

AGENDA ITEM NO: 8

25 August 2022

ENV030/22/MM

Report To: Environment & Regeneration Date:

Committee

Report By: Interim Director, Environment & Report No:

Regeneration

Contact Officer: Martin McNab Contact No: 01475 714246

Subject: Food Service Plan

1.0 PURPOSE AND SUMMARY

1.1 ⊠For Decision □For Information/Noting

- 1.2 The Food Law Code of Practice requires Local Authorities to complete an annual Service Plan detailing the interventions programme for the coming year. They should ensure such a programme is adequately resourced and the overall plan is subject to approval timeously at the appropriate governance level within the Local Authority. The plan is attached at Appendix 1.
- 1.3 In normal circumstances this plan would be approved at Head of Service level as it tends to be a fairly simple progression from the previous year's plan. Over the course of the Covid Pandemic however normal food law enforcement was suspended, resuming in October 2021 albeit with a further hiatus caused by the Omicron variant. This plan therefore details an important stage in the recovery process.

2.0 RECOMMENDATIONS

2.1 That the Committee approves the Food Service Plan.

Stuart Jamieson Interim Director, Environment & Regeneration

3.0 BACKGROUND AND CONTEXT

- 3.1 The Food Service Plan is an explicit requirement of the Food Law Code of Practice which local authorities are audited against by Food Standards Scotland (FSS), the competent body for food law in Scotland. In normal years the plan outlines the inspection programme and the resources available to complete it to satisfy FSS that there are sufficient resources available for local authorities to fulfil their obligations under the Code of Practice.
- 3.2 The Service Plan is generally approved by the Head of Service however as this year's plan details an important stage in the recovery process from Covid 19 it seemed appropriate to bring it to Committee for approval. The recovery process began in October 2021 with the highest risk outstanding inspections being targeted first. There remain significant numbers of inspections of medium risk to be worked through in 2022-23 however and experience across Scotland has been that there has been a significant slippage in standards in certain sectors since the onset of Covid. This has been taken into account in the planning for this year's programme.

4.0 PROPOSALS

4.1 That Committee approves the 2022-23 Service Plan.

5.0 IMPLICATIONS

5.1 The table below shows whether risks and implications apply if the recommendation(s) is(are) agreed:

SUBJECT	YES	NO	N/A
Financial		X	
Legal/Risk		X	
Human Resources		X	
Strategic (LOIP/Corporate Plan)		X	
Equalities & Fairer Scotland Duty		Х	
Children & Young People's Rights & Wellbeing		X	
Environmental & Sustainability		Х	
Data Protection		Х	

5.2 Finance

One off Costs

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report	Virement From	Other Comments
N/A					

Annually Recurring Costs/ (Savings)

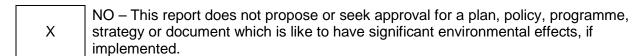
Cost Centre	Budget Heading	With Effect from	Annual Net Impact	Virement From (If Applicable)	Other Comments
N/A					

5.3 Legal/Risk

None.

5.4 Human Resources

	None.	
5.5	Strategic	
	None.	
5.6	Equalities	and Fairer Scotland Duty
	None.	
(a)	Equalities	
		t has been considered under the Corporate Equalities Impact Assessment (EqIA) th the following outcome:
		YES – Assessed as relevant and an EqIA is required.
	Х	NO – This report does not introduce a new policy, function or strategy or recommend a substantive change to an existing policy, function or strategy. Therefore, assessed as not relevant and no EqIA is required
(b)	Fairer Sco	tland Duty
	If this repo	rt affects or proposes any major strategic decision:-
	Has there loutcome?	been active consideration of how this report's recommendations reduce inequalities of
		YES – A written statement showing how this report's recommendations reduce inequalities of outcome caused by socio-economic disadvantage has been completed.
	Х	NO – Assessed as not relevant under the Fairer Scotland Duty.
5.7	Children a	and Young People
	Has a Chil	dren's Rights and Wellbeing Impact Assessment been carried out?
		YES – Assessed as relevant and a CRWIA is required.
	Х	NO – Assessed as not relevant as this report does not involve a new policy, function or strategy or recommends a substantive change to an existing policy, function or strategy which will have an impact on children's rights.
5.8	Environm	ental/Sustainability
	Has a Stra	tegic Environmental Assessment been carried out?
		YES – assessed as relevant and a Strategic Environmental Assessment is required.



5.9 **Data Protection**

Has a Data Protection Impact Assessment been carried out?

	YES – This report involves data processing which may result in a high risk to the rights and freedoms of individuals.
Х	NO – Assessed as not relevant as this report does not involve data processing which may result in a high risk to the rights and freedoms of individuals.

6.0 CONSULTATION

6.1 None.

7.0 BACKGROUND PAPERS

7.1 None.

Inverclyde Council Official Food Controls Service Plan 22/23

1. Service Aims and Objectives

1.1 Aims and Objectives

The aims of the Inverclyde Council's Planning, Regeneration and Public Protection Service in relation to Food Control are

- To complete the planned inspection programme for 2022/23 this is a revised programme owing to the COVID pandemic which caused the suspension of the regular programme in March 2020. The programme runs for 12 months until March 2023. The revised programme has been created with reference to the Scottish Food Enforcement Liaison Committee (SFELC) Recovery Process Guidance. Further information on the programme is included in Appendix 1
- To work with local businesses in as open and transparent a manner as possible in order to help them where necessary, improve the safety of food and level of compliance with relevant legislation in line with the service's Food Law Enforcement Policy. All enforcement will be in line with the principles of better regulation.
- To respond efficiently to complaints about food quality, food premises, food labelling or food composition, originating from premises or purchases made within Inverclyde.
- To play a full role in the West of Scotland Food Liaison Group and to co-operate in full with SFELC, Food Standards Scotland and The Society of Chief Officers of Environmental Health (SoCOEH) to improve consistency and best practice in the role of food enforcement among Scottish local authorities.
- To continue to provide advice and guidance on all food law matters to the businesses of Inverclyde.

1.2 Links to corporate objectives and plans

In carrying out the above effectively the service will contribute to the following wellbeing outcomes for Inverclyde's Citizens from Inverclyde Council's Corporate Plan 2018-2023:

Safe

Protected from abuse, neglect or harm and supported when at risk. Enabled to understand and take responsibility for actions and choices. Having access to a safe environment to live and learn in.

Healthy

Achieve high standards of physical and mental health and equality of access to suitable health care and protection, while being supported and encouraged to make healthy and safe choices.

The work of the service also contributes to the delivery of the following Inverciyde Council Corporate Plan organisational priorities.

- To safeguard, support and meet the needs of our most vulnerable families and residents
- To improve the health and wellbeing of our residents so that people live well for longer
- To deliver services that are responsive to community needs and underpinned by a culture of innovation, continuous improvement and effective management of resources

2. Background

2.1 Profile of the Local Authority

Inverclyde covers an area of 61 square miles stretching along the south bank of the estuary of the River Clyde. Inverclyde is one of the smaller local authorities in Scotland. The main towns of Greenock, Port Glasgow and Gourock sit on the Firth of Clyde. The towns provide a marked contrast to the coastal settlements of Inverkip and Wemyss Bay, which lie to the south west of the area, and the villages of Kilmacolm and Quarrier's Village which are located further inland.

The Council recognises that there are a number of challenges for the area, including population decline. According to the NRS Mid-2021 population estimates, Inverclyde's estimated population was 76,700 as at 30th June 2021, which is 1.4% of the total population of Scotland. Inverclyde has had the largest population decline of all Scottish council areas over the period 2001/21. Fewer births than deaths is the major driver of population decline locally, however a more positive picture is emerging with regard to migration with the number of people moving into the area estimated to be higher than

the number moving out between mid-2016 to mid-2017, mid-2018 to mid-2019 and most recently mid 2020-mid 2021. The age profile of Inverclyde's population is similar to that of Scotland, with an ageing population that is predicted to grow, particularly in the over 75 age group. Similar to many areas in Scotland, particularly where there has been a decline in traditional industries, Inverciyde suffers from areas of deprivation and inequality. In the 2020 Scottish Index of Multiple Deprivation 21 (18.4%) of Inverclyde's 114 data zones were in the 5% most deprived data zones in Scotland; this was almost double the level in 2016 when 11 data zones were in the 5% most deprived. Of the seven SIMD domains in SIMD 2020, levels of multiple deprivation in relation to Income, Employment and Health are all particularly high. The food service falls within the Health Protection Team in the following directorate structure: 2.2 Organisational Structure Interim Director, Environment and Regeneration – Stuart Jamieson Head of Planning, Regeneration & Public Protection - Stuart Jamieson (Head of Food Service) Public Protection Manager - Martin McNab Health Protection Team Leader -Trading Standards & Enforcement Team Sharon Lindsay (Lead Officer Food Leader - Roisin Dillon (Lead Officer Safety & Standards) Feed) Planning, Regeneration & Public Protection is part of the Environment, Regeneration and Resources Directorate reporting to the Environment and Regeneration Committee. 2.3 Scope of the Feed The Health Protection Team within Public Protection is responsible for delivering all aspects of Food Safety and Standards enforcement within Inverciyde. The team also has responsibility for Health and and Food Service Safety at Work, Port Health, Infectious Disease Control, Private Water Supplies, Noise Control and Air

	Quality.
	The Health Protection Team consists of four Environmental Health Officers, a Food Safety Officer and an enforcement officer.
	Three EHOs and the Food Safety Officer are primarily involved in food enforcement. Other EHOs and enforcement staff including those from other teams can provide additional capacity should this be required.
2.4 Demands on the Feed and Food Service	Within Inverclyde at 1st April 2022 there were 707 food premises of various types and sizes over which it has enforcement responsibility.
	This includes two premises approved under product specific legislation giving each of these businesses a unique Approval Number. Both are involved in meat products production with one producing meat preparations.
	Of the 707 premises by classification on 1 April 2022 there were 2 primary producers, 17 manufacturers/packers, 14 distributors, 148 retailers, 190 restaurants & caterers, 99 caring establishments, 12 hotels/guest-houses, 20 mobile food units, 69 pubs/clubs, 81 take-away, 32 schools/colleges and 8 fishing vessels.
	The food service is currently delivered from 105 Dalrymple St, Greenock; normal working hours are 8 a.m. – 6 p.m. Monday to Friday however staff carry out a number of enforcement visits out of hours and at weekends. In the event of a food related emergency, senior members of Public Protection staff are contactable out of hours. Contact numbers are available to both Food Standards Scotland and Greater Glasgow & Clyde Health Board, the latter through the joint Incident Control Plan.
	The COVID pandemic was a significant additional external factor impacting on the service although the suspension of the food programme in March 2020 allowed resources to be diverted to assisting businesses navigate the various restrictions. As the situation has improved, the resources required for COVID have reduced and the bulk of resources can now be focussed fully on routine Environmental Health work.
	Following the Brexit deal, the UK is now a 3 rd country when trading with the EU. The operator of the port of Greenock has applied to become a Border Control Post to allow certain goods from the EU to be imported through Greenock. The joint work done in this area by the Port, the Council and other

	agencies (primarily Food Standards Scotland (FSS) and the Animal and Plant Health Agency (APHA) has been superseded by the UK Government's decision to suspend the imposition of new import controls until at least the end of 2023. We are currently unclear what controls if any will be required at that time. At the time of writing it remains to be seen if the port wishes to progress the development of a Border Inspection Post to allow imports of high risk food and other products from outwith the EU.
2.5 Regulation Policy	The Food Service operates in line with a Food Law Enforcement Policy to ensure that compliance with food law is achieved in a proportionate, transparent and consistent manner. This policy is kept under regular review.

3. Service Delivery

3.1 Interventions at Food Establishments	Food businesses are assigned a rating under the Food Law Rating System set out in the Interventions Food Law Code of Practice (Scotland) 2019. Generally speaking Group 1 businesses are larger or more complex businesses including manufacturers, exporters and distributors. Group 2 businesses are mostly caterers including restaurants, cafes and takeaways. Group 3 are retailers and other lower risk businesses. Within these groupings, each business is rated according to levels of compliance with A being the most compliant and E the least compliant. This rating determines how frequently the businesses should receive an intervention. A detailed breakdown of planned interventions for 12 months until end of March 2023 is shown in Appendix 1
3.2 Food Complaints	The food service deals with a varying number and type of food complaints from both members of the public about locally purchased food and from other enforcement authorities regarding locally produced food.
	All complaints are handled in line with our documented policy and are thoroughly investigated. The majority of complaints do not result in formal action; however they maybe referred to the procurator fiscal in accordance with the Enforcement Policy.
	In 2021-22 the service dealt with 44 complaints of which 30 related to the hygiene of food premises.

3.3 Home Authority Principle and Primary Authority Scheme	At present Inverclyde Council has a formal Home Authority agreement with one business based in the area as with the enforcement policy this requires review to ensure that it remains appropriate following the hiaitus caused by Covid 19. Informal arrangements exist with a number of other businesses and we would always seek to respond to all enforcing authority questions on food produced and labelled within Inverclyde in accordance with our enforcement policy.
3.4 Advice to Business	The food service is proactive in advising businesses in the course of normal contacts. We provide advice to businesses considering operating in Inverclyde and can advise on layout and structural finishes. We encourage local businesses to engage with our service on labelling issues, we can then engage with Trading Standards colleagues and provide food and weights and measures advice prior to labels being produced.
3.5 Feed and Food Sampling	Inverclyde participates in sampling programmes instituted by a number of bodies, such as the West of Scotland Food Liaison Group.
	All of the analysis is carried out by Glasgow Scientific Services which is a NAMAS accredited laboratory.
	Inverclyde has a documented policy for sampling. An annual sampling programme is produced as part of the policy.
	The chemical samples included food samples, food complaints and radiation samples. Sampling is carried out to monitor food poisoning incidents, complaints, manufacturing processes and general hygiene trends. It is strongly based on locally produced foods.
	Inverclyde has a major port in the Greenock Ocean Terminal which was to become a Border Control Post for the import of goods, including food, from the EU and other countries as previously mentioned. Depending on the type of controls planned in future and also whether there is any proposal to bring in high risk foodstuffs from outside the EU at the port there could be a significant shift of sampling resource to imported foods.
	In 2021/22 37 food samples were taken for bacteriological quality and 93 for composition.
3.6 Control and Investigation of Outbreaks and Food	The Food Section liaises with Greater Glasgow & Clyde Health Board through the Consultant in Public Health Medicine in the investigation of food poisoning incidents within Inverclyde. A protocol is in place dealing with the investigation of isolates. In case of a major outbreak an Incident Control Plan is in

Related Infectious Disease	place which operates in line with the Guidance on the Management of Public Health Incidents. A major outbreak of food poisoning would inevitably have a long term impact on the day to day work of the section given the relatively low staff numbers. Mutual aid agreements with other authorities in the West of Scotland Regional Resilience Partnership should mitigate the effects of this.
3.7 Feed/Food Safety Incidents	Inverclyde is part of an electronic alert system operated by Food Standards Scotland. Contact can be made with the Service Manager and Environmental Health Team Leaders on a 24 hour basis. The Food Section is committed to fully implement the Code of Practice with regard to food safety incidents. Incoming Food Alerts are automatically cascaded to all members of the team.
3.8 Liaison with Other Organisations	To ensure that enforcement action taken by Inverclyde's Food Section is consistent with those of neighbouring authorities, the Food Section participates in the West of Scotland Food Liaison Group which represents 13 of Scotland's 32 authorities and includes representatives from Glasgow Scientific Services, through the liaison group with the Scottish Food Enforcement Liaison Committee (SFELC) and Food Standards Scotland.
	There is close Liaison with Greater Glasgow & Clyde Health Board and the other authorities in its area at the Public Health (Health Protection) Liaison Working Group. This group include representatives from Animal Health, SEPA, Scottish Water and Health Protection Scotland.

3.9 Food Safety and Standards promotional work, and other nonofficial controls interventions We endeavour to distribute any promotional work through the Council's Communications section. Any new legislation will be the subject of targeted mail shots.

4. Resources

4.1 Financial Allocation	Estimated Staffing Costs for 2022-23 - £127508
	Travel & Subsistence - £800 (estimated)
	IT – Food & Feed enforcement's share of annual licence fees is estimated at £2,000 per annum.
	Sampling – Overall the Service spent approximately £67000 on sampling in 2021/22 (there is a minimum charge to GSS regardless of the number of samples taken which would have been lower than usual in 2020/21 and 2021/22 owing to Covid) of which approximately 75% or £50,250 is allocated to food sampling. In 2022/23 a similar sampling budget is available for the service as a whole.
	Other costs including property costs, printing etc. estimated at £8000.
	No growth is expected beyond any increase in salary costs. It is clearly difficult to estimate the increase in salary costs at this time.
4.2 Staffing Allocation	At the time of writing there are a total of 2.42 qualified FTEs working in Food. These are made up of a proportion of the working time of 4 staff in total. Of those 4, 3 are authorised at the highest level (to serve EPN/HEPN etc.) and 1 at a medium level (service of IN/HIN/RAN etc). A further 0.2 FTE contribute to the service as support staff/management
	A further 0.2 FTE contribute to the service as support stan/management
4.3 Staff Development Plan	All staff members attend external events for CPD as far as availability allows. Being a relatively small service, staff CPD in food & feed enforcement can largely be gained through a combination of FSS low cost training events and internal staff development e.g. consistency exercises. Full records are kept of staff training and these are reviewed regularly to ensure that staff with a need to attend particular courses (e.g. FSS HACCP auditing etc.) are identified and given preference when places become available.

5. Quality Assessment

and internal monitoring	The Food Section currently has a system for monitoring the quality of food hygiene inspection. These are reviewed on a regular basis to take account of any changes in external factors, e.g. Code of Practice requirements. As a small authority, the use of a formal quality system is considered to require a disproportionate amount of officer time and expense to achieve any benefit.
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6. Review

6.1 Review against the Service Plan	It is our intention to review service delivery against this plan and report on performance as appropriate.
6.2 Identification of any Variation from the Service Plan	The Team Leader Health Protection will identify any variance from the plan and identify the reasons e.g. large food poisoning outbreak or national food crisis.
6.3 Areas of Improvement	Where a review of the service plan highlights an area for improvement this will be incorporated in the plan for the following year.

Appendix 1

Full Time Equivalent Officer Resource

The team comprises 3 EHOS and 1 Food Safety Officer. We have estimated two EHOs spend 0.6 of their Full Time Equivalent time on Food Law and one spends 0.4 of FTE time. The Food Safety Officer is Food Law only but works 4 days a week (0.82) so we have a total FTE for the service of 2.42

We have in the past made use of other EHOs within the service to carry our lower-risk inspections but they are not expected to be utilised to the same extent in 2022/23 as they have their own recovery work to catch up with.

The guidance on restart suggests that 220 working days is a typical estimate for a year, therefore the FTE for Inverclyde is: $2.42 \times 220 = 532.4$ days

With reference to the Official Control Verification Guidance, 1 day is estimated to be equivalent to 5 hours officer time so this provides a total FTE of $532.4 \times 5 = 2,662$ FTE hours.

Intervention Times

We have benchmarked the total time taken to inspect each Business Group including travel, admin both before and after, enforcement action, any subsequent revisits, etc. against East Renfrewshire Council which is of a similar size to Inverclyde.

Business	Intervention	
Group	Time (hrs)	
1A	14	
1B	18	
1C	23	
1D	27	
1E	32	
2A	7	
2B	7	
2C	8	
2D	11	

2E	14
3A	3
3B	5
3C	6
3D	7
3E	13

Priority Descriptors from Food Recovery Guidance
Priority 1 – All Group 1 businesses within Cop intervals. Unrated Group 1 within 6 months.

Priority 2 – Group 2D and 3D within 6 months. Unrated Group 2 within 12 months

Priority 3 – Group 2C within 18 months, Group 3C within 36 months. Unrated Group 3 within 24 months

Priority 4 – Group 2B within 24 months, Group 3B within 48 months

Priority 5 – Group 2A within 48 months

Priority 6 - Group 3A within 60 months

Current State of Play

The table below shows the interventions due before end of March 2023 (in red). Explanatory detail below the table. (Inspections of priority 1 and 2 businesses were carried out as the first stage of the recovery plan between October 2021 and March 2022)

Business Group – Code of Practice (CoP) interval in brackets	Programmed Inspections	Priority 3 Inspections (including unrated)	Total Interventions Due by March 2023	Hours Required
1A (18 months)	0	0	0	0
1B (12 months)	3	0	3	(3x18) 54
1C (6 months)	0	0	0	0
1D (3 months)	0	0	0	0
1E (1 month)	0	0	0	0
Unrated Grp 1	0	0	0	0
2A (24 months)	0	0	0	0
2B (18 months)	0	0	0	0
2C (12 months)	35	162	197	(197x8) 1576
2D (3 months)	4*	0	4	(4x11) 44
2E (1 month)	0	0	0	
Unrated Grp 2	0	22**	22	(22x8) 176
3A (60 months)	0	0	0	0
3B (36 months)	0	0	0	0
3C (24 months)	0	36	36	(36x6) 216
3D (3 months)	0	0	0	0
3E (1 month)	0	0	0	0
Unrated Grp 3	0	12	12	(12x6) 72
Total	42	232	274	2,138

^{*} Assumed all Group 2D businesses (4) move to 2C requiring no further interventions during 2022/23.

^{**} Assumed 22 Unrated Group 2 businesses become 2C or better (12 monthly or longer) after inspection.

Strategy until end of March 2023

To complete all programmed inspections, inspecting all Priority 3 businesses and all current unrated businesses by the end of March 2023.

We have assumed that all unrated Group 2 businesses will become 2C or better after inspection a risk rating which would make them next due for inspection in Year 2023/24 or later. Experience of the past 2 years however has shown that a large number of Group 2 premises (especially takeaways) have required formal enforcement action and many follow up visits when we have had reason to visit i.e. for complaints. It is likely that a proportion of Group 2 businesses – both rated and unrated - will become 2D or even 2E after inspection and require a considerable amount of additional work which cannot be fully accounted for. This could have a significant impact on the available resources for the rest of the year's plan.

2D premises are 3 month frequency visits so there is potential for these businesses to require additional inspections during the year. As we have already interacted with these businesses since restart we have estimated all current 2D premises will move to 2 C or better requiring no further inspections during 22/23.

We have assumed that all unrated Group 3 businesses will become 3C or better after inspection and risk rating which would make them next due for inspection in Year 2024/25 or later.

This gives a total inspection program of 274 visits. The breakdown is in the table above and requires an estimated FTE officer requirement of 2,138 hours. We also have 2 Approved premises which manufacture meat products. They sit outside the scope of the Food law Rating System – intervention approach is modelled on the Official Control Verification scheme which estimates 20 hours for each business. We have 1 such business due for intervention during 2022/23. The total resource time required for planned interventions is therefore 2158 hours.

Other Food Law Work

Estimated annual times in hours for additional food law work is detailed below:

Sam	pling	_

10 hours
30 hours
10 hours
30 hours

Food Complaints 120 hours Food Incidents 10 hours Food Alert for Information 5 hours Food Alerts for Action 10 hours 50 hours Infectious disease investigation Complaints against service 10 hours Food Business registration 120 hours CPD/Training 120 hours Management of Food Info Scheme 30 hours **Export Health Certificates** 60 hours Planning/Licensing 60 hours

Total <u>675 hours</u>

Adding this figure to the interventions total gives a total resource requirement of 2158 + 675 = 2813

As this is higher than the calculated FTE of 2,662 hours there is a resource deficit of 151 hours. As this is an estimate relying on a number of individual resource requirement estimates the service is confident that the programme can be delivered using additional resource from within the service as required.