

Report

9

Report to:	Community Services Committee
Date of Meeting:	4 February 2014
Report by:	Executive Director (Community and Enterprise Resources)

Subject:	Response to a Food Standards Agency Consultation on a proposed Regulation of the European Parliament on Official Controls and Other Official Activities
----------	--

1. Purpose of Report

1.1. The purpose of the report is to:-

- ◆ inform the Committee of the details of the response by Environmental Services to a consultation by the Food Standards Agency on the proposal to introduce a Regulation of the European Parliament on Official Controls and Other Official Activities; and
- ◆ inform the Committee of the official food and feed law controls delivered during 2012/13.

2. Recommendation(s)

2.1. The Committee is asked to approve the following recommendations:

- (1) that the contents of the report be noted;
- (2) that the Council's response to the consultation, detailed in Appendix 1 of the report, be noted; and
- (3) that an annual report on food and feed law controls is reported to Committee on an annual basis.

3. Background

- 3.1 On 6 May 2013, the EU Commission issued a draft proposal for a Regulation that will replace Regulation (EC) 882/2004 of the European Parliament and of the Council on official controls undertaken by Member States and their designated enforcement authorities to ensure the verification of compliance with feed and food law, animal health and welfare rules.
- 3.2 Environmental Health and Trading Standards are the designated enforcement authorities in respect of Regulation (EC) 882/2004 and will therefore be affected by any changes to the legislation on the delivery of official food and feed controls (e.g. inspections, audits, sampling and analysis, etc.).
- 3.3 In summary, the proposal aims to simplify and create a more consistent approach for control systems along the agri-food chain and will extend the scope of the Regulation to plant health, plant reproductive material, plant protection products and animal by-products. It will also introduce changes to current financing rules for official controls. The main changes are detailed in section 4 of this report.

- 3.4 The Food Standard's Agency 'Framework Agreement on Official Feed and Food Controls by Local Authorities' requires all authorities to produce an annual Service Plan for food and feed services and also conduct a performance review of the previous year's activity.

4. Main Elements of the Proposal

- 4.1. Extending the scope of the Regulation to include plant health, plant reproductive material, and animal by-products will provide greater coherence for enforcement in the agricultural sector, as the full range of feed and food enforcement will be brought within the one statute. This is considered to be a natural extension to the 'farm to fork' principle and should benefit business and consumers.
- 4.2 There is a proposal to introduce a new requirement in relation to identifying possible intentional violations of food and feed law. This has been prompted by the horse DNA incident in early 2013. To be effective, local authorities will need to commit sufficient resources to food standards enforcement. Environmental Health currently operates a separate Food Standards inspection programme and carried out 322 food standards inspections in 2012/13. This new requirement could have training implications for staff delivering official controls on techniques to detect intentional violations.
- 4.3 The Commission is proposing changes to significantly increase the number of official controls for which Member States are obliged to collect fees by including sectors not currently charged. The Food Standards Agency position is that Member States should have discretion on how they finance official controls. Environmental Services agrees with the Food Standards Agency's position on this matter, however, the consultation response does indicate that if mandatory charging is extended, then it should be on a full cost recovery basis.
- 4.4 The food industry will obviously be concerned about the introduction of new charges and the impact that this will have on their business. Many food businesses will be exempt from the charges if they are "micro businesses", that is if they employ fewer than 10 people and their annual turnover and/or annual balance sheet total does not exceed €2m. Environmental Services anticipates that the majority of food and feed businesses in South Lanarkshire will be exempt.
- 4.5 Full details of the Council's response to the consultation is included at Appendix 1.

5. Food and Feed Service Plan Review

- 5.1 The Food Standard's Agency, 'Framework Agreement on Official Feed and Food Controls by Local Authorities', requires all authorities to produce an annual Service Plan which includes food and feed official controls and also conduct a performance review of the previous year's Service Plan. This has traditionally been achieved through the standard service plan reporting process. However, given the forthcoming introduction of a new Scottish Food Body and the proposed changes to official control delivery and possible charging, a summary has been provided at Appendix 2. It is recommended that the review of feed and food official controls be reported to the Community Services Committee on an annual basis, commencing from 2014/15.
- 5.2 The Food Standards Agency audited the feed service in autumn 2012 and highlighted that the review of the service plan is not reported separately to elected members. Inclusion of the review in this report will allow Environmental Services to complete the audit action plan and reporting the review annually will ensure that this

element of the Framework Agreement will be achieved for food and feed in the future.

6. Employee Implications

- 6.1 There are no employee implications.

7. Financial Implications

- 7.1 The financial implications cannot be determined until the Regulations are finalised and details of any changes to the charging regime outlined. It is recommended that a further report be submitted to the Community Services Committee once the regulations have been finalised and are due to be implemented.

8. Other Implications

- 8.1 Environmental Services anticipates that the proposed changes will have training implications for current staff delivering official controls. Traditionally, the Food Standards Agency provides free training for enforcement staff when significant changes to legislation take place. Environmental Services would intend sending all enforcement staff for training on the new legislation.
- 8.2 Environmental Services has existing systems in place for charging for services and if new mandatory charges are introduced these systems will be utilised. Environmental Services does expect that the exemption criterion will result in potential appeals by businesses included in the scope of the new charges. Until more information is available on the new legislation it is not possible to quantify how many appeals may arise.
- ## **9. Equality Impact Assessment and Consultation Arrangements**
- 9.1 This report does not introduce a new policy, function or strategy or recommend a change to an existing policy, function or strategy and therefore no impact assessment is required.
- 9.2. There is no requirement to undertake any consultation in terms of the information contained in this report.

Colin McDowall
Executive Director
(Community and Enterprise Resources)

10 January 2014

Link(s) to Council Objectives and Values

- ◆ Council Value: Accountable, effective and efficient
- ◆ Council Priority Objective: Support the local economy by providing the right conditions for growth, improving skills and employability

Previous References

None

List of Background Papers

Consultation on the proposal for a Regulation of the European Parliament and of the Council on Official Controls and Other Official Activities

Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:-

Craig Brown, Environmental Services Manager

Ext: 4403 (Tel: 01698 454403)

E-mail: Craig.M.Brown@southlanarkshire.gov.uk

APPENDIX 1 RESPONSE TO CONSULTATION QUESTIONS

Q1: Scope

Do you think that extending the scope of the proposal to plant health, plant reproductive material, and animal by-products will impact on the coherence of the official controls framework? Please give reasons.

South Lanarkshire Council (SLC) supports the extension of scope to include the whole agri-food chain and believes this will provide greater coherence as the full range of feed and food enforcement will be brought within the one statute. SLC sees this as a natural extension to the 'farm to fork' principle.

Q2: Definitions

a) How clearly does the language and definitions used in the proposal reflect the broader scope?

SLC believes the language and definitions are appropriate and reflect the broader scope.

b) Are definitions sufficiently clear and easy to understand? If not, please suggest alternate wording

SLC believes the definitions are clear and easy to understand.

c) In particular, do you have any comments on the new definition of “other official activities” and what this covers?

SLC believes the definition of 'other official activities' is clear and will be widely understood to be all non-Official Control activities undertaken by the competent authorities.

Q3: Competent Authorities (Chapter I)

a) Are the requirements adequate?

SLC believes the requirements to be adequate.

b) Are the provisions relating to audit (Article 5) appropriate? If not, please provide information to support your answer

SLC believes the provisions relating to audit are appropriate. SLC would however suggest that in addition, there is a requirement to make the results of audits public in order to ensure consumers and the food industry that the competent authorities are operating effectively.

Q4: Official controls (Chapter II)

a) Do you think the new requirements in relation to identifying possible intentional violations of food and feed law (Article 8(2)) will impact on the enforcement community, industry and/or consumers? Please give reasons.

SLC believes this new requirement will strengthen the delivery of food standards enforcement and may help local authorities maintain levels of resources in this area. SLC also recognises that this requirement could have training implications for staff delivering official controls. SLC would also suggest that to be successful in detecting intentional violations food authorities would need to co-operate with other agencies and share information to detect potential criminal activity.

b) Has the issue of transparency of official controls (Article 10) been adequately addressed?

SLC believes transparency has been adequately addressed.

c) What, if any, new burdens do the changes and the provisions on reporting (Article 12) create for the competent authorities and industry?

SLC does not believe that the requirement to issue a report will create a new burden as this reflects current operational practice. SLC would suggest that the new requirement to identify intentional violations may require some food authorities to increase their level of activity in relation to food standards enforcement.

d) Existing EU requirements in food and feed law require business operators to inform competent authorities where they have reason to believe that food or feed is unsafe. Do you think that this should be expanded:

- to cover all intentional non-compliances with the rules referred to in the proposal, and
- include all operators within the scope of the proposal?

SLC would agree with extending this requirement to cover all non-compliances and would refer to the situation highlighted during the horse DNA incident when it was discovered that 'in-house' testing by the food business had discovered the presence of horse DNA months before samples were taken by the competent authority. Extending the scope of this area would compliment the new requirement to detect intentional violations; it is unlikely that a food business who is intentionally breaking the law will report this but a food business that becomes aware of this type activity by a supplier should be required to notify the competent authority.

Q5: Delegation of specific tasks of the competent authority (Chapter III)

a) Do these provisions provide sufficient clarity for the delegation of certain official control tasks to bodies or individuals? If not, how could clarity be improved?

SLC believes the provisions provide sufficient clarity in this respect.

b) Are the conditions and obligations appropriate? Please provide information to support your answer

SLC believes the conditions and obligations are appropriate; this chapter reflects the current position and SLC is not aware of any issues with the current requirements on condition and obligations.

Q6: Sampling, Analysis and Testing (Chapter IV)

a) Do you support the proposed rules, including the temporary and permanent derogation from mandatory accreditation requirements for official control laboratories? Please provide information to support your answer

SLC supports the proposed rules and believes they are sensible and proportionate and will be beneficial in emergency situations.

b) Are the provisions relating to sampling of goods offered for sale by means of distance communication (Article 35) appropriate?

SLC believes these provisions are appropriate and mirror the current arrangements when formal samples are taken and sampling officers do not identify themselves until after they have purchased the sample.

Q7: Import provisions (Chapter V)

a) Do you agree with the Commission's approach to streamline border official controls?

SLC agrees with the Commission's approach regarding border official controls.

b) Would that approach improve the efficiency of import controls? Do you think that control authorities and importers would benefit from such changes? Please give reasons.

SLC believes the introduction of a single standard document will help ensure consistency for both importers and staff delivering border controls. SLC fully supports the proposal for competent authorities and Customs authorities to work closely; given the international dimension to the food industry this is entirely appropriate and will help protect public health and the economic interests of compliant food businesses.

Q8: Financing of official controls (Chapter VI)

a) Official controls are required to be adequately financed by member states. The FSA believes that member states should determine how best to achieve this for themselves unless there is clear evidence for a particular control or sector, that a failure to act at the EU level on charging will result in market distortion. Do you agree with the FSA position on this?

SLC supports the FSA position in relation to charging for official controls. SLC believes that the payment of taxes by businesses does constitute payment for official controls as the competent authorities are funded by government. SLC would support research in this area to identify the level of support required by government to adequately resource the delivery of official controls and other official activities. If these proposals are introduced SLC would recommend that a clear mechanism exists to ensure that the charges are used to fund official control activities by food and feed authorities.

If you disagree with the FSA position that Member States should have discretion on how they finance official controls;

Whilst agreeing with the FSA position on this, SLC offers the following comments:

b) Do you agree with the Commission's proposed changes to significantly increase the number of official controls for which Member States are obliged to collect fees by including sectors not currently charged and expanding the scope of the proposal? Please give reasons.

No response.

c) Do you think that there are particular sectors or controls that do require charging to be set at the EU level in order to ensure coherence and consistency in the application of fees for official controls, and prevent UK businesses from being disadvantaged?

No response.

d) Do you agree with the proposed requirement that Member States recover the full cost of controls where mandatory fees apply? Please give reasons.

SLC supports the full cost recovery proposal, as this will ensure sufficient resources are available to deliver official controls. SLC notes that as micro-businesses will be exempt enforcement bodies will not be able to recover the total cost of all the official controls they deliver.

e) Do you agree with the option given to Member States to reduce or exempt from fees micro-enterprises? Would the option, as formulated, create significant administrative burdens? Please give reasons.

SLC believes that this proposal would introduce a new and at this time an unquantifiable administrative burden. The criteria for exemption include information that food and feed authorities do not currently collect or record. SLC also anticipates that there will be appeals and challenges in respect of whether the micro business should be exempt. Both of these new activities will take up resources that could be better used in delivering official controls.

f) Do you agree with the rules that set out the costs that can be recovered via fees? Please give reasons.

No response.

g) Do you think that the incorporation of the bonus/malus principles in the fee system will encourage business compliance and risk- minimising behaviour? Please give reasons.

No response.

h) Do you think that requirements for Member States to provide to the public and the Commission information regarding fees will have a positive impact on transparency and contribute to a fairer system? Please give reasons.

No response.

Q9: Official certification (Chapter VII)

a) Do you agree with the proposed principles governing official certification and conditions under which it must be issued? Please provide information to support your answer

SLC agrees with the proposed principles and believes that the requirements of Article 87 (3) are appropriate to provide the necessary level of confidence to provide an official certificate that ensures the public health.

b) Do you foresee any implications for control authorities or for businesses? Please give reasons.

SLC believes that the proposed principles may lead to a greater level of consistency in relation to export certification and this would be of benefit to both control authorities and businesses. The introduction of a more consistent certification system could benefit businesses through improved export markets as a result of a respected certification system.

Q10: Reference Laboratories and Centres (Title III)

a) Do you agree with the requirements for, and responsibilities of new EU Reference Laboratories? Please give reasons.

SLC agrees with the requirements and responsibilities of EU Reference Laboratories as reference laboratories provide the necessary level of consistency required when making risk based decisions in relation to official samples. The ability to make risk based decisions on sample results protects consumers and business interests.

Q11: Administrative assistance and cooperation (Title IV)

a) Do you think these provisions will improve the basis upon which competent authorities act to provide assistance? Please provide information to support your answer

SLC would suggest that FSA are best placed to answer this question. However, SLC would support any provisions designed to improve co-operation between competent authorities, as this will enhance consumer safety within the official control system.

b) What are the implications for control authorities?

Insufficient information is available to allow SLC to comment fully on this, but SLC anticipates that these arrangements will work in practice in a similar fashion to the existing home, originating and enforcing authority model.

Q12: Planning and reporting (Title V)

Are the requirements for the multi-annual national control plans that Member States must provide comprehensive?

SLC believes Title V provides adequate detail on the requirements of a multi-annual national control plan.

Q13: Union activities (Title VI)

The Commission proposes (Chapter IV) the creation of a computerised information management system for official controls (IMSOC) to allow the integration of all existing and future computerised systems (e.g. TRACES, RASFF, Europhyt etc.) to manage information, data and documents on official agri-food chain controls more efficiently. The scope of this has not yet been explored with the Commission. What are the implications for control authorities if the current broad scope (Article 131) is retained?

SLC would support the concept of a shared information management system for official controls and can see that this would help the reporting systems for official controls. The creation of any integrated information management system would need to be compatible with existing information management systems to avoid unnecessary expense in developing new reporting arrangements.

Q14: Enforcement Action (Title VII)

a) Do you think that the list of actions, which competent authorities must take to ensure that business operators remedy non-compliance, is adequate and reflect the broader scope of the Regulation?

SLC believes the list of actions is adequate and reflects the broader scope of the Regulation.

b) What are your views on the proposal (Article 136(2)) that penalties for intentional violations shall at least offset the economic advantage sought through the violation?

SLC believes this is appropriate as a means of deterring food fraud. SLC also supports the introduction of administrative penalties as a means of securing compliance without criminalising the business.

Q15: Proposed use by the Commission of implementing and delegated acts

a) Annex B lists the instances where the Commission proposes to lay down more detailed provisions through implementing and delegated acts. Do you agree that these are necessary?

SLC agrees that these measures are necessary.

b) Do you think that any of these could be dealt with by other means (e.g. Commission guidance)? Please give reasons.

No response.

Draft Impact assessment

Q16: Are the sectors and groups affected by the draft proposal properly identified? If you partly agree or do not agree, please identify sectors that should also be considered and explain why.

SLC believes that the appropriate sectors have been identified.

Q17: Are there additional tasks undertaken by competent authorities that are within the scope of the proposal and missing from the data in Annex 1?

SLC believes the tasks listed in Annex 1 are appropriate to provide an estimate of overall cost.

Q18: Do you agree with assumptions used and calculations made in Annex 2?

SLC would comment as follows on the assumptions and calculations in Annex 2: Allowing 2 hours per sample should be appropriate if it is an average including travel time, actual sampling and pre and post administration.

Basing the cost on the salary of an Environmental Health Officer (EHO) is liable to be an over estimate of the cost. SLC is aware that a significant number of food authorities use technical staff to take samples and their salaries are generally lower than those of EHO's.

SLC notes that the standards sampling visit cost is lower than the hygiene visit cost and would question the rationale for this lower cost.

SLC recognises that the addition of 0.3 onto the hourly rate will cover the employer costs of national insurance and superannuation payments. However, no provision is made for the other overheads associated with food sampling e.g. purchase of sampling equipment and sample packaging material, administration costs associated with communicating with the business and travel costs associated with sample visits.

Q19: Do you agree with assumptions used and calculations made in Annex 3?

SLC recognises that in the absence of accurate time recording information and access to service delivery budgets that assumptions will always be required to estimate the costs

associated with official control delivery. In respect of Annex 3 SLC would comment as follows:

At point 6 the time column does not appear to be realistic; SLC would suggest that the estimates for importers/exporters, retailers and restaurant/caterers are less than the time actually taken.

In this same table there does not appear to be any justification to have different salary costs for hygiene and standards and SLC would also point out that the salary costs are below the actual salaries currently paid in Scotland and do not include on costs. SLC would suggest that the table at point 6 grossly under-estimates the actual cost of delivering official controls to these businesses.

Q20: Are there any additional activities or cost components that should be included to generate the baseline cost?

SLC believes that legitimate overheads have been omitted from the estimates for official control delivery. In particular no account appears to have been made for the following:

- Equipment purchase, replacement and calibration costs;
- Purchase of PPE and laundry costs;
- Travel time and costs associated with on site official controls;
- IT costs associated with software and hardware for recording official controls and reporting to the competent authority;
- Property costs associated with the office accommodation for staff delivering official controls; and
- On costs and central charges made against the food authority for corporate functions of the local authority.

The omission of these real costs associated with official control delivery results in a gross under-estimate of the actual costs associated with the service deliver. Omitting these costs from the calculation will also amount to a subsidy of the food & feed official controls by the local authority.

Q21: Which option do you favour? Do you agree with the FSA's choice of option and are there any other options available?

SLC supports policy option 3.

Q22: Do you agree with assumptions used in Annex 4?

SLC does not have direct access to the information used in arriving at these assumptions; however the text suggests that appropriate information has been used.

Q23: For option 3, what areas do you consider should be negotiated and for what outcome?

SLC believes that the mandatory introduction of fees should be negotiated. SLC would suggest that the mirco business exemption will discourage some businesses from expanding and could have a detrimental impact on the economy.

Q24: Should charges be set at the European level, and if so, which sectors would benefit from this approach? Please provide information to support your answer

SLC recognises that having a consistent charge across the EU could have benefits, particularly for food businesses which operate throughout the EU. SLC believes it will be very difficult to get consistency with charges and that inconsistency could give those businesses with lower charges an economic advantage. Whilst accepting that setting the

charge at the European level may help provide a consistent charge; a charge set at this level could be greater than the actual cost of delivering official controls in some member states and in such circumstances the food industry in that country would face higher charges than if the charge was set by the Member State. SLC does not feel that there is sufficient information available on the scale of the proposed charges to be able to give full support for this proposal.

Q25: Do you agree with our assessment that the proposal, as drafted, will not negatively impact on competition? Please provide information to support your answer

SLC agrees that the proposal will not negatively impact on competition as food businesses will either have similar charges to their competitors and both will be exempt. Potentially, the introduction of new charges will be passed on to suppliers and consumers.

Q26: Do you agree with our assessment that the proposal, as drafted, will not unduly burden rural communities? Please provide information to support your answer

SLC recognises that many businesses operating in rural areas are small and are liable to qualify for the micro-business exemption. However, businesses in rural areas that are liable to pay charges for official controls could have slightly increased costs associated with travelling costs to deliver official controls.

APPENDIX 2

SECTION 1: SERVICE AIMS AND OBJECTIVES

1.1 Aims and Objectives

Provide a comprehensive food safety enforcement and advisory service to reduce risk of food borne infection.

Undertake visits to producers and distributors of animal feedstuffs to ensure statutory compliance

Undertake visits to Primary Producers subject to Food Standards Agency (FSA) funding and
Targets

1.2 Links to Corporate Objectives and Plans

The work of Environmental Services in respect of food and feed safety links into the Council's Connect objective to improve and maintain health and increase physical activity.

Environmental Services partnership working with Health Board colleagues and other agencies continues to link into common objectives and joint plans to improve the health of those living and working within South Lanarkshire.

SECTION 2: BACKGROUND

2.1 Profile of the Local Authority

South Lanarkshire is a mixed urban and rural authority and this is reflected in the range of food and feed businesses which operate locally. In addition to the retail and catering food businesses typically found in all local authorities, South Lanarkshire has a wide range of food manufacturing and processing businesses that produce food for local, national and international markets. The large rural areas of South Lanarkshire also give rise to a significant number of agricultural businesses involved in the primary production of food and feed and the areas still retains a large number of dairy farms and dairy product processors.

2.2 Organisational Structure

During 2012/13 the process of integrating the management structure and moving to a generalist operating model for Environmental Health and Trading Standards continued, with the new structure in place from 1 October 2012. Environmental Services comprises of three area teams, each delivering a wide range of Environmental Health and Trading Standards functions. In addition a team comprising several discrete units operates across the whole of South Lanarkshire, delivering services aimed at protecting the environment, dealing with anti-social behaviour noise and community safety. All teams are based at Montrose House, Hamilton, having relocated from East Kilbride in May 2012.

2.3 Scope of Environmental Services

The scope of Environmental Services includes all Food and Feed Safety activities for which local authorities have statutory responsibility.

In addition the Service is also involved in the investigation of outbreaks of food borne illness in partnership with Lanarkshire Health Board and also deals with all public and private water supply issues.

2.4 Food Safety Demands

There are 2444 premises with the risk profile being as follows:

Food Hygiene Premises Risk Rating

Category A risk premises - 24

Category B risk premises - 279

Category C risk premises - 1145

Category D risk premises - 399

Category E risk premises - 597 (low risk)

Food Standards Premises Risk Rating

Category A risk premises - 13

Category B risk premises - 363

Category C risk premises - 2083 (low risk)

Low risk category premises are included in an Alternative Enforcement Strategy whereby businesses receive a focused inspection or receive a questionnaire and advice.

Overall the number in each category remained relative constant during 2012/13 which is a positive step in terms of maintaining food safety standards.

Feed Hygiene Premises

There are a total of 837 premises that are involved with animal feed, comprising:

Farms	798
Low – Medium Risk	572
Low Risk	226

Manufacturers 5 High Risk

Pet food manufacturers (domestic small scale using human grade food) 2 Low Risk

Retailers (including those which consign former food products for feed) 24 Low Risk

Hauliers 7 Low Risk

Feed merchant/agent 1 Low Risk

SECTION 3: SERVICE DELIVERY

3.1 Food and Feedingstuffs Premises Inspections

In accordance with policy, priority was given to ensuring that routine programmed food hygiene inspections were undertaken in accordance with at least the minimum frequency outlined within the Food Law Code of Practice (Scotland).

A total of 2745 interventions were made to food premises last year. These included programmed inspections, re-visits, sampling, food complaints, food alerts and advisory visits.

The visits are predominantly conducted on an unannounced basis and many are undertaken during the evenings when the business is operating.

Two feed mills were audited in 2012/13 to check compliance with their hazard analysis system to control the steps critical to the production of safe feed material.

3.2 Food and Feedingstuffs Enquiries

A total of 1095 requests were received in relation to food and feed last year which was a 13% increase on the previous year. 86% of these enquiries were responded to within 48 hours of notification as detailed within the Service Plan.

3.3 Home Authority Principle

Home Authority arrangements remained unchanged and considerable work was undertaken to respond to enquiries and requests for information from local businesses mainly in relation to food labelling and the provision of export certificates.

3.4 Advice to Business

An important part of the work of the Service continued to be providing advice to food businesses. Advice is usually requested and given to assist food and feed business owners to meet their statutory responsibilities but some advice is also given on technical issues in order to prevent unnecessary expenditure. 95.2% of enquiries were responded to within the 2 day target specified in the Service Plan. There was a drop of over 40% in the number of

requests received, which may be a reflection in a lower number of new food businesses opening.

3.5 Sampling

A reduced number of samples from food premises were submitted to the laboratory last year due to delays resulting from filling the sampling officer post. The new sampling officer was in post from January 2013 and food sampling will return to normal levels during 2013/14.

The majority of samples were subsequently reported to be satisfactory by the Public Analyst. Sampling is principally focussed on local products and/or as part of national sampling projects.

32 feed samples were taken during 2012/13; six were unsatisfactory and were followed up by inspections to check the procedures for producing the affected batch of feed.

3.6 Control and Investigation of Outbreaks and Food Related Infectious Disease

A total of 120 cases of food poisoning were investigated last year which is a slight increase compared to the previous year, but within the target set by the Service Plan. Some of these cases related to persons returning from holiday abroad.

95% of cases were investigated within 24 hours of notification as detailed within the Service Plan. Two food related outbreaks were investigated; one was determined to be a viral infection which may have been caused by person to person spread. The other related to an outbreak of food poisoning associated with a wedding reception and was suspected to have been caused by pate produced on the premises.

An Outbreak Control Plan to identify and control the spread of infection has been agreed with Lanarkshire Health Board and this is kept under review.

3.7 Food Safety Incidents.

This is a national electronic warning system whereby the Food Standards Agency can send details of food related issues to all local authorities for information purposes or for action, depending on the circumstances. A Food Alert for Action is issued where intervention by enforcement authorities is required. These notices and alerts are often issued in conjunction with a product withdrawal or recall by a manufacturer, retailer or distributor.

The Agency issued 9 Food Alerts for Action during 2012/13. The main purpose is to ensure that food products which may be unsafe or not meet statutory requirements are withdrawn from sale as quickly as possible.

Allergy alerts are also issued to highlight issues relating to the composition of a product which may not be properly included in the list of ingredients and where one of these may cause an allergic reaction which can be very serious in some instances, for example the presence of nuts in a product.

In addition, Environmental Health participated in the national response to the horse DNA incident that was detected in the UK in January 2013. Visits were made to all relevant businesses to check on the meat supply chain. Environmental Health also responded to a notification that a take-away establishment had received a delivery of meat products that the source of the meat could not be determined. Sampling indicated that the product did not contain horse DNA, but the product had been mislabelled and contained meat from more than one species of animal.

3.8 Liaison with other Organisations

South Lanarkshire continued as an active member of the West of Scotland Food Liaison Group the authority is also represented on the Scottish Fish Hygiene Working Group.

The Environmental Services Manager is currently the chairman of the Scottish Food Enforcement Liaison Committee (SFELC) and was asked by the Scottish Government to participate in an Expert Advisory Group to review the lessons learned from the horse DNA incident.

Regular meetings also take place with NHS Lanarkshire to which a representative from Scottish Water is normally invited.

In relation to feed South Lanarkshire continued to be an active member of the West of Scotland Feed Group and also attend the national SFELC Feed Sub-committee.

3.9 Food and Feedingstuffs Safety and Standards Promotion

During 2012/13 it was agreed with the Food Standards Agency that South Lanarkshire Council would participate in the Agency's national Food Hygiene Information Scheme. This has some similarities to our existing Food Hygiene rating system but it has the additional benefit that PASS or IMPROVEMENT REQUIRED certificates can be displayed in food premises which will assist consumers in deciding which premises they wish to support with their custom.

Work on this will commence in 2014/15 and it is scheduled to implement the scheme in time for the Commonwealth Games in 2014.

The Service continues to work in partnership with the Food Standards Agency regarding their Eat Safe initiative. In May 2012 there were 16 premises supplying the general public within South Lanarkshire who have achieved the required standard and it is proposed to continue promoting the award.

An important partnership continues with Consumer Focus Scotland whereby the Service supports their Healthy Living Award scheme. The main focus of this scheme is to encourage and recognise food premises which provide food of which over 50% meets specified minimum nutritional requirements. In addition the premises have to meet certain criteria in regard to food hygiene standards which are regulated by Local Authorities.

SECTION 4: RESOURCES

4.1 Financial Allocation

The financial allocation for the Service was sufficient in order to provide the resources necessary for the Council to meet its Service Plan commitments.

4.2 Staffing Allocation

The move to a generalist operating model has reduced the amount of time officers spend on food safety duties; the estimated FTE in 2012/13 was 11.13 which is 0.42 lower than the previous year. The Service has continued to recruit staff to fill funded vacancies on the establishment and the FTE allocation is anticipated to be higher in 2013/14.

Sufficient resources are available to deliver food hygiene official controls and in 2012/13 0.425 FTE officers were involved in this work.

4.3 Staff Development Plan

A Performance Review and Development Scheme has been implemented for all staff and is generally working well and is linked into the Service Plan through the key work objectives. It has been challenging for officers to meet the CPD requirements of the Code of Practices for Food and Feed. However, staff from the service attend external training events when they arise.

SECTION 5: REVIEW

5.1 Review against the Service Plan

The Service Plan was reviewed on a quarterly basis at Environmental Services Management meetings. The Environmental Services Manager also reviews the performance with the Head of Service on an ongoing basis.

5.2 Identification of any variation from the Service Plan

There were no significant variations of the 2012/13 Service Plan

5.3 Areas of Improvement

The Service will aim to improve the response times for food enquires and notifications of infectious disease.

5.4 External Audit

The Service was audited by the Food Standards Agency in respect of our food hygiene activity and an action plan has been prepared in response to the items raised at the audit. The Service is making good progress in completing the action plan. Submission of this report will enable an outstanding item to be completed on the plan.

SECTION 6: PERFORMANCE PLANNING

6.1 Performance Plan

The majority of targets detailed within the Service Plan were achieved and it was demonstrated that resources were targeted at the areas of highest risk.

6.2 Performance Indicators

The percentage of "broadly compliant" food premises which generally achieved satisfactory food safety standards remained relatively constant at 86.5% during 2012/13. This reflects very well compared to other performance figures elsewhere in Scotland.