

ITEM No ...5.....

REPORT TO: COMMUNITY SAFETY & PUBLIC PROTECTION COMMITTEE – 18 FEBRUARY 2019

REPORT ON: FOOD SAFETY SERVICE PLAN 2019 - 2020

REPORT BY: EXECUTIVE DIRECTOR OF NEIGHBOURHOOD SERVICES

REPORT NO: 63-2019

1. PURPOSE OF REPORT

1.1 To inform Committee of the revised Food Safety Service Plan.

2. RECOMMENDATIONS

2.1. It is recommended that Committee approves the Food Safety Service Plan contained in Appendix 1.

3. FINANCIAL IMPLICATIONS

3.1. There are no financial implications arising from this report.

4. MAIN TEXT

4.1 Food Standards Scotland (FSS) require Local Authorities to produce a Food Safety Service Plan to set out how they fulfil their statutory duties in relation to food safety. FSS have recommended that updated versions are routinely produced and submitted for appropriate approval.

4.2 The aim of the Council's Food Safety Service is to prevent food poisoning, foodborne and waterborne illness by helping to ensure that food and drink intended for sale for human consumption is produced, stored, distributed, handled or consumed without risk to the health and safety of the consumer.

The Food Safety Team's objectives are to:

- promote high standards of food safety and food hygiene in Dundee
- provide food safety advice and information to food businesses and the public
- carry out a programme of planned risk-based inspections of food premises
- identify any contaminated food by a planned and coordinated sampling programme
- investigate notified cases of food poisoning and food poisoning outbreaks
- investigate complaints of unfit, unsound or contaminated food
- implement the Food Hygiene Information Scheme (FHIS)

4.3 There are currently over 1500 registered food businesses in Dundee, covering a wide range of sectors including manufacturing, distribution, retailing and catering. Inspections of food premises are carried out following a risk based approach set out in the Food Law Code of Practice (Scotland). Around 1300 inspections and revisits were carried out by the team in 2017/18. The team also comment on Food Safety requirements of plans submitted for planning and building warrant applications, to ensure the design and layout of new or altered food premises are suitable.

4.4 The Food Safety Team contribute to the safe running of the increasing number of events such as the outdoor concerts, music festivals and farmers markets as well as the annual Food and Flower show, all of which include elements that fall under Food Safety legislation. The team

provide advice and guidance in advance of the event and carry out inspections of caterers immediately before and if required during the events.

- 4.5 Dundee has participated in the Food Hygiene Information Scheme since it began in October 2010. The scheme provides basic information to the public about compliance with food hygiene legislation found at the time of inspection. Results are published on the Food Standards Scotland website and there is a link to this information from Dundee City Council's website. In 2017/18, 86% of food businesses in Dundee achieved Pass status, the highest since the introduction of the scheme.
- 4.6 The Food Safety Team follow the Scottish Regulators Strategic Code of Practice and take a graduated approach to enforcement, based on proportionality, consistency, transparency and targeting. The work of Local Authorities in relation to food enforcement work is subject to audit by Food Standards Scotland.

5. **POLICY IMPLICATIONS**

- 5.1 This report has been subject to an assessment of any impacts on Equality and Diversity, Fairness and Poverty, Environment and Corporate Risk. A copy of the Impact Assessment is available on the Council's website at www.dundee.gov.uk/ia.

6. **CONSULTATIONS**

- 6.1 The Council Management Team have been consulted in the preparation of this report and agree with the content.

7. **BACKGROUND PAPERS**

- 7.1 None.

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Executive Director of Neighbourhood Services

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18th February 2019

Neighbourhood Services
Community Safety
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**FOOD SAFETY
SERVICE PLAN
2019 - 2020**



DUNDEE CITY COUNCIL			
NEIGHBOURHOOD SERVICES			
Food Safety Service Plan 2019 - 2020			
Issue: 4	Date of last review: May 2017	Standard 14.1	Page: 1 of 23
	Date of latest review: January 2019		
Responsible Person: Lindsay Matthew, Manager – Food Safety/Health & Safety			

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1. INTRODUCTION

1.1 Introduction

This Food Safety Service Plan has been produced in accordance with Food Standards Scotland's framework agreement on food law enforcement and EC Directive 882. It details how we will protect and promote food safety throughout Dundee by a combination of measures which include providing information and advice, carrying out regular inspections, sampling of foods, liaising with other organisations and enforcing food safety law. Our activities and procedures take account of the Food Law Code of Practice (Scotland) issued by the Secretary of State to help Local Authorities ensure compliance is being met with current legislation.

This plan links with Neighbourhood Service's Service Plan 2017 – 2022 which was approved by the Community Safety & Public Protection Committee and Neighbourhood Services Committees on the 19th of November, 2018.

The Food Team is part of the Community Safety and Protection service area within the council's strategic group called Neighbourhood Services (NS). The Dundee City Council Plan 2017 - 2022 contains 11 priorities for NS. This Food Safety Service Plan aligns with priority 4 which is keeping people safe and protected from health hazards

1.2 Definition of the Statutory Food Regulatory Function

The Food Hygiene (Scotland) Regulations 2006 came into force on January 1st 2006 and provides the framework for the EU legislation to be applied in Scotland.

The principle objective of the general and specific hygiene rules is to ensure a high level of consumer protection with regard to food safety. An integrated approach is necessary to ensure a high standard of food safety from the place of primary production up to and including consumer consumption.

The legislation falls into two broad areas, namely; 'Food Standards' and 'Food Safety'. Food Standards relates to issues of description, labelling and composition of food. This legislation is aimed at ensuring that consumers are not misled and can make informed choices based on the information contained within labelling or advertisements about the type and composition of food for sale.

Food safety relates to the safety of food supplied for human consumption at all points after harvesting/slaughter. The term applies both to the condition of the food itself and to the conditions under which it is handled prior to consumption. Local Authorities have a statutory role in the enforcement of legislation that is intended to ensure the hygienic handling of food and the safety of the final product in terms of its wholesomeness and fitness for consumption.

The term 'enforcement' is not restricted to the use of legal sanctions to achieve the aims of the legislation and is also taken to include the provision of advice, assisting and encouraging food businesses to achieve compliance via adopting good practice, raising consumer's awareness of safe food handling practices and about how to interpret labelling and descriptions of food in order to make informed choices. Formal enforcement options may include seizing or detaining unfit food, the use of enforcement notice procedures, or where necessary, reporting matters to the Procurator Fiscal with a view to instigating prosecution.

2. BACKGROUND

2.1 Profile of Dundee City Council

Dundee is Scotland's fourth largest city. It is situated on the east coast and on the north side of the Tay Estuary. In 2012 the population of Dundee City was 147,800 and this is expected to increase by more than 20,000 people over the next 20 years. Dundee is a regional employment, education and retail centre. 325,766 persons reside within a 30 minute drive time of Dundee City Centre and 860,851 reside within a 1 hour drive time.

Tourism in Dundee showed an increase in 2013 when 804,300 visitors came to the City of Discovery. It is anticipated that the new £80 million V&A will take Dundee's annual visitor numbers over the one million mark. The City is currently home to over 30 hotels and guesthouses and boasts a wide selection of pubs, clubs and venues within easy reach of the city centre. With an ambitious billion-pound Waterfront project, the number of eating and drinking establishments will increase considerably.

In Dundee city centre, there are three main indoor shopping centres: the Overgate, the Wellgate and the Forum. The City Quay dock development comprises 50 further retail outlets, and provides factory outlet shopping. In-depth statistics published by the Scottish Government show the city's food and drink trade's annual turnover soared from £119.6m to £162.6m between 2015 and 2016.

Championship golf courses within 45 minutes' drive of the city include St. Andrews, Gleneagles, and Carnoustie. Dundee Ice Arena has an Olympic size ice rink and seating for 2,300 people.

There are frequent classical and contemporary art exhibitions at a range of venues including MacManus Galleries and The University of Dundee. Dundee's Contemporary Arts Centre has won several awards and the Dundee Repertory Theatre has won wide critical acclaim for its productions. Dundee is also home to the Whitehall Theatre, Gardyne Theatre and The Little Theatre.

The Caird Hall is located in the centre of Dundee and plays host to a variety of both classical and pop concerts, including the Royal Scottish National Orchestra and the Scottish Chamber Orchestra. It also hosts a variety of other shows, fairs and exhibitions.

The city also hosts a variety of festivals including jazz, blues, dance, guitar, and flower and food.

2.2 Organisational Structure

The Food Safety Service is provided via the Food and Health & Safety Team which is part of the Community Safety and Protection Division within Neighbourhood Services. An organisational chart is shown in Appendix A. The council's current Senior Management Team is shown in Appendix B.

2.3 Role and Responsibilities of Lead Food Officer

The Lead Food Officer for Dundee City Council is Lindsay Matthew.

The role of the Lead Officer for food safety was originally included in the Food Law Code of Practice in response to the Public Inquiry into the 1996 E. coli outbreak in Scotland. The specific recommendation relating to the designation of a Lead Officer specifically for food safety was accepted by government, and Local Authorities should ensure that any alternative arrangement provides no less a standard of public protection than intended by the Public Inquiry.

The Lead Officer shall meet the competency requirements set out in sub-section 4 of the Food Law Code of Practice (Scotland) and shall be responsible for ensuring that all Local Authority procedures relevant to meeting the requirements of the Code and relevant statutory duties are appropriate and adequate. Where the Lead Officer does not consider that at any stage the service and/or procedures are likely to meet the requirements of Food Law or this Code, he or she shall notify the relevant senior official of the nature of any significant deficiency or concerns in writing and retain a copy of any related correspondence. The retained record should specify the relevant decision-making arrangement and authority.

Assessment of the adequacy of arrangements carried out by the Lead Officer should include all areas covered by this Code, and in particular:

- a. The effectiveness and appropriateness of arrangements for delivering Official Controls, including arrangements to ensure appropriate quality of interventions.
- b. Arrangements to ensure official Food Controls are applied at a risk-based frequency in accordance with this Code.
- c. Arrangements to ensure the management information software used to deliver all the services required by the Food Authority is up to date and fit for purpose.
- d. Arrangements to ensure the weekly transfer of Food Law enforcement activity to the Scottish National Database (SND).
- e. The sufficiency of Authorised Officers and other officials in terms of numbers, qualifications and experience, having regard to any specific requirements in the Code.
- f. The adequacy of facilities and equipment available to carry out relevant duties properly.
- g. That officers are free from conflicts of interest.
- h. The adequacy of access to appropriate laboratory capacity and capability for examination and analysis of samples.
- i. The adequacy of internal monitoring arrangements designed to ensure the maintenance of satisfactory delivery of official food controls.

The Lead Officer shall be responsible for assessing and reporting on the performance of the Local Authority in relation to meeting all requirements of this Code. Where he or she is not appointed to monitor performance directly, he or she should have access to all relevant performance information. Where the Lead Officer considers that performance does not meet the standards required in the Code, he or she shall notify the appropriate senior official of any significant finding or concern and should retain a record of all related correspondence.

The Lead Officer should be the principal point of contact for audits by FSS or the Directorate-General for Health and Food Safety (DG SANTE) and shall make available to FSS on request, all assessments and correspondence relating to the responsibilities set out above.

2.4 Scope of the Food Service

As a Unitary Authority, the Food Safety Service includes food hygiene and food standards. The team are also responsible for commenting on premises licence applications and planning and building control applications for commercial properties. The Authority has four premises approved under product specific EC Directive 853/2004 which handle raw products of animal origin, including one Cold Store. Since 1 April 2009 these have been included as part of the risk based inspection programme. There are also two larger catering butchers within Dundee which are under dual food safety enforcement with DCC's Food Safety Service responsible for the retail element of the businesses, and Food Standards Scotland inspecting the approved cutting plant and manufacturing areas of these premises.

The Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006 prohibits smoking in enclosed workplaces and public places. As part of ensuring that businesses are compliant with food safety and health and safety, compliance with smoking prohibition is checked during routine inspections and advice is given where required.

The East of Scotland Food Liaison Group (ESFLG) includes the seven local authorities in the East of Scotland (Angus, Clackmannan, Dundee City, Falkirk, Fife, Perth & Kinross and Stirling) who work closely together to ensure consistency of approach to enforcement action. The food team also work closely with other sections of the Local Authority, e.g. Education, Social Work, Licensing, Building Control, Planning, City Centre Manager, etc.

The appointed Public Analyst and Food Examiner is Tayside Scientific Services.

2.5 Demands on the Food Service including Events

As at 1st April 2018, there were 1546 registered food premises in Dundee. A breakdown of these premises is shown in Section 4.4. Of these food premises, a small percentage of proprietors do not have English as a first language and in certain situations officers will call on the services of an interpreter. 'Language Line' provide a phone translation service for DCC. Officers should be cautious about using informal translators since there is a risk that, on serious matters, the message to the food business operator may not be effectively conveyed. There are two food packaging manufacturers in Dundee. In addition one bakery in the area exports products to international customers and our council is involved in issuing export certificates to this business. The Food Safety Service dealt with 316 complaints and advice requests and reviewed 197 sets of plans for Planning/Building Warrant applications in 2017-18.

The Council carries out the Port Health function for the Port of Dundee.

2.6 Service Contact Point Details

The main service headquarters are at 5 City Square, Dundee, DD1 3BA which is open from 8.30 am to 5.00 pm Monday to Friday (Tel 01382 433710). Officers in the food team can be contacted by direct line telephone extension. Each phone has an answer machine attached. Officers also have individual email addresses and this contact information is detailed on all outgoing correspondence including business cards.

Enquiries and complaints are routinely received by letter, email (food.safety@dundeecity.gov.uk) or telephone via the main Council switchboard

(Tel (01382) 434000). The Corporate Customer Services Team based in Dundee House ensures that the customers of Dundee City Council receive the same quality of service whichever they choose to get in touch. Customers can drop into Dundee House and have their enquiry dealt with by an experienced Adviser or call our new Contact Centre and speak to someone who can channel their query in the most efficient way. The Customer Services team can be contacted in the following ways:

- Customer Services Tel: 01382 433558
- Letter: Dundee House, 50 North Lindsay Street, Dundee, DD1 1QE
- Email: customerservices@dundeecity.gov.uk
Opening hours: Monday – Friday, 8.30 am – 5 pm

Service users who are deaf or hard of hearing can contact Dundee City Council using the text number 07860 022 899.

Contact information for all council departments is available on Dundee City Council's web-site at www.dundeecity.gov.uk

The food safety web page is regularly reviewed and this is another means of accessing information and services from the Food and Health & Safety team.

3. AIMS AND OBJECTIVES

3.1 Objectives

The aim of the Food Safety Service is to prevent food poisoning, foodborne and waterborne illness by helping to ensure that food and drink intended for sale for human consumption is produced, stored, distributed, handled or consumed within the city without risk to the health and safety of the consumer.

The Food Safety Team's objectives are to:

- promote high standards of food safety and food hygiene in Dundee
- provide food safety advice and information to food businesses and the public
- carry out a programme of planned risk-based inspections of food premises
- identify any contaminated food by a planned and coordinated sampling programme
- investigate notified cases of food poisoning and food poisoning outbreaks
- investigate complaints of unfit, unsound or contaminated food
- implement the Food Hygiene Information Scheme (FHIS)
- promote a consistent approach to enforcement on a risk-related basis
- comply with Food Standards Scotland's framework agreement on food law enforcement.
- participate in regional and national food safety liaison networks, in particular the East of Scotland Food Liaison Group (ESFLG) and Scottish Food Enforcement Liaison Committee (SFELC)

The following Food Standards Scotland objectives, as outlined in their Strategic Plan April 2016 – March 2019, are also supported:

- Food produced or sold in the UK is safe to eat.
- Imported food is safe to eat.
- Food is authentic.

- Enforcement is effective, consistent, risk-based and proportionate, and is focused on improving public health.

3.2 Links to Council Objectives & Plans

The Council Plan 2017-2022 sets out the Council's vision and priorities.

The City Plan for Dundee 2017 - 26 is that through our partnership, Dundee:

- will have a strong and sustainable city economy that will provide jobs for the people of Dundee, retain more of the universities' graduates and make the city a magnet for new talent;
- will offer real choice and opportunity in a city that has tackled the root causes of social and economic exclusion, creating a community which is healthy, safe, confident, educated and empowered;
- will be a vibrant and attractive city with an excellent quality of life where people choose to live, learn, work and visit.

SERVICE DELIVERY

4.1 Advice and Information to Businesses

DCC is committed to supporting businesses in complying with food safety requirements by providing advice via a number of means including, advisory visits, responding to e-mail and telephone queries, using guidance packs and leaflets, the Council's website, advising on relevant publications etc. Around 175 advisory contacts are made with food businesses each year.

The Council continues to promote CookSafe, RetailSafe and ButcherSafe published by Food Standards Scotland. Our Food Safety Service staff guide new businesses through these schemes and often provide additional support to businesses where English is not the first language of the proprietor. Advice and guidance on the pack is provided to every business during an inspection and it is a requirement for businesses to have in place a food safety management plan.

4.2 Food Premises Interventions

Interventions are defined within the Food Law Code of Practice (Scotland) as activities that are designed to monitor, support and increase food law compliance within a food establishment. They include, but are not restricted to official controls, which are defined at Article 2(1) of Regulation 882/2004.

Methods for carrying out tasks described as official controls are specified in Article 10 of Regulation 882/2004 and include:

- Monitoring,
- Surveillance,
- Verification
- Audit,
- Inspection
- Sampling and Analyses

Non-official controls include:

- Education, advice and coaching
- Information and intelligence gathering

The majority of official controls are undertaken unannounced. However in some circumstances an appointment may be necessary, for example, if the business is a domestic premises or successive attempts to gain access have been unsuccessful.

4.3 Food Premises Inspections

Programmed inspections of food premises are carried out using the risk based approach which is derived from EC Regulation 882/2004 and the Framework Agreement on Food Law Enforcement in respect of legislation relating to Scotland. Standards of food hygiene and safety for businesses in the European Community are set out in the EC Regulation 852/2004 on the Hygiene of Foodstuffs. These contain both structural and operational requirements that apply to all food businesses. Officers carry out their inspections using the inspection tool specific to the level of risk of the premises. Each inspection is followed by written confirmation to the food business operator of the outcome of the inspection. Additional requirements for food businesses that must obtain approval in relation to the production of products of animal origin are contained in EC Regulations 853/2004.

Inspections will take place at a frequency determined by a risk rating assigned at the last inspection. This date can be brought forward if a problem has been identified (e.g. through a complaint investigation, notification of an issue from another authority, poor sampling result, etc.) Depending upon the seriousness of the problem the intervention rating may be reconsidered along with the appropriateness of the next planned intervention.

All inspections should be planned so that they are carried out no later than 28 days after the due date.

Food premises are inspected at intervals ranging between 6 months and 2 years, in accordance with the national risk rating system which is required to be followed by all food authorities. An alternative enforcement strategy may be used for very low risk premises.

DCC carries out a programme of planned inspections of food premises in accordance with the Food Law Code of Practice (Scotland). Increased emphasis is given to inspections and other interventions in food premises as appropriate.

A total of 813 programmed inspections were scheduled for 2017/2018 and 328 revisits were made. Revisits are made where a possible risk to health has been identified at a programmed inspection or where a large number of contraventions of the legislation have been identified. Providing advice to businesses can help prevent or reduce contraventions of food hygiene legislation. Premises are allocated on a monthly basis by the Manager Food Safety/Health & Safety to individual members of staff taking into account their experience and level of authorisation.

4.4 Profile of Premises

A wide range of food business premises are currently operating within Dundee City Council and a breakdown of premises type is shown as follows:

Premises Type	Number
Producers	3
Manufacturers	25
Importers/Exporters	6
Distributors/Transporters	33
Retailers	293
Caterers including:	
Restaurant/Café/Canteen	255
Hotel/Guest House	41
Pub/Club	196
Take-away	206
Caring Establishments	305
School/College	55
Mobile food unit	37
Restaurant/caterers other	91
Caterers total	1186
Total	1546

In terms of risk rating, A being the highest and E being the lowest, the profile is as follows:

A - 4
B - 180
C - 463
D - 463
E - 387
Unrated - 4
Outside - 61

As of 1st April 2018, there were 4 unrated premises (premises that have not yet been inspected and risk-rated in terms of the Food Law Code of Practice (Scotland)). These premises were included in the inspection programme for 2018/19. A total of 61 premises have been identified as being outside the inspection programme. These premises fall outside the inspection programme as they are very low risk. These include premises such as church and village halls and low risk child-minders only serving beverages. The list is reviewed each year prior to running the programme.

4.5 Food Hygiene Information Scheme (FHIS)

DCC has participated in the scheme since 10th October 2010 (10/10/10). The scheme provides basic information to the public about the standards of compliance with **food hygiene** legislation found **on the date of inspection** by the local authority. The food hygiene rating is not a guide to food quality. The results of all food businesses subject to the scheme (generally caterers and retailers) are published on Food Standards Scotland's website with a direct link to this available via DCC's website.

Food businesses are categorised as either a PASS or IMPROVEMENT REQUIRED for the purposes of the scheme. Food businesses are also supplied with a certificate to display within their premises informing the consumer directly of their FHIS status.

To obtain a PASS, the food business must be “broadly compliant” with food law i.e. score 10 or better in each of the core risk rating criteria in respect of hygiene practices, structure and cleanliness and confidence in management.

FHIS was specifically designed to take account of the likely response of business to **voluntary display** of results. The design of the scheme acknowledges that a food businesses operator (FBO) is unlikely to voluntarily display anything that devalues the business. In practice therefore, it is anticipated that only businesses with a ‘Pass’ will display certificates and that consumers will draw their own conclusions about the absence of displayed information. This in turn should provide businesses with maximum incentive to display ‘Pass’ certificates.

Food Standards Scotland is committed to a review of the current FHIS scheme that is likely to include mandatory display of FHIS status. Their Strategic Plan 2016-2019 states:

“In collaboration with local authorities and consultation with consumers and industry, *review the current Food Hygiene Information Scheme* to re-focus the key aim, to incentivise business compliance and influence consumer choices. Implement the findings of that review to improve the scheme and use campaigning to raise awareness and increased participation amongst consumers.”

Following a decision by DCC’s Licensing Committee in September 2015, a letter was sent to all Late Hours Catering (LHC) establishments in Dundee advising them that premises rated as Improvement Required in terms of FHIS and not achieving the Pass standard within one month would be reported to the Licensing Committee. Any premises failing to display its certificate would also be reported to the Licensing Committee. Improvement Required certificates were issued to eleven such premises and where necessary will be reported to Committee. The number of LHC premises rated Improvement Required reduced from 13 in September 2015 to 0 in April 2016.

4.6 Cross Contamination Strategy

Consideration of cross contamination has always been an important focus of inspections. The food service plan was updated to reflect the focused approach to businesses most likely to be a concern for cross contamination. It has been necessary to ensure more detailed recording of inspections to ensure evidence of assessment is available.

4.7 Enforcement Strategy

The Council is a signatory to the government’s Enforcement Concordat and has a documented Enforcement Policy endorsed by Council Committee in February 2015 which sets out the principles of proportionality, consistency, transparency and targeting. The policy is in line with the Food Law Code of Practice (Scotland) and was reviewed in the light of the Regulators Compliance Code. The main points of the Enforcement Policy are as follows:

In determining where enforcement is appropriate, consideration will be given to the following factors:

- the seriousness of the offence
- the past history of the business

- confidence in management
- the consequences of non-compliance
- the likely effectiveness of various enforcement options
- the attitude of the operator/proprietor

The above list is not exhaustive and other factors may be taken into account in the circumstances of a particular case.

The choices for action are:

- a) to provide additional advice or information where required
- b) to take informal action including issuing an advisory letters
- c) to use statutory notices e.g. issue of an Hygiene Improvement Notice (HIN), Remedial Action Notice (RAN) or Hygiene Emergency Prohibition Notice (HEPN)
- d) to submit a report to prosecute

HINs will be served in any of the following circumstances or a combination thereof:

- Formal action is proportionate to the risk to public health;
- There is a record of non-compliance with breaches of food hygiene or food processing regulations;
- The authorised officer has reason to believe that an informal approach will not be successful.

HEPNs will only be served where there is an **imminent** risk to health and where the consequences of not taking immediate and decisive action to protect public health would be unacceptable.

The issue of a HEPN closes the premises immediately

The Food Law Code of Practice (Scotland) provides for the voluntary closure of a food business. There were 13 voluntary closures in 2014/15, 15 voluntary closures in 2015/16, 12 voluntary closures in 2016/17 and 8 voluntary closures in 2017/18.

Prosecutions will be related to risk and not used as a punitive response to minor contraventions of legislation. Factors to be considered may include the seriousness of the alleged offence; the previous history of the party concerned; the probable public benefit of a prosecution and any explanation offered by the company/suspected offender.

Food Information Law – Seizure and Detention Powers

Section 33 in Part 2 of the 2015 Act details new provisions on food information amending the Food Safety Act 1990, with respect to seizure and detention of food in contravention of food information law. These provisions were introduced as part of the recommendations of the Scudamore inquiry into the fraudulent substitution of horsemeat.

The purpose of the provisions is to give powers to authorised officers to seize food in order to have it dealt with by a Sheriff, where significant contraventions of food information law are found, and to allow food to be detained pending further examination where suspicions of non-compliance require to be verified, through analysis if necessary, prior to the authorised officer making the determination that food information law has been contravened.

Section 15A, defines the meaning of “food information” for the new provisions as having the same meaning as it has in Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers and specifies that food information law means any enactment relating to food information specified by Scottish Ministers by regulation.

Where it appears to an officer that food information law is being, or has been, contravened, the officer may:

- a) give notice that the food is not to be used for human consumption and is not to be removed (except to some place specified in the notice) (Detention Notice);
- b) seize the food and remove it in order to have it dealt with by the sheriff (Seizure Notification); or
- c) Issue a withdrawal notice.

4.8 Alternative Enforcement Strategy (AES)

The Food Law Code of Practice permits the adoption of an alternative enforcement strategy for lower risk premises. This authority has adopted the following strategy for low risk premises, risk rated E (risk score 30 or less):

- a letter is sent to the food business and they are asked to undertake a self-assessment and review of food safety issues. This will highlight any issues that they need to address.
- a Food Business Enforcement Questionnaire is sent with the letter. The business is asked to complete the form. A deadline of 14 working days is set for the details to be returned to the department. A prepaid envelope is supplied. They are advised that failure to return the questionnaire may result in an inspection of the premises.
- on receipt of the requested details, the Food and Health & Safety Manager will make an assessment of whether the premises needs to be reintroduced into the inspection programme. In 2018/19 DCC chose not to implement AES but rather inspect all food premises categories including those risk rated E.

4.9 Food Sampling

DCC sample food produced and sold in its area to assess its fitness and microbiological quality. The sampling programme is coordinated by Tayside Scientific Services and includes participation in FSS, SFELC and ESFLG coordinated sampling programmes as well as local sampling initiatives.

4.10 Food Complaints and Food Crime

DCC investigate all complaints of unfit, unsound or unwholesome food sold or manufactured in the district in accordance with the home and originating authority principle. The food safety team receives complaints about unsatisfactory food or food premises. These are investigated in line with our procedures on dealing with complaints.

Investigating food complaints often requires working with colleagues in other local authorities. This, along with the time taken to receive reports from the public analyst etc., can increase the time taken to resolve the complaint. Complaints about food

very rarely result in formal action, mainly due to the lack of evidence which could be relied on in court. However, they do help identify failings in food processing and handling which require to be rectified to prevent further problems occurring in the future, and can be the starting point of food recalls.

Food fraud and food crime came to public attention during the discovery of undeclared horse meat in various meat products in early 2013. During routine inspections and sampling, officers are looking for evidence of any attempts to mislead consumers or provide food which is dangerous. Food Standards Scotland have established a food crime investigation unit to work more closely with local authorities in improving intelligence, detection and enforcement in regard to food fraud and criminal activity. The expectations, focus and demands of this work are likely to increase. The Food Standards Agency and Food Standards Scotland published a baseline report on food crime in the UK. This can be found on the Food Standards Agency web site <https://www.food.gov.uk/sites/default/files/fsa-food-crimeassessment-2016.pdf>

Memorandum of Understanding between the Society of Chief Officers of Environmental Health in Scotland and Food Standards Scotland (Scottish Food Crime and Incidents Unit)

The nature of food crime requires a partnership approach in order to Divert, Deter, Detect and Disrupt the threat of food crime across Scotland. Working in partnership provides the best opportunity for success. For the purposes of this MOU, the investigation of food crime involves key areas, including intelligence collection, assessment, development and investigation.

FSS and SOCOEHS are committed to the National Intelligence Model (NIM). FSS and SOCOEHS have agreed that all Food Crime intelligence and other appropriate intelligence will be recorded on MEMEX (currently the FSS approved database for recording intelligence). SFCIU will act as the intelligence hub for all intelligence submitted. SFCIU will assess, sanitise and link intelligence submissions and disseminate appropriate intelligence reports.

Appropriate sharing of intelligence is an essential element in ensuring effective partnership working between FSS and LA's in relation to Food Crime. This concept does not undermine the principles of the National Intelligence Model (NIM), and information should be shared on a 'need-to-know' basis. It is anticipated that, other than in exceptional circumstances (such as source protection or handling instructions from another agency), the Lead Food Officer (or nominated deputy) for the competent authority for any implicated establishments will be informed.

4.11 Food Alerts and Product Withdrawal/Recall Information Notice

DCC respond to all Food Alerts and Product Withdrawal/Recall Information Notices in accordance with information and guidance from Food Standards Scotland and to comply with the Code of Practice. The purpose of the response is to inform businesses and the general public of any potential contamination or risk to their food supplies and to advise them of any action required. The Product Withdrawal/Recall Information Notice replaced the Food Alert for Information.

4.12 Control and Investigation of Outbreaks and Food Related Infectious Disease

Controlling and preventing the further spread of infectious disease is a key part of the service provided by the Food and Health and Safety Team. This work is done in partnership with NHS Tayside's Health Protection Team (HPT) including the Consultants in Public Health. It is the policy of the service to investigate all notified cases of confirmed and suspected food poisoning and infectious diseases affecting residents of the city. In addition, where visitors to the city are affected, the team assists other local authorities with their investigations accordingly.

Notifications of food poisoning and infectious diseases include infections such as *E. coli* 0157, *Salmonella*, *Campylobacter*, *Cryptosporidium*, etc., and are passed to the team by NHS Tayside's HPT.

All such cases are followed up by a face to face or telephone interview or in some cases postal questionnaire depending upon the nature of the illness. The role of the service is to investigate cases looking for possible sources, or outbreaks, and in doing so take preventative measures and/or give advice to stop any further spread of infection in the household and wider community. All notified cases are investigated within two working days however depending on the nature/significance of the infectious agent, this will often be carried out the same day as the notification.

The trend in the number of notifications in the last seven years is shown below:

Year	Notifications of Food Poisoning
2011	249
2012	206
2013	240
2014	256
2015	248
2016	264
2017	240
2018	245

It should be noted that many of these infections are acquired outwith Dundee by residents who have been travelling, etc.

Out of hours contact details for the Food Safety Team are held by NHS Tayside's Health Protection Team.

4.13 Liaison with Other Agencies

The Council's Food Enforcement Policy is consistent with national guidance and the policies of other Scottish local authorities. The Council liaises with other organisations as follows:

- Quarterly meetings with other East of Scotland local authorities as part of the ESFLG. The Laboratory Service and FSS also attend these meetings.
- Up to five meetings at the Scottish Food Enforcement Liaison Committee (SFELC)
- Quarterly meetings at the Health Protection Team's Gastro-Intestinal Liaison Group
- Monthly Health Protection Update meetings
- Within the Council, relevant building regulation applications are examined from a weekly list of web-based applications from Building Control

- Community Safety and Protection is a consultee for premises licence applications.

4.14 Home Authority Principle and the Primary Authority Scheme

DCC is not formally registered as a home authority for any of the businesses producing food within its area. However, the City Council acts as originating authority for any food business whose headquarters are in Dundee. The current policy is to investigate all Home/Originating Authority referrals thoroughly in order to fully meet the requirements of the referring authority.

The Primary Authority Scheme was introduced on 6 April 2009 and runs alongside the Home or originating Authority initiative.

Any company operating across Council boundaries can form a partnership with a single local authority and this local authority becomes the focus for all reliable advice on compliance. Before other councils' impose sanctions on a company, the local authority must contact this primary authority to establish what advice/guidance has been issued.

DCC is not currently a primary authority for any food company.

4.15 Scottish National Database (SND)

In December 2015, FSS undertook an options analysis exercise as part of a strategic commitment to address recommendations of the Scudamore Expert Advisory Group which was established by Scottish Ministers in February 2013, to review the lessons learned from the Horsemeat incident.

In particular, this project has its origins in recommendations 25 and 26 of the report which stated the following:

Recommendation 25 "The New Food Body should ensure that integrated IT systems are in place for recording data relating to official controls and other interventions at food businesses. These systems should be mandated for use by all competent authorities in Scotland".

Recommendation 26 "FSA Scotland should assess whether it was feasible and economic to develop a common database language to enable more effective interrogation and provision of results from the main IT systems".

In February 2016, FSS approved the development of a national database, with the purpose of capturing all of the Food Law enforcement activities undertaken in Scotland.

The SND will replace the 2 current IT platforms which collect Food Law enforcement activity in Scotland i.e. LAEMS and FHIS UK, but will also collect further food business information, including Registration and Approval details. In addition, all sampling data input onto UKFSS will also be incorporated into the SND, hence providing a national profile by Local Authority, of all Food Law enforcement activity in Scotland.

Each Local Authority will be able to access the SND via a secure portal. This will contain a dashboard and a suite of reports, which can be used to assist with service planning, operational delivery, internal monitoring and many other aspects of Food Law enforcement delivery.

DCC volunteered to take part in a short Local Authority pilot which involves testing of the delivery of data to the SND and addressing any coding issues that arise.

4.16 Mobile Traders - Food Hygiene National Standard

The new National Standard was introduced for mobile traders in 2017. Mobile food traders help support many of Scotland's sectors such as tourism and construction. One of the primary aims of the National Standard is to achieve consistency across the business landscape and make the process of trading across different local authorities easier for business. The introduction of the standard is not just about protecting customers from potential illness but it also allows them to make an informed decision when they are choosing where to eat. Clear, transparent standards and regulations allow businesses to easily interpret what is expected of them. This document relates to mobile food units where the operation of such requires a Street Trader's Licence under the Civic Government (Scotland Act) 1982 (as amended). The food business operator must ensure that the Food Authority in which the mobile food unit is normally based (even when not trading) is notified of the existence of that food business. The information duly requested must be provided by the food business operator in order to enable relevant details to be entered on the register of food premises held by the Food Authority.

Any other premises used for preparation of food which is to be sold from a mobile food unit must be registered as such by the Food Authority within which it is located. In order for a person to obtain a Street Trader's Licence under Section 39 of the Civic Government (Scotland) Act 1982, the mobile food unit operated by that person must be the subject of a valid Certificate of Compliance from a Food Authority. DCC is following the new arrangements.

4.17 Customer Satisfaction

Customer Satisfaction Survey for Regulatory Services. The customer satisfaction survey for the Food Safety Service is routinely sent to businesses with the satisfaction survey link embedded in each letter.

4.18 Corporate Food Safety

DCC can be considered to be either directly or indirectly one of the largest food providers in the city, and in many cases this provision being to vulnerable groups within the population. This includes direct involvement in and/or support of food provision, including in such diverse areas as:

- The Community Meals Service for older people, some of whom have special dietary requirements
- School and nursery food provision to the city's children
- Care establishments
- Events such as the Flower & Food Festival and the Farmers Market where the council is the event organiser or market operator etc.

The Corporate Food Safety Adviser provides advice to other Council services involved in food provision to ensure compliance with food safety and food standards legislation as well as any relevant guidance or best practice when carrying out their function.

This information can be found on the website for DCC at:

5. RESOURCES

5.1 Financial Allocation

The Food Safety Service is undertaken in-house by the Food and Health & Safety Team within Neighbourhood Services. The staffing structure is shown in Appendix A

The 2017/2018 overall Net Expenditure budget associated with the provision of this service was £710,000.

5.2 Staffing Allocation

There are currently 6.9 full time equivalent Environmental Health Practitioners posts involved in food safety in Dundee. This consists of the Food Safety Manager, Senior Environmental Health Officer, 3.23 Environmental Health Officers and 2.27 Food Safety Officers who are all fully qualified and authorised. In addition, two officers carry out health and safety interventions and project work associated with commercial premises.

5.3 Staff Development Plan

All staff engaged in food safety work are either qualified Environmental Health Officers with at least two years' food safety experience or Food Safety Officers holding the Higher Certificate in Food Premises Inspection and the Higher Certificate in Food Standards.

In addition, each member of staff involved in food hygiene enforcement undertakes at least ten hours of food safety training each year. This includes internal as well as external training.

The procedure for authorising officers involves an assessment of officers' competencies which is done by annual Employee Performance and Development Review (EPDR). The EPDR process is carried out at the start of each calendar year and identifies specific training needs for officers which is incorporated into the staff development plan. Staff training records are held departmentally.

The Council has a strong record of sponsoring student Environmental Health Officers during their work placement and providing appropriate training to allow completion of the Diploma in Environmental Health. The service currently has in post a Graduate Trainee EHO undergoing professional training.

6. QUALITY ASSESSMENT & PERFORMANCE MONITORING

6.1 Auditing

The Council's internal food safety procedures include a programme of monitoring the quality of its service and compliance with the food safety procedures which are based on the standard set in the Framework Agreement on Local Authority Food Law Enforcement. If the monitoring reveals non-conformance with the standard, remedial action is taken to review the documented procedure in question and bring the revised version to the attention of officers during STEP team briefings.

Officers complete a series of self-audits on ten premises that they have inspected to ensure that they are following the quality procedures detailed in the shared drive. The Manager Food Safety/Health & Safety conducts one to one meetings with all of the employees in the Food and Health & Safety team each year as part of the Employee Performance and Development Review (EPDR) process. Each year the Manager – Food Safety/Health & Safety and the Senior Environmental Health Officer accompany officers on a small number of inspections, primarily to lend assistance or witness conditions but also in order to monitor their performance.

The results of monitoring and remedial action are documented. Internal training takes place to ensure consistency. In 2015 the service was subject to a core audit by the Food Standards Agency in Scotland.

The audit report can be viewed in full on the enforcement portal of Food Standards Scotland's website at:

<http://www.foodstandards.gov.scot/sites/default/files/Dundee%20City%20Council%20Final%20Audit%20Report%20and%20Audit%20Closure.pdf>

The main findings of the audit were that the Food Safety Team had developed a series of documented policies and procedures relating to food law enforcement and those officers were taking a graduated yet firm approach to enforcement and actively worked with businesses to achieve compliance. The report highlighted an area of good practice in the use of Remedial Action Notices

There were no formal recommendations in the report, however internal actions were implemented in order to improve performance.

6.2 Reviewing Performance

Performance is closely monitored to make sure that the strategies being pursued are making an impact. All of the indicators and actions in Neighbourhood Services – Service Plan are stored in the Pentana database. This works by sending regular automated emails to those listed as lead officers for each indicator, asking them to provide updates which are available online and used to produce reports:

- in the case of indicators, officers post the latest available data, with comments and a note of any remedial action planned if performance has deteriorated. The performance database highlights trends using colour-coded symbols to show which indicators are improving, deteriorating or being maintained, and also stores baseline and target information.
- in the case of actions, officers provide concise written updates on progress and give assessments of whether the actions are completed, ahead of schedule, on schedule, behind schedule, unlikely to be achieved or abandoned, with reference to the target dates in the plan.

The information provided in both databases forms the basis of a mid-year progress report and an annual report to the Dundee Partnership.

Performance Framework and the Food Service Plan

The Dundee City Council performance framework consists of:-

- Key performance indicators and projects agreed by the Council in the Council Plan 2017-2022, City Plan 2017-2026 and Fairness Commission Action Plan 2016.

- Additional indicators and projects in the Neighbourhood Services Service Plan 2017 to 2022
- Cost, quality and satisfaction performance indicators from the Local Government Benchmarking Framework (LGBF). It should be noted that the only environmental health indicator in the LGBF is the cost per thousand population

Monitoring and review

Performance is monitored by:-

1. Regular reviews by the Neighbourhood Services, including the Community Safety and Protection management team.
2. Corporate reports covering the Council Plan, City Plan and the LGBF, Reports to the committees of Neighbourhoods Services and Community Safety and Public Protection.
3. The Lead Food Officer monitors performance of the food safety team on a monthly basis in line with the Food Safety Service Plan and discusses progress against the plan with the team and at Regulatory Services Management Team meetings.

6.3 Identification of any Variation from the Service Plan

Performance against the Food Safety Service Plan is reported quarterly and annually to the Scrutiny Committee. Selected targets from the plan can be included in the Council's Annual Plan, progress against which is reviewed and reported annually.

There were no variations compared with targets in 2017-18. Neighbourhood Services' Service Plan is reviewed annually and this includes review of Food Safety performance indicators and projects.

6.4 Areas of Improvement

The targets within the Food Safety Service Plans for 2017-18 were met, namely:

- 100% of food alerts receiving a response within 48 hours
- 100% of communicable disease notifications receiving a response <2 working days

The area for improvement in 2018-19 is: Increase the number of broadly compliant food premises

Appendix A – STAFFING STRUCTURE



Appendix 'B' – DUNDEE CITY COUNCIL MANAGEMENT TEAM STRUCTURE

WITH EFFECT FROM JANUARY 2016

