

ANGUS COUNCIL

INFRASTRUCTURE SERVICES COMMITTEE – 25 AUGUST 2009

REVIEW OF THE FEED, FOOD AND SAFETY SERVICES PLAN FOR 2008 - 2009

REPORT BY THE DIRECTOR OF INFRASTRUCTURE SERVICES

ABSTRACT

The Council is required to review on an annual basis the Feed, Food and Safety Services Plan.

1. RECOMMENDATION

1.1 It is recommended that the Committee

- (i) agree the contents of this report and the attached Review of the Feed, Food and Safety Services Plan 2008 – 2009.

2. BACKGROUND

2.1 Through undertaking this review the Council is fulfilling its legal obligation in terms of the Framework Agreement on Local Authority Food Law Enforcement and with the Section 18 Standard made in terms of the Health and Safety at Work etc., Act 1974 (as amended).

2.2 The Review also enables management to evaluate the work undertaken by the Division's staff during the period 2008 – 2009.

2.3 The process of the review assists the development of the 2009 – 2010 plan for these essential Local Government Services.

3. PROPOSALS - THE REVIEW

3.1 The attached Review of the 2008 – 2009 plan covered the following aspects of the plan:

- Demands on the Services
- Operational Management
- Staffing
- Service Delivery
- Advice to Businesses
- Conclusion

4. FINANCIAL IMPLICATIONS

4.1 There are no financial implications associated with the recommendations contained in this report.

5. HUMAN RIGHTS

5.1 There are no human rights implications specific to this report.

6. EQUALITIES IMPLICATIONS

6.1 The issues dealt with in this report have been the subject of consideration from an equalities perspective (as required by legislation). An [Equalities Impact Assessment](#) is not required.

7. CONSULTATION

7.1 The Chief Executive, Director of Corporate Services, Head of Law and Administration and Head of Finance have been consulted on the contents of this report.

8. CONCLUSION

8.1 Throughout the review process undertaken by management it was apparent that change and the management of this process was a substantial aspect of the delivery of the plan. It is however, evident from this Review that the staff delivered a substantial number of the targets defined within the plan.

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Director of Infrastructure Services

No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above report.

E&CP/DV/JB
09 July 2009

Appendix

Review of the Feed, Food and Safety Plan

1. Introduction

The Council is required annually to carry out a Review of this Plan. In reviewing the Plan covering the period 2008 - 2009 fulfils a number of legal requirements in terms of the legislation covering Feed Safety, Food Safety and Health and Safety Enforcement.

2. Demands on the Feed, Food and Safety Enforcement Services

2.1 Demands on the Food and Safety Enforcement Services

In February 2009 the new Food Law Code of Practice (Scotland) was issued by the Food Standards Agency to Councils. This document's main impact will be in the area of the Council's approach to enforcement. The new concept of interventions contained in Section 4 of the new Code of Practice will provide flexibility to the Council in its approach to the enforcement of food safety legislation. Whilst the inspection tool will still be available there will be other tools such as Monitoring, Auditing and Sampling which will also be available to staff when undertaking the Council's programmed inspection regime.

The new Code of Practice has also clarified the inspection frequency for Approved Establishments by reverting to basing the date of an intervention on a risk assessment in terms of the scoring matrix contained in ANNEX 5 of the New Code of Practice.

In addition to the new Code of Practice the inspection of Primary Producers in accordance with Regulation (EC) No. 852/2004 on the Hygiene of Food Stuffs and Regulation (EC) No 1831/2003 on the hygiene of feedstuffs has commenced and this additional work is the subject of an agreement between the Council and the Food Standards Agency (Scotland). This agreement covers the period from September 2008 until September 2010.

A further project which the Food Standards Agency (Scotland) has begun promoting is the use of the Food Hygiene Information Scheme (FHIS) or as it is more generally known 'Scores on the Doors'. This scheme when implemented by the Council will enable consumers to see how well the food business of their choice is complying with the food hygiene legislation. During the period of the Plan the Food Standards Agency (Scotland) requested an expression of interest from Councils in Scotland for the adoption of the scheme within the next few years. A Report on this is included elsewhere on the Agenda.

During the period of the Plan the Food Standards Agency implemented a new system through which Local Authorities would submit their annual statistical returns. The scheme is entitled the Local Authority Enforcement Monitoring System and will facilitate the electronic return of data to the Agency and the online verification of the data by a Senior Officer of the Council prior to the data being published.

In February 2009 the Food Standards Agency (Scotland) carried out an Audit into how the Council administers the enforcement of the food safety legislation associated with the Approved Establishments operating in Angus. The Management of the Economic Development and Environmental and Consumer Protection Division hope to receive the Agency's report of the Audit in due course.

With reference to the Health and Safety aspect of the 08-09 Plan the Council had to manage in partnership with NHS Tayside a Legionella incident. This incident during the period April to June 2008 took up a considerable amount of staff time. As a consequence of this incident, approximately one hundred and twenty businesses were contacted with information on the need to control the risk of Legionella in their business undertakings.

During the period of the Plan some progress was made regarding the implementation of the Section 18 Standard which has been devised by the Health and Safety Executive in terms of the Health and Safety at Work etc, Act 1974 (as amended). The Standard is in essence a quality control scheme for the enforcement of health and safety legislation by Local Authorities and has to be implemented by the Council. The newly appointed Senior Environmental Health Officer (Health and Safety) took up her new post in July 2008 and she has been tasked with implementing this new standard within the work of the Food and Safety Unit.

Finally, the Food and Safety Unit continued during the period of the Plan, to work in partnership with the Health and Safety Executive to continue the local promotion of the Fit 3 initiative. This work included the promotion of awareness of the risk of slips and trips in the workplace during the programmed inspections carried out during the period 2008 - 2009.

2.2 Demands on the Feed Enforcement Service

During the period 2008-2009 the Food Standards Agency, at the behest of the Scottish Government, introduced a pilot scheme for the enforcement of feed and foodstuffs at the point of use and production, the aforementioned "primary production," in Scotland. The aim of the scheme is to reduce the number of visits to farms by enforcement officers. Considerable debate has taken place, and continues to take place, regarding the qualifications of officers able to undertake this type of dual feed/food inspection and at present, in the absence of any suitability qualified single officer within the department; joint visits were undertaken in early 2009.

With the publication of the new ANNEX 10 to the Feed Law and Food Law Codes of Practice in March 2009, the Food Standards Agency has encouraged Local Authorities to undertake the Feed and Food Hygiene inspection of primary producers by one Officer. This aspect of the new ANNEX 10 requirements has been discussed within the Division and it is intended to carry out future Primary Production inspections with either a Food Safety Officer / Environmental Health Officer or Trading Standards Officer respectively qualified in either Food or Feed Hygiene. Any formal enforcement action as a result of these inspections will be undertaken by either a Food Safety Officer / Environmental Health Officer or Trading Standards Officer depending on whether the offence is food or feed related.

A reduced number of feedstuffs samples were taken this year as the Service concentrated resources on sampling fertilisers produced by the three factories located in the Authority's area.

As part of the pilot, and the introduction of a new computerised recording system to be introduced by central Government, new categories of premises type will require to be introduced to the primary production premises APP database. This will be a time consuming exercise and staff resources will need to be diverted to make this change. By the introduction of the pilot, the Food Standards Agency has intimated that it would desire a five fold increase in the number of premises visited in previous years. This requirement for an increase in visits came after the Service had programmed its Feedstuffs visits for 2008/2009 and takes no account of Trading Standards staff availability to meet the extra demands.

3. Operational Management

As stated in the previous review of the 2007 - 2008 Plan the Council resolved in December 2007 (Report Number 1212/07) not to fill the vacant post of Head of Environmental and

Consumer Protection and requested the existing Headquarters' Management to act up on a temporary basis to fulfil this vacant role and the role of Senior Service Manager. This acting up role was further extended (see Report Number 1171/08) for a period up to December 2009.

This additional period has therefore impacted on the Management of the Plan and continued to challenge the Managers in their effective delivery of the Division's services.

4. Staffing

During the period of the Plan the Food and Safety Unit lost two staff members, one of whom took up an appointment with the Health and Safety Executive and the other moved to another Local Authority. One of the Officers concerned was the Senior Environmental Health Officer based in Forfar with a specialism in Health and Safety Enforcement. This resulting vacancy was filled from within the Unit and the new Senior Environmental Health Officer (Health and Safety) took up her new post in Forfar at the beginning of July 2008.

The two vacant posts were advertised nationally but unfortunately none of the applicants were suitable. However, a second round of advertisements during the Autumn limited to Scotland resulted in two appointments to the Unit, both officers starting in December 2008.

Due to the vacant posts and another member of staff being off on sick leave for several months during 2008 - 2009 there was a substantial impact on the work undertaken by the Unit which is demonstrated in the figures contained within this Review.

The Trading Standards officer who was a member of the Business Regulation team responsible for feedstuffs enforcement left in September 2007. This member of staff was replaced by another Trading Standards Officer who does not hold the feedstuffs qualification. One of two remaining officers currently able to carry out feedstuff enforcement was one of two officers off on long term sickness from the Trading Standards Service during December to March 2008/2009. It was during this period that most of the feeding stuffs visits were programmed.

Two Trading Standards officers received training in the auditing of HACCP systems as applied by Feed businesses.

5. Service Delivery

5.1 Food Hygiene Inspections

The following table is based on the data generated through the use of the Civica APP software system and provides a detailed breakdown of the inspections undertaken for the period 2008 - 2009.

Minimum inspection frequency	Number to be inspected	Actual number inspected	Percentage inspection undertaken on time
6 months (A)	64	64	100
12 months (B)	142	142	100
18 months (C)	325	316	97
2 years (D)	143	92	64
Above 2 years (E)	Alternative Enforcement Strategy		

The letters in the brackets in the above table indicate the risk category of the food premises in terms of the Risk Rating Scheme defined in ANNEX 5 of the Food Law Code of Practice (Scotland). The highest food safety risk category is 'A', the lowest is 'E'.

The table demonstrates that the highest risk categories (A) and (B) were all inspected on time during the period of the Plan.

It is evident from the figures that the Food Safety Unit staff will in future years concentrate on continuing to inspect premises in the high risk categories but hope to improve the inspection rate of the premises in the lower risk category of (D).

The Alternative Enforcement Strategy for (E) rated premises continued throughout the period of the Plan with eighty nine premises targeted. The responses received as a result of this strategy have enabled staff to assess the food safety risk of these premises within the terms of ANNEX 5 of the Food Law Code of Practice (Scotland).

5.2 Feeding Stuffs

A programme of 15 visits involving Feedstuffs enforcement was programmed for 2008/2009. Premises were chosen on an "intelligence" led basis drawn from those premises that made "Compliance" returns during the period 2006/2008. A sampling plan for samples of feedstuffs was also drawn up in conjunction with the Public Analyst and Fife, Perth & Kinross and Dundee Councils. It was agreed that feed samples would be tested for the presence of Ochratoxins, Aflatoxins, levels of copper, selenium, protein and Vitamins A and E.

A total of 3 feed samples were taken from farms where feed is produced for their exclusive use. 11 premises were visited up to 31st March 2009. Five of these were joint visits with an Environmental Health officer present who covered any food hygiene aspects of the visit.

5.3 Food Standards

The table below indicates the number of food samples taken during 2008 - 2009 compared to the targets defined in the Plan for the period.

Type of Sample	Target Number	Samples actually taken
Microbiological	313	239
Chemical	219	258
Total	532	497

NB The targets defined in the Plan for 2008 - 2009 did not include the samples for National and Regional Surveys.

The reduction in the number of food samples taken regarding the microbiological sampling target defined in the above table was caused by one of the sampling Officers being absent due to extended sick leave during 2008 - 2009. This period of sick leave reduced the staff allocated to sampling during the period of the Plan from two Officers to 1.6 full time equivalent staff.

The target set in the 2008 - 2009 Plan for Food Standards inspections was accomplished.

5.4 Food Safety Revisits

During 2008 - 2009 a total of ninety seven revisits were undertaken by staff.

5.5 Food Safety Complaints and Requests

The Food Safety Unit received one hundred and thirty five complaints and other service requests during 2008 - 2009.

5.6 Health and Safety Inspections

The following table provides a detailed breakdown of the health and safety programmed inspections carried out during 2008 - 2009. The table also provides information on the targets and the percentage of those targets attained by the staff.

Risk Rating Category	Target Inspections	Total Inspected	Percentage of Inspections Undertaken
A	36	27	75
B1 - B2	65	46	71
B3 - B4	82	35	42
C	114	47	41

The loss of both the Senior Environmental Health Officer (Health and Safety) and an Environmental Health Officer specialising in health and safety enforcement had an adverse effect on the work in this area of enforcement. With the filling of the vacant posts in December 2008 the last quarter i.e. 1/1/09 - 31/3/09 of the period 2008 - 2009 the figures for inspections in this area of enforcement has improved. It will be the Managers responsibility to ensure that this improvement continues.

5.7 Health and Safety Service Requests

During the period 2008 - 2009 the Food and Safety Unit received a total of eighty six requests relating to the Health and Safety enforcement function. It is therefore proposed that the target for the period 2009 - 2010 should be set at ninety service requests.

5.8 Work Place Accidents

A total of thirty nine accidents were reported to the Council during 2008 - 2009 by the Incident Contact Centre of the Health and Safety Executive.

6. Advice to Businesses

During the routine programmed inspections associated with the Feed, Food and Safety enforcement the staff continued to give proprietors, managers and staff of the businesses inspected advice and guidance on how to effectively comply with the law.

As a consequence of the Legionella incident as described in paragraph 2 of this Review, a project was implemented to advise a number of businesses on the control of the risk of Legionella in their premises.

7. Conclusion

The attainment of the targets defined within the annual Feed, Food and Safety Plan continues to motivate the staff and managers of the Services covered by this Plan. The Officers therefore actively supported the managers in the delivery of the Plan's objectives. This positive attitude of the staff is displayed through their day to day work and the targets attained during the period 2008 - 2009 which are the subject of this Review. It is therefore, with confidence that the managers of these Services look forward to effectively delivering on future Plans.