

ITEM No ...4.....

REPORT TO: COMMUNITY SAFETY & PUBLIC PROTECTION COMMITTEE – 21 FEBRUARY 2022

REPORT ON: FOOD SAFETY SERVICE PLAN 2021 - 2022

REPORT BY: EXECUTIVE DIRECTOR OF NEIGHBOURHOOD SERVICES

REPORT NO: 38-2022

1.0 PURPOSE OF REPORT

1.1 To seek Committee's approval of the revised Food Safety Service Plan.

2.0 RECOMMENDATIONS

2.1 It is recommended that Committee approves the attached Food Safety Service Plan and remits the Executive Director to implement this Plan accordingly.

3.0 FINANCIAL IMPLICATIONS

3.1 None.

4.0 MAIN TEXT

4.1 BACKGROUND

4.2 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 provide the format within which the information requires to be detailed and recommend that updated versions are routinely produced and submitted for appropriate approval.

4.3 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 include:

- promoting high standards of food safety and food hygiene in Dundee
- providing food safety advice and information to food businesses and the public
- carrying out a programme of planned risk-based inspections of food premises
- identifying any contaminated food by a planned and coordinated sampling programme
- investigating notified cases of food poisoning and food poisoning outbreaks
- investigating complaints of unfit, unsound or contaminated food
- implementing the Food Hygiene Information Scheme (FHIS).

4.4 There are currently over 1600 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 1200 inspections and revisits were carried out by the team in 2019/20. 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.

4.5 The Food Safety Team contribute to the safe running of events such as outdoor concerts, music festivals and markets, all of which include elements that fall under Food Safety

legislation. The team provide advice and guidance in advance of any events and also carry out inspections of caterers immediately before and if required during the events.

- 4.6 The Covid-19 pandemic restrictions had a significant impact on food businesses and for long periods during 2020 and 2021, the Food Safety Team were required to undertake Covid-19 compliance checks in lieu of food business inspections.

This resulted in Food Standards Scotland (FSS) consulting with the Scottish Ministers to request permission for certain deviations from the Food Law Code of Practice in terms of interventions. Derogations were issued to Local Authorities and the Food Law Intervention scheme restarted on 1st September 2021.

- 4.7 Our Council has carried out a Recovery Plan Process in order to reschedule the interventions via our Management Information System.

- 4.8 Dundee City Council's Food Safety Service continues to participate in the Food Hygiene Information Scheme (FHIS) which provides basic information to the public regarding 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.

- 4.9 Dundee City Council's Food Safety Service Plan sets out in detail the systems and processes that are documented and implemented in order to achieve the above objectives and this document is reviewed annually to ensure that these processes include the most up-to-date Legislation, Codes of Practices and Guidance Documents. The revised version for 2021 - 2022 is contained in Appendix 1.

5.0 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

6.0 CONSULTATIONS

- 6.1 The Council Management Team were consulted in the preparation of this report and agree with its contents.

7.0 BACKGROUND PAPERS

- 7.1 None.

Elaine Zwirlein
Executive Director of Neighbourhood Services

Tom Stirling
Head of Community Safety & Protection

5 January 2022

	Service Aims and Objectives	Content	Covid-19 Recovery Considerations
1.1	A statement of the service's aims and objectives.	<p>The main 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.</p> <p>In order to achieve the above, the Food Safety Team will:</p> <ul style="list-style-type: none"> • promote high standards of food safety and food hygiene in Dundee • provide food safety advice and information to food businesses and the public • protect public health and assist businesses in their recovery from the pandemic • carry out a programme of planned risk-based inspections of food premises, ensuring that these are targeted at the highest risk premises where the greatest risks may exist • identify any contaminated food by a planned and coordinated sampling programme • investigate notified cases of food poisoning and food poisoning outbreaks, aiming to ensure that their spread is minimised wherever possible • investigate complaints of unfit, unsound or contaminated food • implement the Food Hygiene Information Scheme (FHIS) • promote a consistent approach to enforcement on a risk basis • comply with Food Standards Scotland's Food Law Code of Practice (Scotland) 2019. • 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) 	<p>The Food Safety Team will continue to support businesses and organisations with understanding whilst implementing any Covid19 requirements and restrictions.</p>

		<p>The following Food Standards Scotland regulatory approaches to be adopted, as outlined in their strategy document 'Healthy, Safe, Sustainable: Driving Scotland's Food Future Food Standards Scotland Strategy for 2021–2026', are also supported:</p> <ul style="list-style-type: none"> • Food is safe and authentic • Consumers have healthier diets <p>The measures taken by UK and Scottish Governments in March 2020 in response to the Covid-19 pandemic resulted in the temporary closure of a large proportion of food establishments. As a result, 2020-2021 was an unprecedented year with all of the DCC Food Enforcement Officers being involved in the COVID-19 pandemic response and being deployed in other activities aimed at the suppression of the pandemic.</p> <p>Additionally, physical distancing requirements meant that DCC Food Enforcement Officers were restricted in conducting routine, programmed interventions/Official Controls at various businesses.</p> <p>At the commencement of lockdown in March 2020, all non-essential and routine inspections were suspended. All queries, complaints etc. were processed via remote (telephone /e-mail) means. All staff have been working from home and all are in regular contact with their individual service teams and groups. In addition to dealing with the Covid-19 Public Health concerns and complaints, Officers continue to process Licensing renewal applications, Section 50 and Street trader applications. During lockdown, any visits or inspections that were deemed to be essential, were firstly discussed by the Management Team and carried out in accordance with a specific Risk Assessment.</p> <p>On easing of lockdown restrictions and the Scottish Government's move from 'Stay at Home' to Stay Safe, Protect Others, Save Lives' on June 18th 2020, along with the other Regulatory Services functions, the Food Safety Service commenced cursory inspections to a range of commercial</p>	
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		premises for the purposes of assessing compliance levels with the Scottish Government Guidance and legislation regarding Covid-19. All such visits and inspections are recorded and stored within our Civica APP database.	
1.2	This section identifies how the service plan fits into the Authority's corporate planning process and how it plays its part in meeting the Authority's objectives.	<p>The Council Plan 2017 - 2022 sets out the Council's vision and priorities. The extended (to 2024) Plan is currently being compiled.</p> <p>The City Plan for Dundee 2017 - 2026 is that through our partnership, Dundee:</p> <ul style="list-style-type: none"> • 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. <p>There is a specific Covid19 Recovery Plan for Regulatory Services, which includes the work carried out by the Food Safety Service.</p>	The aims and objectives of the Service Plan specific to Food Safety are derived from the overarching objectives and approaches as detailed within the Council and City Plans.
2.1	Profile of the Local Authority	<p>Dundee is Scotland's fourth largest city and is situated on the north coast of the Tay Estuary. The Dundee City Council area covers 60 square kilometres and is, geographically, the smallest local authority area in Scotland. It is bordered by Perth and Kinross Council to the west and Angus Council to the east. Dundee continues to serve as the regional centre for this area and for North-East Fife, with a combined estimated catchment population of some 400,000.</p> <p>The City is currently home to over 30 hotels and guesthouses and has a wide selection of pubs, clubs and venues within easy reach of the city centre. With the ongoing Waterfront project, the number of eating and drinking establishments is likely to further increase.</p>	Not affected

		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.	
2.2	Organisation 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.	Not affected
2.3	Scope of the Food Service	<p>As a Unitary Authority, the Food Safety Service includes food hygiene and food standards. The team are also responsible for assessing and commenting on premises licence applications and planning and building control applications for commercial properties. The Authority has five premises approved under product specific EC Directive 853/2004 which handle raw products of animal origin, including three cold stores. 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.</p> <p>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, including Children and Families, Dundee Health and Social Care Partnership, Licensing, Building Control, Planning, Events Team, etc.</p> <p>The appointed Public Analyst and Food Examiner is Tayside Scientific Services.</p>	

		<p>The impact of the pandemic has been/and is still a major issue for the overall delivery of the food safety inspection programme, with food safety inspections initially put on hold in March 2020 and team resources diverted in order to undertake public health duties related to the Covid-19 pandemic.</p> <p>To this end, an enforcement letter (FSS/ENF/20/006) from Food Standards Scotland (FSS) was received on 30/3/20 recognising that a deviation from the Food Law Code of Practice was necessary for an initial 4month period to allow Local Authorities capacity to work with Scottish Government in enforcement of the Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020 and their continued support of the National Test and Protect approach in control of COVID-19. This deviation from the Code of Practice was further extended by FSS on 6/8/20, 5/11/20 and finally 25/3/21. This final letter provided the date of 1/9/21 for restart activities and confirmed steps to be taken in line with the Food Law Intervention Recovery Process to facilitate this.</p> <p>Authorisations in terms of The Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020 were issued to all members of the Food Safety team on 24/4/20.</p> <p>1792 Covid-19 compliance inspections were carried out to food establishments in the City by officers in the Food Safety Service between 17/3/20 and 31/8/21. These focussed predominately on checks/ 'audit' of Covid-19 mitigation measures at premises using the 4 E's approach of Encourage, Engage, Educate and Enforce. Additionally, with 'restriction changes', relevant food businesses were contacted concerning how a business was to operate (e.g. takeaway only) and advice and links to current SG guidance was issued. Close working with HPT colleagues and twice weekly Red Amber Green referral lists resulted in contact investigations into food business workplace related and community linked cases of COVID 19 to premises, the supporting of contact tracing and participation in outbreak management teams.</p>	
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		<p>Officers assisted City of Aberdeen Council, completing business questionnaires remotely prior to Aberdeen businesses being allowed to re-open after the local (hospitality sector) lockdown.</p> <p>In the period from 17/3/20 to 30/09/21, 708 food safety and 355 Covid-19 service requests were dealt with by the Food Safety Service.</p> <p>Pavement café applications have been received and processed for non-licensed establishments.</p> <p>On 22/5/20, eight members of the Food and H&S team volunteered to do Contact Tracing training.</p> <p>Officers attended meetings virtually using teleconference or videoconference Scottish Food Enforcement Liaison Committee (SFELC) (weekly), East of Scotland Food Liaison Group (ESFLG), Health and Safety Co-ordinating Group (HASCOG) (fortnightly), Health and Safety Executive /Crown Office Procurator Fiscal Service (HSE/COPFS), Environmental Health & Trading Standards Covid-19 (ETC) Expert Group (twice weekly), Management team (weekly), Team Briefings (weekly), Health and Safety Executive/Local Authority (HELA), Partnership for Health and Safety in Scotland PHASS, DCC Community Meals, DCC Event Pre-Planning and Safety Advisory Group (SAG) DCC Outdoor Spaces Group.</p> <p>Reports listing complaints received and action taken were, along with Angus and Perth & Kinross Councils submitted weekly to Police Scotland and fortnightly to the Society of Chief Officers of Environmental Health in Scotland (SoCOEHS) / Society of Chief Officers of Trading Standards in Scotland (SCOTTSS).</p> <p>Food sampling resumed on 19/8/20 until December 2020, with samples being submitted for microbiological examination and chemical analysis to Tayside Scientific Services. Following the second wave restrictions, sampling resumed again from 17/05/21.</p> <p>Officers attend Incident Management Team meetings held in response to local and national clusters and outbreaks of Covid-19 on an ongoing basis and provide input and reports as necessary.</p>	
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		Officers are assisting on an ongoing basis with consultations about proposed guidance associated with Covid-19.																																			
2.4	Demands on Food Service	<p>As at 1st September 2021, there were 1618 registered food premises in Dundee. A breakdown of these premises is shown below.</p> <table border="1"> <thead> <tr> <th>Premises Type</th> <th>Number</th> </tr> </thead> <tbody> <tr> <td>Producers</td> <td>6</td> </tr> <tr> <td>Manufacturers</td> <td>37</td> </tr> <tr> <td>Importers/Exporters</td> <td>5</td> </tr> <tr> <td>Distributors/Transporters</td> <td>47</td> </tr> <tr> <td>Retailers</td> <td>307</td> </tr> <tr> <td colspan="2">Caterers including:</td> </tr> <tr> <td>Restaurant/Café/Canteen</td> <td>291</td> </tr> <tr> <td>Hotel/Guest House</td> <td>40</td> </tr> <tr> <td>Pub/Club</td> <td>187</td> </tr> <tr> <td>Take-away</td> <td>211</td> </tr> <tr> <td>Caring Establishments</td> <td>270</td> </tr> <tr> <td>School/College</td> <td>48</td> </tr> <tr> <td>Mobile Food Unit</td> <td>35</td> </tr> <tr> <td>Restaurant/caterers other</td> <td>134</td> </tr> <tr> <td>Caterers total</td> <td>1216</td> </tr> <tr> <td>Total</td> <td>1618</td> </tr> </tbody> </table> <p>Of these food premises, the majority are catering, takeaway, pub and retail type premises. A small percentage of proprietors do not have English as a first language. Where available, food safety information leaflets are provided in the FBO's own language. 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.</p> <p>The introduction of Food Law Rating Scheme (FLRS) in 2019 is a major change in the way food businesses are risk rated and scored on their</p>	Premises Type	Number	Producers	6	Manufacturers	37	Importers/Exporters	5	Distributors/Transporters	47	Retailers	307	Caterers including:		Restaurant/Café/Canteen	291	Hotel/Guest House	40	Pub/Club	187	Take-away	211	Caring Establishments	270	School/College	48	Mobile Food Unit	35	Restaurant/caterers other	134	Caterers total	1216	Total	1618	
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		<p>performance during inspections with the scoring system now incorporating both food safety and food standards together. Initial indications are that the new risk rating system is not 'resource neutral' and is resulting in an increase in the frequency of inspections of food businesses. The resultant impact on the inspection programme workload will be more fully assessed after one year of the 'recovery plan', initial indications point to a more resource intensive system of inspection. During the pandemic, rather than seeing an overall decrease in food business numbers, we have seen an upsurge in queries and registration form submissions concerning businesses wanting to operate from domestic premises. To this end we have specifically added a guidance link on our food safety page on the DCC website.</p> <p>Additionally, there is a regular turnover in many of the catering/takeaway type premises, with new owners and changes in the operation of the business.</p> <p>The above circumstances are further adding to the demands on the food safety service as these 'new' premises then require a 'new' inspection which adds further workload pressure on to the existing/set inspection programme numbers for the year.</p> <p>All staff have been working from home/mobile working, and associated working practices are being revised on an ongoing basis in order to adapt.</p> <p>In 2018 - 2019 there was an increase of 90 new food businesses. In 2019 – 2021 there was an increase of 236 new food businesses.</p> <p>As of 1st September 2021, there were 197 unrated premises (premises that had not yet been inspected and risk-rated in terms of the Food Law Code of Practice (Scotland)). This is an unprecedented number of unrated premises and another knock-on effect of the Covid-19 pandemic. These premises were included in the inspection programme for 2021/2022. A total of 119 premises have been identified as being outside</p>	
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		<p>the inspection programme. These Group 3A premises fall outside the inspection programme as there is minimal inherent 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.</p> <p>The Food Safety Service will be implementing the enhanced system for Official Control Verification interventions (OCV) in establishments requiring approval under EC Regulation 853/2004. The new national system will apply uniform official control standards across the approved establishment sector to improve the overall consistency and quality of approval processes and regulatory activity. The enhanced system will involve a greater degree of scrutiny and verification of businesses' food safety management systems, as well as greater levels of business support to food manufacturers with an aim of achieving compliance where required, thereby ensuring the maintenance of high levels of consumer protection. It is anticipated that this enhanced system for OCV will require a greater input of officer time and the OCV resource calculator will be used to identify the resource requirement.</p> <p>Allergens There are around 2 million people in the UK with a food allergy and the most recent FSS consumer attitudes tracker survey shows that 15% of people in Scotland are living in households where at least one person is allergic to certain foods or ingredients. This is an area where there is an increase in the number of complaints and concerns from members of the public, and officers are spending more time assessing allergen controls in food businesses.</p> <p>New legislation – Natasha's Law Requires food businesses in Scotland to include the product name and full ingredient information on food sold prepacked for direct sale (PPDS), and came into force on 1 October 2021 in Scotland. It requires improved information to be provided about allergens and other ingredients in food</p>	
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		<p>packed in advance before being offered for sale to the customer by the same food business who packed it:</p> <ul style="list-style-type: none"> i) on the same premises; or ii) on the same site; or iii) on other premises if the food is offered for sale from a moveable and/or temporary premises (such as marquees, market stalls, mobile sales vehicles) <p>https://www.foodstandards.gov.scot/business-and-industry/safety-and-regulation/food-allergies-2/prepacked-for-direct-sale</p> <p>Events</p> <p>Post Lock-down, there has been an increasing number of events such as outdoor concerts/music festivals, farmers and other markets and community events held throughout the year, but in particular during the summer months placing an added demand on resources. These events require a food law enforcement input in terms of assessing applications, multiple contacts with the event organiser, particularly if the food vendors are based outwith Dundee, in respect of the food safety arrangements being proposed. This includes assessing any food safety documentation where provided, contact with other Local Authorities, and in a number of instances has resulted in an Officer/s presence at the event itself to inspect the operational procedures being carried out on the day/s by the food vendors, many of which occur outwith normal working hours.</p> <p>Certain events require a Safety Advisory Group (SAG) or multi-agency planning approach co-ordinated by DCC and made up of representatives from the Council, the emergency services and other relevant organisations. Meetings are held to review event proposals and advise on public safety. The types of events that benefit from the SAG process include outdoor festivals and community events. The guiding principle for</p>	
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		<p>determining which events will be invited to attend the SAG process is where there is thought to be a significant public safety risk. One of the important roles the SAG performs is to bring all relevant parties together to ensure that the planning for an event is conducted in a methodical and co-ordinated way. This does not detract from the legal responsibilities of the organisers of events.</p> <p>Officers in the Food Service attended SAGs for various events arranged in 2019/20 including Slessor Gardens Music concerts, Fake Festival, Broughty Ferry Gala Day, West Fest, Dundee Flower and Food Festival and Christmas Night Light. The number of people attending these events totalled more than 100,000 and required significant time and input by our officers. In a number of cases, debrief reports were requested and provided as part of the SAG process.</p> <p>LA Recovery Work Plan Officers in Dundee participated in Food Standards Scotland's LA Recovery Work Plan Working Group which developed an intervention programme to assist local authorities to devise a work programme to help them recover from the impact of the pandemic. This resulted in FSS producing the Local Authority Recovery Project Recovery Process Guidance document. A four-step process was undergone based on this guidance. This included desk-top transferring all premises previously risk-rated under Annex 5 to the new Food Law Rating Scheme; resetting the entire compliment of food establishments within a revised intervention programme with due intervention dates for all food business establishments. A further step in this process was to use the recovery methodology to conduct an analysis of the resources required to undertake the entire revised intervention programme.</p> <p>This Service Plan is the last step in the process which overall has been a major project in respect of the resources required for its completion.</p>	
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		<p>The following factors can have an impact on the delivery of the Service Plan:</p> <ul style="list-style-type: none"> • An outbreak of food poisoning or a work-related death in the LA-enforced sector. • Major outdoor events during the course of a year which involve food safety, water and health and safety considerations, Preparation for such large-scale events can account for 60 - 80 hours of officer time. • Officers may have to respond to FSS Food Alerts for Action. Some can be very time-consuming, particularly if they require action to be taken to identify and if necessary remove suspect or unsafe food from the food chain. • Food businesses which regularly export food products to countries outside the UK. These products require a Health Certificate and additional checks may need to be carried out before the certificate is issued. It is recognised that this could increase significantly due to Brexit. • The introduction of new and implementation of changes to existing legislation, Codes of Practice, Government guidance and monitoring arrangements have resource implications for the service. <p>External factors that impact on service delivery</p> <p>Covid-19</p> <p>The impact of Covid-19 has resulted in additional duties on the food safety team, for example, supporting food businesses in interpreting and complying with rapidly changing and complex legislation and guidance, and responding to complaints and outbreak notifications.</p> <p>The service has followed all relevant advice for regulators issued by the Food Standards Agency during the pandemic, including pausing inspections for the defined period, supporting change of business delivery models (takeaways), and the approach to high-risk inspections.</p> <p>Covid-19 continues to be a significant issue for the overall delivery of the Food Safety Inspection Programme, which re-commenced on 1st</p>	
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		<p>September 2021. Food Safety inspections are carried out but in line with restrictions and aligned to current and developing Scottish Government Guidance. A risk-based decision is made about the inspection of potentially high-risk premises in Covid-19 vulnerable settings e.g. care homes, nurseries, etc. FSS have acknowledged that remote interventions may need to take place, where considered appropriate and DCC will give due consideration to this.</p> <p>Previously, the aim of the team was to ensure that at least 95% of food interventions were completed by the end of the year. Due to various factors including the unpredictability of the Covid-19 pandemic, staffing issues and working practices needing to be re-assessed based on risk, the current realistic percentage of interventions achievable is more likely to be in the region of 60 to 70%. Furthermore, a number of assumptions are being made in terms of the resourcing. This includes only minimal ongoing Covid-19 response work being undertaken by the food safety service. It also assumes no major outbreaks or incidents, sickness absence or existing staff leaving the service. Should workload continue to increase in other areas, this will impact the delivery of the Plan. In addition, where enforcement action is required in businesses, this means two officers must attend so this increases the resourcing requirements.</p> <p>Where enforcement of food safety standards is required, this can increase the workload in the form of follow-up visits, the need for more support and education to business as well as the possibility of enforcement action requiring to be considered where appropriate. Inspections will be prioritised according to risk; however, it is already apparent that there will likely be a backlog of overdue inspections at the end of the year.</p> <p>Any new business advice has been provided during the pandemic either by phone or email and advisory visits resumed as soon as practicable, but on a risk-assessed basis based on the circumstances of the pandemic. The</p>	
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		team strongly believes that this support improves hygiene standards resulting in our businesses having better food hygiene ratings. It is also an opportunity to signpost businesses to any grants and support they can receive.	
2.5	Enforcement Policy	<p>The Council is a signatory to the government’s Enforcement Concordat and has a documented Enforcement Policy endorsed by Council Committee in April 2019 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:</p> <p>In determining where enforcement is appropriate, consideration will be given to the following factors:</p> <ul style="list-style-type: none"> • 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 <p>The above list is not exhaustive and other factors may be considered in the circumstances of a particular case.</p>	Not affected
3.1	Interventions at Food Establishments	<p>Interventions are defined within the Interventions Food Law Code of Practice (Scotland) 2019 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 Chapter II of Regulation (EU) 625/2017.</p> <p>Methods for carrying out tasks described as official controls are specified in Article 10 of Regulation 882/2004 and include:</p>	The statement should include details of how the Covid-19 pandemic has affected the inspection programme and give reference to the letter from Lorna Murray FSS/ENF/20/006 allowing LAs to deviate from the Code during the pandemic. The work of the SFELC Covid-19 Recovery Working Group developing an Intervention programme to assist LAs devising their

		<ul style="list-style-type: none"> • Inspections • Monitoring • Surveillance • Verification • Audit • Sampling where the analysis and or examination is to be carried out by an Official Laboratory <p>Other interventions, i.e. those which do not constitute Official Controls include:</p> <ul style="list-style-type: none"> • Education, advice and coaching provided at a Food Business Establishment • Information and intelligence gathering (including sampling where the analysis or examination is not to be carried out by an Official Laboratory) <p>The majority of official controls are normally 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. Covid-19 has had an impact on this with an increased number of our inspection visits having to be announced based on the nature of the food business environment as well as including vulnerable settings such as care homes and nurseries etc. In some instances, this is resulting in ‘postponed/delayed’ inspections due to initial contact with the business indicating Covid-19 issues.</p>	<p>work programme and help the authority recover from the pandemic should also be highlighted. The estimation of staffing resources required should be based on the SFELC Covid-19 Recovery Working Group guidance for calculating staffing resources.</p>
3.2	Food Complaints	<p>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.</p>	

		<p>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.</p> <p>Previously, the investigation of such complaints has been managed within the existing resources of the team.</p>	
3.3	Home Authority Principle and Primary Authority Scheme	<p>DCC is not registered as a home authority for any of the businesses producing food within in 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.</p> <p>The Primary Authority Scheme was introduced on 6 April 2009 and runs alongside the Home or originating Authority initiative.</p> <p>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.</p>	Not affected
3.4	Advice 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	During each phase of the Covid-19 pandemic services provided advice, information and support to help secure the confidence of those operating in the food

		<p>publications etc. Around 175 advisory contacts are made with food businesses each year.</p> <p>The Council continues to promote CookSafe, RetailSafe and ButcherSafe published by Food Standards Scotland. All three of these can be directly accessed by food businesses on our food safety web page on the DCC website. 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 relevant 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.</p> <p>For the first month of lockdown (from 23/3/20 onwards) officers were occupied doing online training, attending webinars and writing reports. Food Standards Scotland (FSS) and Scottish Food Enforcement Liaison Committee (SFELC) developed guidance for take-away/catering establishments, which was published in May 2020. Officers initially contacted by phone and e-mail, 364 take-away establishments using a Covid-19 Take-away contact form we devised in-house in order to engage with these businesses, provide them with FSS guidance materials, offer encouragement and try to ensure compliance with restrictions and Scottish Government guidance.</p> <p>Businesses were grateful to receive the guidance and they appreciated help and assistance with, for example, customer signage to try to ensure good social distancing.</p> <p>All officers contacted several businesses each day and this task was completed in three/four weeks.</p> <p>The plan demonstrated taking positive measures during Covid-19 lockdown to ensure that important guidance is received by take-away food establishments still operational in Dundee and will also provide useful data for running the recovery Food Law Programme when it is prepared as well as ongoing interaction with business. It also provided a</p>	<p>and drink sector. As the demand on the service is likely to be significant this should be detailed in the Service Plan.</p>
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		good opportunity to capture current telephone numbers, e-mail addresses and food registration details for these food establishments.	
3.5	Food Sampling	<p>DCC sample food produced and/or sold in its area to assess compliance with compositional standards, 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.</p> <p>During 2019-20 332 samples were taken, of which 12 were unsatisfactory. Officers require to actively engage with food businesses to address the reasons for failure.</p> <p>DCC's Sampling Policy was endorsed by the Community Safety and Public Protection Committee on 22 April 2019.</p> <p>FSS carried out a desktop sampling activity audit in October 2019 – DCC completed and returned the questionnaire.</p> <p>During 2020/21, we operated a greatly reduced sampling programme. We participated in the FSS funded sampling programme. Resources allocated to Covid-19 enforcement and access to facilities and premises meant that a normal sampling programme was not possible.</p>	
3.6	Control and Investigation of Communicable Disease including Outbreaks and Food Related Infectious Disease	<p>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.</p>	

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 telephone, a face to face 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 as soon as possible on the same day as the notification.

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

Year	Notifications of Food Poisoning
2015	248
2016	264
2017	240
2018	245
2019	244
2020	170

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

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

NHS Boards have a health protection function relating to the control of infectious disease and diseases arising from contact with substances

		<p>hazardous to health. Similarly, local authorities have a health protection function, which is predominantly delivered through the local authority environmental health service. Tayside NHS Board is coterminous with the three local authority areas of Angus, Dundee City and Perth & Kinross and in practice, health board and local authority functions are co-ordinated. Tayside's Joint Public Health Protection Plan (JPHP) 2019-2021 has been collated jointly by NHS Tayside, Angus Council, Dundee City Council and Perth & Kinross Council. Please click the link below to access the Tayside Joint Public Health Protection Plan: https://www.nhstayside.scot.nhs.uk/OurServicesAZ/PublicHealth/PROD_322478/index.htm</p>	
3.7	Food Law Incidents	<p>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.</p>	Not affected
3.8	Liaison with Other Organisations	<p>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:</p> <ul style="list-style-type: none"> • 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 	

		<ul style="list-style-type: none"> Community Safety and Protection is a consultee for premises licence applications. <p>Officers assisted City of Aberdeen Council, completing business questionnaires remotely prior to Aberdeen businesses being allowed to re-open after the local (hospitality sector) lockdown.</p>	
3.9	EU Exit including Fishing vessel inspection	<p>Fishing vessel owners in Scotland are legally required to register their fishing vessels as food businesses, and be inspected by the relevant local authority to enable their catch to be exported. Currently, there are no registered fishing vessels in DCC.</p> <p>Businesses that export fish to the EU need to apply for an EHC (Export Health Certificate) - a legal document confirming certain information, health standards and regulations have been met - so that products of animal origin (POAO), including salmon, trout and seafood, can be exported from Scotland to the EU, including products going from Scotland to Northern Ireland. Currently, there are no businesses in DCC that export POAO to the EU.</p>	
3.10	Food Law promotional work, and other non-Official Controls interventions	<p>DCC promotes FSS campaigns via our website and other social media channels which currently includes:</p> <p>Christmas campaign Vitamin D</p> <p>Any other FSS campaigns or promotions are also added as necessary.</p>	
3.11	Food Crime and Fraudulent activities	<p>Food fraud and food crime was most highlighted 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</p>	

		<p>https://www.food.gov.uk/sites/default/files/fsa-food-crimeassessment-2016.pdf</p> <p>Memorandum of Understanding between the Society of Chief Officers of Environmental Health in Scotland and Food Standards Scotland (Scottish Food Crime and Incidents Unit)</p> <p>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.</p> <p>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.</p> <p>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 can be shared where appropriate. 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. 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. Any complaints that the food safety team</p>	
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		<p>receives about unsatisfactory food or food premises are investigated in line with our procedures.</p> <p>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.</p>	
4.1	Financial Allocation	<p>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</p> <p>The overall Net Expenditure budget associated with the provision of this service was for 2020/21 was £678,000.</p>	
4.2	Staffing Allocation	<p>A restart programme has been set for 13 months, starting on 1/9/21. The inspection dates have been entered into our Civica APP database for all food establishments for the next five years but this does not include dates for those categories of premises on a shorter visit frequency which will repeat over this period. Inspections are being allocated on a monthly basis (roughly 70 per month, divided among the current 5.5 FTE inspection workforce).</p> <p>Covid-19 has reduced the resource capacity in a number of ways, including, lockdown, additional restrictions and staff being directly affected (testing positive for Covid-19 and self-isolating as close contacts).</p>	

4.3	Staff Development Plan	<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>	
4.4	Quality assessment and internal monitoring	<p>The Food Safety Service has a number of performance indicators which are monitored as part of the Community Safety Business Plan. These are:</p> <ul style="list-style-type: none"> • Food Inspections – Inspect all businesses due for inspection in accordance with a pre-planned programme based on risk. • Food - Respond to specific complaints about practices procedures and conditions which may prejudice health in the short term within 48 hours of receipt, and non-urgent planning or licensing applications within twenty-one days of receipt. • Infectious Disease – A communications pathway document exists between Tayside Health Board and the three Tayside Local Authorities 	Not affected

		<p>setting out the time parameters for responding to urgent cases (Immediately) and non-urgent cases (48 hours).</p> <ul style="list-style-type: none"> • Satisfaction of businesses with local authority regulation service. Target 100% <p>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.</p> <p>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.</p>	
4.5	Review against the Service Plan	<p>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:</p> <ul style="list-style-type: none"> • 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 	

		<p>improving, deteriorating or being maintained, and also stores baseline and target information.</p> <ul style="list-style-type: none"> • 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. <p>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</p> <p>The Dundee City Council performance framework consists of:</p> <ul style="list-style-type: none"> • 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 service cost per thousand population. <p>Monitoring and review</p> <p>Performance is monitored by:</p> <ol style="list-style-type: none"> 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. 	
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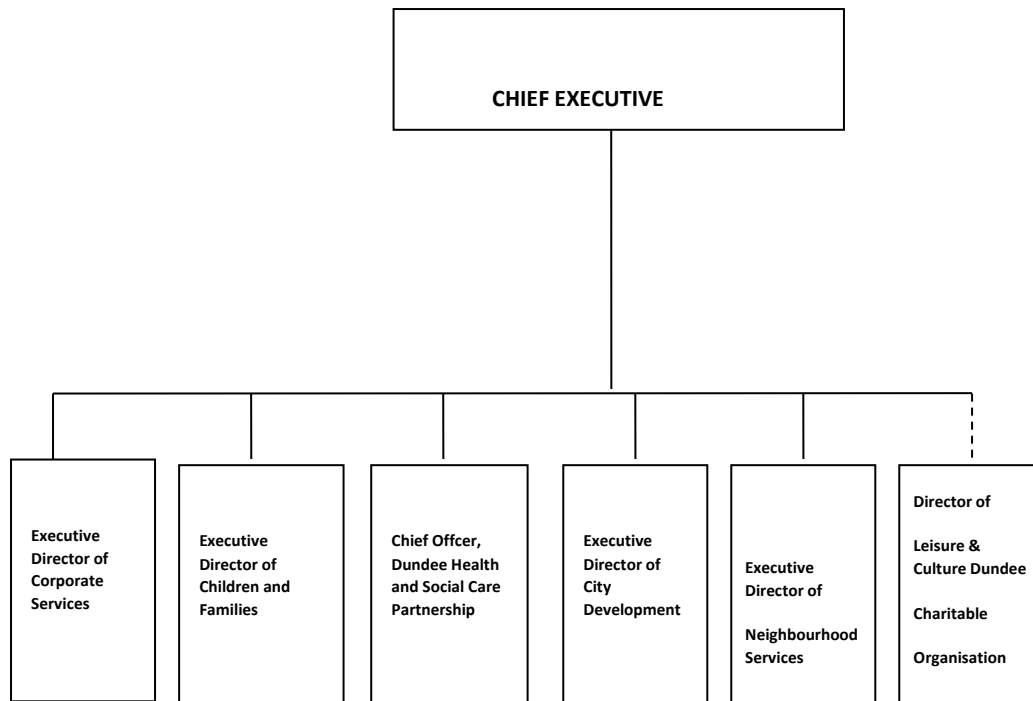
		<p>3. The Lead Food Officer monitors performance of the food safety team on a monthly basis in line with the Food Safety Service Plan and discusses progress against the plan with the team and at Regulatory Services Management Team meetings.</p>	
4.6	Areas of Improvement	<p>In November 2021 we upgraded our Civica APP database from version 8.7 to 8.9</p> <p>The targets within the Food Safety Service Plan for 2020-2021 were met, namely:</p> <ul style="list-style-type: none"> • 100% of food alerts receiving a response within 48 hours • 100% of communicable disease notifications receiving a response <2 working days <p>The areas for improvement in 2022-23 are:</p> <ul style="list-style-type: none"> • Introduce a further trainee Environmental Health Officer and work towards achieving the required staff resource level. • prepare a plan to address workforce planning – 45.45% of the current food safety service are aged 55-60 • restart all food interventions • update the documented procedures to reflect new legislation and revisions to the Codes of Practice • check officer authorisations against Food Law Code of Practice (Scotland) 	

Appendix A – STAFFING STRUCTURE



Appendix 'B' – DUNDEE CITY COUNCIL MANAGEMENT TEAM STRUCTURE

WITH EFFECT FROM JANUARY 2016



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