

<b>ITEM No ...2.....</b>
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**REPORT TO: CLIMATE, ENVIRONMENT & BIODIVERSITY COMMITTEE – 25 SEPTEMBER 2023**

**REPORT ON: FOOD SAFETY SERVICE PLAN 2023 - 2025**

**REPORT BY: EXECUTIVE DIRECTOR OF NEIGHBOURHOOD SERVICES**

**REPORT NO: 247-2023**

**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 around 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 in-line with the risk-based approach set out in the Food Law Code of Practice (Scotland). Around 1300 inspections, revisits and complaint investigations were carried out by the team in 2022/23. The team also provide comment on the 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. Our Council carried out a Recovery Plan Process in order to reschedule the Food Safety interventions via our Management Information System. The plan was implemented in September 2021 and continues to be actioned. It is expected that the recovery process should be completed in 2025-2026.
- 4.7 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.
- 4.8 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 2023 - 2025 is contained in Appendix 1.

## **5.0 POLICY IMPLICATIONS**

- 5.1 This report has been subject to the pre- IIA screening tool and does not make any recommendations for change to strategy, policy, procedures, services or funding and so has not been subject to an Integrated Impact Assessment. An appropriate senior manager has reviewed and agreed with this assessment.

## **6.0 CONSULTATIONS**

- 6.1 The Council Leadership Team were consulted in the preparation of this report and are in agreement with its contents.

## **7.0 BACKGROUND PAPERS**

- 7.1 None.

Elaine Zwirlein  
**Executive Director of Neighbourhood Services**

Tom Stirling  
**Head of Communities, Safety & Protection**

21 August 2023

## **STATUTORY AND GENERAL OBLIGATIONS ON FOOD AUTHORITIES**

### **Legal Obligation on Food Authority**

Food Standards Scotland's statutory guidance 'Food Law Code of Practice (Scotland) 2019' (the Code) and 'Interventions Food Law Code of Practice (Scotland) 2019' (the Interventions Code) requires to be implemented by Local Authorities across Scotland to ensure an effective, consistent and proportionate approach to the delivery of Food Law and Official Controls, so as to protect food safety and the wider interests of consumers. Local Authority delivery of Food Law and Official Controls is an essential part of Scotland's infrastructure for Public Health protection.

In delivery of Official Food Controls, Dundee City Council is legally required to ensure:

- a. The effectiveness and appropriateness of Official Controls.
- b. That controls are applied at an appropriate risk-based frequency.
- c. That there are a sufficient number of suitably qualified and experienced competent staff and adequate facilities and equipment to carry out duties properly.
- d. That staff are free from conflicts of interest.
- e. That there is access to an adequate laboratory capacity and capability for testing.

Food Standards Scotland (FSS) and Local Authorities work in partnership to discharge their statutory duties and help maintain consumer confidence in the regulation of the food supply chain in Scotland.

Section 40(2)(a) of the Food Safety Act 1990 requires a Local Authority to have regard to the relevant provisions of the Codes. Section 40(3) does allow FSS to consult the Scottish Ministers in relation to non-compliance with the Codes to order the issue of a direction to that Local Authority requiring it to take steps to comply with the Codes. Failure to comply with a ministerial direction by a Local Authority may be sanctioned by order of the Court of Session. Where Scottish Ministers are satisfied that a Food Authority has failed to discharge any duty imposed by or under the Act, where that failure affects the general interests of consumers of food, they may by order empower another Food Authority or officer of the Ministers to discharge that duty in place of the Authority in default, and recover costs from the defaulting Authority.

### **Requirement to Prepare a Food Safety Service Plan**

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 resourced and that the overall plan is subject to approval timeously at the appropriate governance level within the Local Authority.

## 1. AIMS AND OBJECTIVES

### 1.1 Aims and 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.

In order to achieve the above, the Food Safety Team will:

- promote high standards of food safety and food hygiene in Dundee.
- provide food safety advice and information to food businesses, voluntary organisations and the public.
- protect public health and continue to 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.
- carry out a planned and coordinated sampling programme so as to monitor that food is of the nature, quality and substance expected by the public and to take appropriate action to remove any unsatisfactory foodstuffs identified during this process.
- 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.
- respond appropriately to relevant food alerts as required by Food Standards Scotland (FSS).
- 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).

The Food Standards Scotland (FSS) regulatory approaches are to be adopted, as outlined in their strategy document 'Safe, Healthy, Sustainable: Driving Scotland's Food Future' for 2021-2026, the aim of which is to:

- To protect the public from risks to health which may arise in connection with the consumption of food.
- To improve the extent to which members of the public have diets which are conducive to good health.
- To protect the other interests of consumers in relation to food.

- 1.2 Dundee City Council’s Neighbourhood Services Service Plan 2023-2027 reflects the next tier of the performance management framework and addresses the key outcomes in the City Plan 2022-2032 and Council Plan 2022-2027 where Neighbourhood Services are responsible to deliver actions or achieve targets towards improving various outcomes.

The aims and objectives of the Food Safety Service Plan are derived from the overarching objectives and approaches as detailed within the Neighbourhood Services Service Plan as well as within Council and City Plans.

## 2. SERVICE PROFILE

- 2.1 Profile of the Local Authority 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.

There are currently just under 1600 registered food businesses in Dundee, covering a wide range of sectors including manufacturing, distribution, retailing and catering.

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. There are a variety of tourist attractions located within the city, as well a number of events which are held in the city throughout the year which attract a large number of visitors both from the UK and abroad.

In Dundee city centre, there are three main indoor shopping centres: the Overgate, the Wellgate and the Forum Centres. As with every other Scottish high street the number of empty retail premises has increased, however a number of previously empty units are now being replaced with new food and drink venues.

- 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.

- 2.3 Scope of the Food Service As a Unitary Authority, the Food Safety Service includes food hygiene and food standards enforcement. The services provided by the Food Safety Team Officers includes carrying out:
- Food Law Interventions.
  - Food Hygiene and Food Standards Inspections of Premises Approved under EC No 853/2004. There are currently five premises approved to handle food of animal origin, including three cold stores.

- Food Standards Inspections of Meat Plants Approved under EC No 853/2004.
- Assessment of new applications for Approval of Premises under Regulation EC No 853/2004.
- Disposal/Seizure of Unfit Foodstuffs.
- Provision of advice and guidance to food businesses, voluntary organisations and the public.
- Provision of Export Health Certificates when required.
- Monitoring of Food Standards Scotland Food Safety Alerts and any subsequent next steps.
- Liaison with FSS regarding food crime and national food safety issues.
- Food Sampling. Chemical analysis and microbiological examination of submitted food samples is undertaken by Tayside Scientific Services.
- Liaison with NHS Tayside Health Protection Team including investigation of notifiable infectious disease. Investigations with follow-up inspections of any linked premises.
- Investigation of food complaints in a timely manner.
- Provision of reports to the Council's Licensing Board and Committee about food related matters covering new and renewal licence applications including Late-Hours Catering Licences, Street Trader, Venison Dealers, Alcohol section 50 applications etc.
- The preparation and submission of reports to the Procurator Fiscal Service after following a graduated line of enforcement.
- Representation on the East of Scotland Food Liaison Group (ESFLG), this includes 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.
- Liaison with other sections of the Local Authority, including Children and Families, Dundee Health and Social Care Partnership, Licensing, Building Control, Planning, Events Team, etc.
- The sharing of official food control information via our database with Food Standard Scotland's Scottish National Database (SND) in an accurate and timely manner.

The Covid pandemic had a significant impact on the overall delivery of the food safety inspection programme and Food Safety inspections were initially put on hold in March 2020. As a consequence, a significant number of premises were uninspected over a 16 month period and a large number of inspections have been carried over into subsequent years via a recovery plan which was formulated to ensure that all premises received the required visits but within a practical and achievable programme.

Food Safety Team members have been following the Council's flexible working protocol whereby they can work from home/office/mobile working, and associated working practices are being revised on an ongoing basis in order to adapt. Good communications are strongly promoted within the Food Safety Team to maintain consistency of approach and provide support when needed. Team meetings are held on a fortnightly basis.

#### 2.4 Demands on Food Service

As of end of May 2023, there were 1568 registered food premises in Dundee. A breakdown of these premises is shown below.

Premises Type	Number
Producers	6
Manufacturers	40
Importers/Exporters	6
Distributors/Transporters	50
Retailers	293
Caterers including:	
Restaurant/Café/Canteen	275
Hotel/Guest House	34
Pub/Club	182
Take-away	204
Caring Establishments	261
School/College	48
Mobile Food Unit	35
Restaurant/caterers other	134
Caterers total	1173
Total	1568

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 Food Business Operator's (FBO's) own language.

The introduction of Food Law Rating Scheme (FLRS) in 2019 was a major change in the way food businesses are risk rated and scored on their 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 overall increase in the frequency of inspections of food businesses.

The impact of FLRS on the inspection programme workload nationally has been acknowledged by Food Standards Scotland and a review of FLRS amongst other factors, such as the future availability of qualified staff, will be considered as part of the Scottish Authorities Food Enforcement Rebuild (SAFER) which is looking into potential work streams and future pressure release options for Food Law delivery throughout Scotland. The Food Safety Team have taken part in the first steps of this project which has included a time management exercise and attendance at a national SAFER event in March 2023.

### **New Unrated Food Businesses**

In the period during and after the pandemic, rather than seeing an overall decrease in food business numbers, we have seen an upsurge in queries and registration form submissions from 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. 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.

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.

From September 2021 to March 2022 there was an increase of 59 new food businesses and in 2022- 2023 there was an increase of 114 new food businesses.

At the introduction of the pandemic recovery programme on 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 was a very high number of unrated premises and was as a result of the Covid-19 pandemic restrictions. Although these premises were incorporated in the inspection recovery plan programme, an additional 59 new food businesses registered with us during from September 2021 to April 2022. This resulted in there being 138 unrated food business awaiting inspection at 1<sup>st</sup> April 2022. In 2022-2023 a further 114 new food business registered with us. Despite this additional number of businesses we have managed to reduce the overall number of new unrated food business to 62 by 1<sup>st</sup> April 2023. This was achieved by officers firstly carrying out an advisory visit followed up by a food safety inspection placing further demands on the existing staff resources. The outstanding unrated 62 businesses have been incorporated into the 2023-2024 programme however a



further 56 new business have registered with us since April 2023 all of which have been added to the 2023-2024 programme.

#### **Low Risk Food Businesses**

A total of 132 premises have been identified as being outside 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.

#### **Official Control Verification interventions**

The Food Safety Service has begun implementing the enhanced system for Official Control Verification interventions (OCV) in establishments requiring approval under EC Regulation 853/2004. The new national system applies a 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 involves 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. This enhanced system for OCV has required a greater input of officer time. All approved premises intervention visits are included in the annual intervention programme.

#### **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. New legislation resulting from 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 packed in advance before being offered for sale to the customer by the same food business who packed it:

- 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)

Allergen control 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 management in food businesses.

### **Events**

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 organisers, 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, liaising with other Local Authorities where required, 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.

Certain events require to be assessed by a Safety Advisory Group (SAG), this is a multi-agency planning approach co-ordinated by DCC and is 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 larger scale events. The guiding principle for 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.

Officers in the Food Service attended SAGs for various events arranged for 2022-2023, including Slessor Gardens Music concerts, Broughty Ferry Gala Day, Cider & Sausage Festival, West Fest, the Circus & Winterfest. 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.

2023 to-date is proving to be an even more popular year for events in Dundee including the BBC Big Weekend in May 2023 where over 50 food vendors were in place serving an audience of approximately 75,000. Officers will continue to attend SAGs and will also deal directly with organisers of smaller run events that are not considered by a SAG due to the nature of the event.

### **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.

The following factors can have an impact on the delivery of the Service Plan:

- An outbreak of food poisoning or a work-related death, serious accident or dangerous occurrence investigation in the LA-enforced sector.
- Major outdoor events during the course of a year which involve food safety, water safety 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.
- 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.

Previously, the aim of the Team was to ensure that at least 95% of programmed food interventions were completed by the end of the year. However, the figure of 95% is based on a number of assumptions being made in terms of the resourcing i.e. there will no major outbreaks or incidents, sickness absence or existing staff leaving the service. Should workload continue to increase in other areas, this will impact on the ability to meet the target set. In addition, where enforcement action is required in businesses, this means two officers must attend so this increases the resourcing requirements.

Where enforcement of food safety standards is required, this can increase the workload in the form of additional FLRS intervention visits as well as follow-up visits, the need for more support and education to business/es as well as the possibility of enforcement action requiring to be considered where appropriate. Inspections will be prioritised according to risk.

In 2022-2023 the actual percentage figure of programmed food interventions achieved in 2022- 2023 was 86%, which was due to a number of factors, including:

- increases in the FLRS scoring due to conditions identified during PI visits resulting in the generation of additional PIs,
- generation of additional intervention revisits,
- staffing losses with a prolonged recruitment process,

- increase in newly registered food businesses.

The recruitment to vacant posts during the latter half of the year resulted in an improved performance of inspections from November 2022 onwards.

- 2.5 Enforcement Policy
- The Council is a signatory to the Scottish 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:

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 considered in the circumstances of a particular case.

### 3. SERVICE DELIVERY

- 3.1 Interventions at Food Establishments
- 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.

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

- Inspections
- Monitoring
- Surveillance
- Verification

- Audit
- Sampling where the analysis and / or examination is to be carried out by an Official Laboratory

Other interventions, i.e. those which do not constitute Official Controls include:

- 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)

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.

Our Food Safety Inspection Programme is developed annually using our food safety database Civica APP.

782 food premises were initially programmed for inspection in 2022-2023. However, an additional 62 higher risk premises inspection visits scored via FLRS during the inspection year had to be added into the 2022-2023 programme which raised the overall total of programmed inspections to 843.

In total 723 programmed inspections were carried out. However due to the reasons explained previously 120 low risk food safety inspections were not able to be carried out, all of which were given new inspection dates.

In addition a further 148 food safety revisits were carried out following initial inspections.

844 food interventions are programmed to be carried out in 2023-2024. This includes an additional 41 higher risk premises intervention visits added to the programme so far due to the conditions found during the initial 2023-2024 programmed intervention visits. It also includes an additional 56 new businesses that have registered with us since April 2023, that have been added to the programme to ensure they will be inspected no later than 6 months of being registered, although on average, the time period is generally no more than 3 months post registration. In addition, the majority of the new premises will also receive an initial advisory visit post registration.

It is expected that approximately 20% of inspected premises will need to undergo a food safety revisit following the initial programmed inspection in 2023-2024.

- 3.2 Food Complaints 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. The investigation of such complaints has been managed within the existing resources of the Team.
- In 2022-2023 we received 73 food related complaints. We investigated 100% of food complaints received, with 94% responded to within 48 hours of receiving the complaint. Our target response rate within 48 hours is 95%. We aim to again investigate 100% of our food complaints in 2023-2024 and to respond to at least 95% within 48 hours of receiving the complaint.
- 3.3 Home Authority Principle and Primary Authority Scheme DCC is not 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/Oriinating 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.

- 3.4 Advice to Businesses DCC is committed to supporting existing and new food 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. 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 relevant guidance is provided to every business during inspections and it is a requirement for businesses to have in place a Food Safety Management Plan.
- 3.5 Food Sampling 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.
- 272 samples were taken during 2022-23, of which 16 were unsatisfactory. Officers require to actively engage with food businesses to address the reasons for failure.
- DCC’s Sampling Policy was endorsed by the Community Safety and Public Protection Committee on 22 April 2019.
- The sampling programme for 2023-2024 is in operation. A local sampling plan has been developed in conjunction with the Public Analyst and neighbouring authorities. The sampling plan commenced in April 2023.
- 3.6 Control and Investigation of Communicable Disease including 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 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
2017	240
2018	245
2019	244
2020	170
2021	124
2022	167

It should be noted that many of these infections are acquired outwith Dundee by residents who have been travelling. 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 diseases and diseases arising from contact with substances 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 (JPHPP) 2019-2021 has been collated jointly by NHS Tayside, Angus Council, Dundee City Council and Perth & Kinross Council. This can be viewed via the link below: [https://www.nhstayside.scot.nhs.uk/OurServicesA-Z/PublicHealth/PROD\\_322478/index.htm](https://www.nhstayside.scot.nhs.uk/OurServicesA-Z/PublicHealth/PROD_322478/index.htm)

3.7 Food Law Incidents

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.



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"> <li>• Quarterly meetings with other East of Scotland Local Authorities as part of the ESFLG. The Laboratory Service and FSS also attend these meetings.</li> <li>• Quarterly Health Protection Update meetings.</li> <li>• Monthly meetings with the Council’s Planning Team.</li> <li>• Monthly attendance at the Council’s Safety Advisory Group.</li> <li>• Community Safety and Protection is a consultee for Licence applications including Public Entertainment, Street Trader and Premises licence applications.</li> </ul>
3.9 EU Exit including Fishing vessel inspection	<p>Fishing vessel owners in Scotland are legally required to register their fishing vessels as a food business, and be inspected by the relevant local authority to enable their catch to be exported. Currently, there are no registered fishing vessels in DCC. 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. 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 during face-to-face visits with premises and also via our website and other social media channels.</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.</p> <p>There is a Memorandum of Understanding between the Society of Chief Officers of Environmental Health in Scotland and Food Standards Scotland (Scottish Food Crime and Incidents Unit – SFCIU).</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 the 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 communication system. FSS and SOCOEHS have agreed that all Food Crime intelligence and other appropriate intelligence will be reported on the FSS approved database for recording intelligence. SFCIU will act as the intelligence hub for all intelligence submitted. SFCIU will assess, 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 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 receives about unsatisfactory food or food premises are investigated in line with our procedures.

#### 4. RESOURCES

4.1 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 overall Net Expenditure budget associated with the provision of this service for 2022/23 was £587,584. The provisional net expenditure budget for 2023/24 financial year is £602,047 (This figure takes cognisance of the 23/24 pay award).

4.2 Staffing Allocation A post pandemic restart programme commenced on 1<sup>st</sup> September 2021 with inspection dates 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 (approximately 68 per month, divided among the current 5.85 FTE inspection workforce).

In terms of the Code of Practice requirements; establishment positions and positions filled should correspond with the Full Time Equivalent (FTE) data inputted on Food Standard Scotland’s Scottish National Database (SND). To date we have imputed the FTE inspection workforce currently employed but have not yet calculated what resources we should have in place to meet the requirements of the Code of Practice. We intend to undertake this calculation and update SND in due course.

4.3 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. The procedure for authorising officers involves an assessment of officers’ competencies.

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 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.

**5. QUALITY ASSESSMENT & PERFORMANCE REVIEW**

5.1 Quality assessment and internal monitoring

The Food Safety Service has a number of performance indicators which are monitored as part of the Community Safety Business Plan.

These are:

- Food Inspections – Inspect all businesses 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 setting out the time parameters for responding to urgent cases (Immediately) and non-urgent cases (48 hours).

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 team meetings.

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. Each year the Food Safety/Health & Safety Manager and the Senior Environmental Health Officer accompany officers on a small number of inspections, primarily to lend assistance or witness conditions but also to monitor their performance.

## 5.2 Review against the Service Plan

Performance is closely monitored to make sure that the strategies being pursued are making an impact. All of the indicators and actions in the 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 2022-2027 , City Plan 2017-2026 and Fairness Commission Action Plan 2016.
- Additional indicators and projects in the Neighbourhood Services Service Plan 2017 to 2022 (this document is currently being reviewed).
- 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.

Monitoring and review performance is monitored by:

- Regular reviews by the Neighbourhood Services, including the Community Safety and Protection management team.
- Corporate reports covering the Council Plan, City Plan and the LGBF, reports to the committees of Neighbourhoods Services and Community Safety and Public Protection.
- 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 the Regulatory Services Management Team meetings.

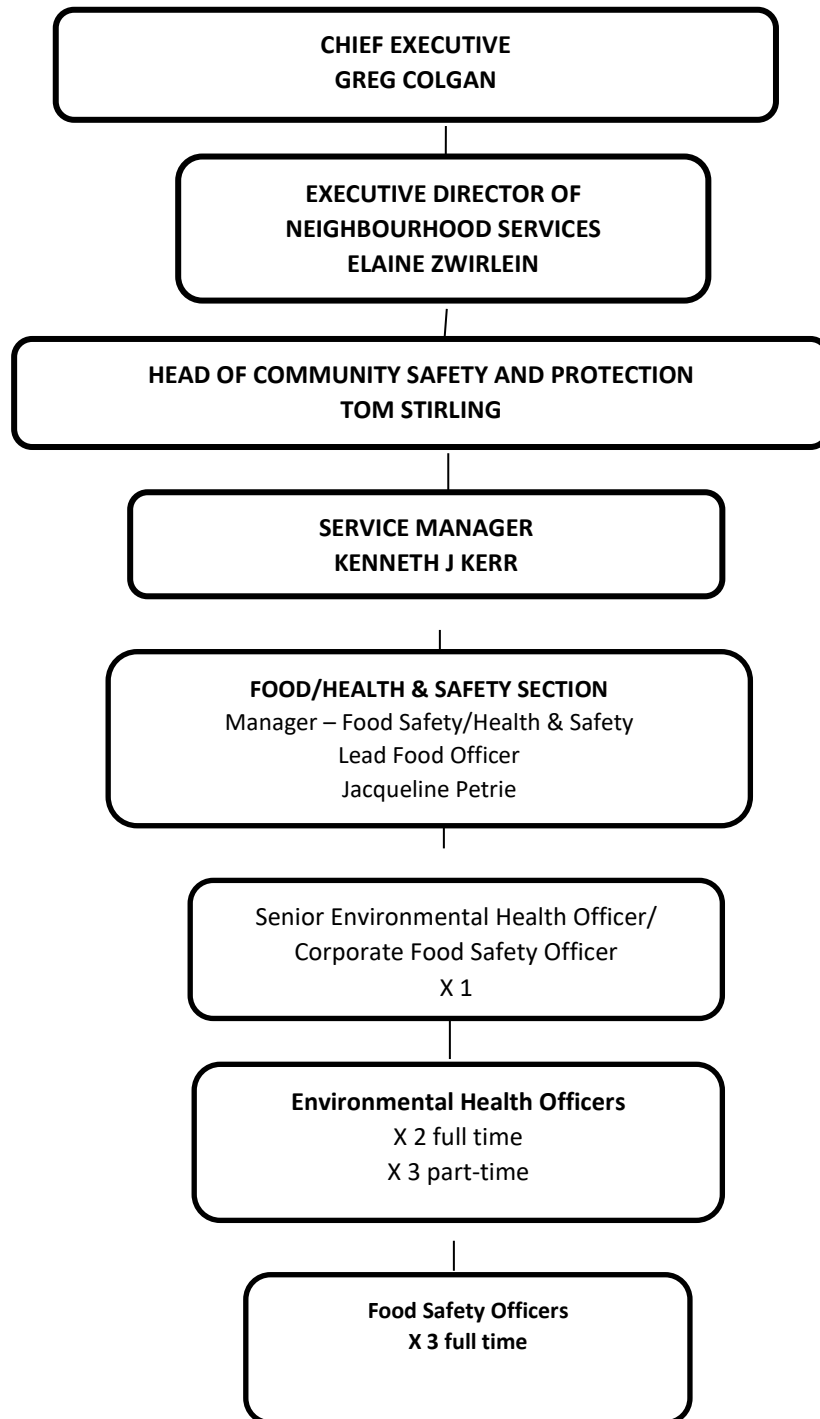
5.3 Areas for Improvement

The areas for improvement in 2023-24/5 are:

- Ensure that all new food business are provided with an advisory visit at point of registration and that a follow-up inspection will be carried out within 6 months of trading.
- Prepare a plan to address workforce planning as 45% of the current food safety service are aged 50-60.
- 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)
- Reintroduction of monitoring of submitted plans and building warrants regarding food safety matters.

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## Appendix A – STAFFING STRUCTURE



Appendix 'B' – DUNDEE CITY COUNCIL MANAGEMENT TEAM STRUCTURE

