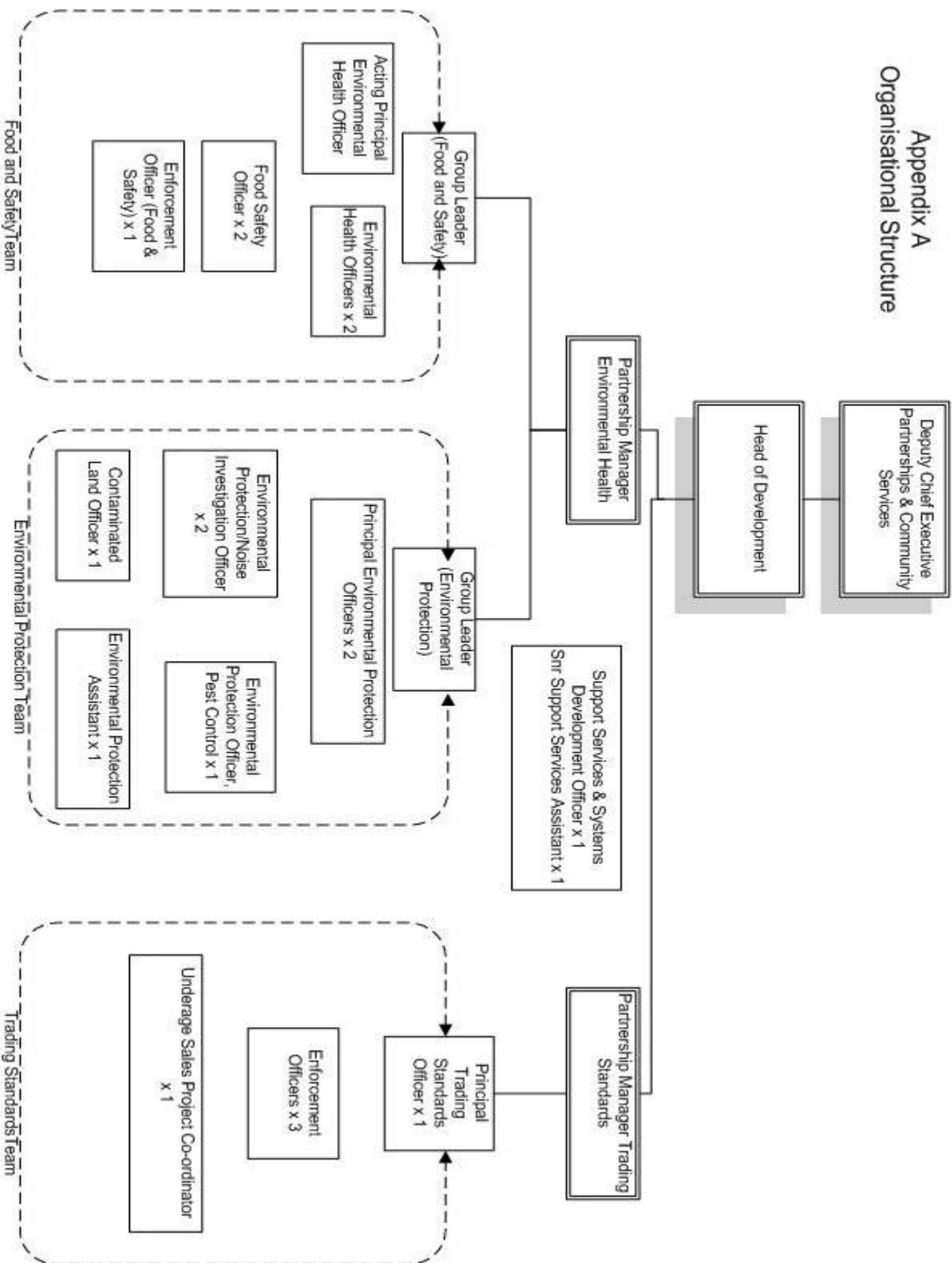
- We continually review our operational procedures to improve our service delivery and to take into account legislative and practice changes.

- We evaluate the consistency of our inspections against our procedures through activities such as accompanied inspections by senior inspectors, team meetings, and review of inspection reports to ensure consistency in the work of the Service.
- We ensure that Officers appointed as food inspectors complete at least 10 hours food related training each year as part of their on-going training to maintain their competency.
- We are subject to periodic independent audit by the Food Standards Agency
- We carry out periodic surveys of businesses which have been subject to inspection to find out what they thought of the experience. In addition service users can utilise the East Lothian Council feedback procedure to make comment or raise concerns about the way in which the service is delivered.
- We report the performance of a number of our planned objectives to elected members at regular intervals.

Objective 13 Ensure all Authorised Officers receive a minimum of 10 hours food related competency training

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DATE	6 June 2014

Appendix A Organisational Structure



Appendix B Food Businesses

Type of food business	Number of premises
Approved Dairy premises	1
Approved Fish premises	4
art/craft	1
Asian style takeaway	4
Bakehouse	3
bakers	13
Bed and breakfast	37
Betting shop	2
Bottler Mineral Water	2
Brewery	1
Butchers	14
Canteens	7
Caravan site residential/holiday	1
Caravan site touring	2
care in the community premises	2
Carry out food premises	36
charity shops	3
Chemists/cosmetics	24
Childminder	30
Chinese Style takeaway	17
Church	8
Confectioner/Ice cream/Newsagents etc	27
Dairy	3
Delicatessen	5
Domestic residence	2
EC approved premises except meat or prep	2
EC approved premises meat or meat preps	2
Educational Establishment Kitchen	57
farms/Farmland / buildings	9
Fishmongers	10
Flour mill	1
Food Manufacturer	19
Game dealers licence	2
Garden Centre/Florist	3
General Food Store	57
General retail etc	15
Grain etc haulage etc	11
Greengrocer/Fruiterer	5
Grocers/Supermarkets	36
Hairdresser/Barber/Ear Piercer/Tattooist	1
Hall/Clubrooms	60
Health and Safety Premises	1
Health/Beauty Salons/personal service	2
Home Manufacture	110
Hospital Kitchen	4
Hostel	4
Hotel/Guest House	33
Kebab/Fish and chip takeaway	3
Licensed Club	61
Market Stall	27
Mobile Shop Butchers	1

Mobile Shop Greengrocer	4
Mobile Shop Grocers	1
Mobile Shop Ice Cream	20
Mobile Shop Wet Fish	11
Mobile Shop/Snack Bar	31
Monitoring	1
Nursery School	52
Nursing Home Kitchens	15
Off Licence	6
Other Food Premises	34
petrol station/Retail	7
Producers of food	6
Public House Catering	26
Public House Not Catering	24
Residential Home	13
Restaurants, cafes, day centres	167
Sport/Rec/Halls(non food)/Leis Centres	2
Theatres, museums, galleries	1
Video Shop	1
Warehouse - Food	14
Wholesale Food Premises	10
Grand Total	1230