

# Report

Report to:	<b>Community and Enterprise Resources Committee</b>
Date of Meeting:	<b>22 May 2018</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Subject:	<b>Appointment of Public Analysts, Agricultural Analysts and Food Examiners</b>
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## 1. Purpose of Report

1.1. The purpose of the report is to:-

- ◆ advise the Committee of the appointment of Public Analysts, Agricultural Analysts and Food Examiners for the Council

## 2. Recommendation(s)

2.1. The Committee is asked to approve the following recommendation(s):-

- (1) that the continued appointment of Robert C Beattie, Public Analyst, Agricultural Analyst and Food Examiner be noted; and
- (2) that the appointment of Christopher Hunt as Public Analyst, Agricultural Analysts and Food Examiner be noted.

## 3. Background

- 3.1 Environmental Services take a range of samples including food, water and animal feed and have these items tested to ensure that they comply with statutory standards. Chemical analysis is certified by a Public Analyst and microbiological examination is certified by a Food Examiner.
- 3.2 Paragraph 163 of Schedule 13 to the Local Government etc (Scotland) Act 1994 amends Section 27(1) of the Food Safety Act 1990. The effect is to make it the duty of councils to appoint one or more Public Analyst to carry out duties under the Food Safety Act within their area.
- 3.3. Public Analysts must possess a masters in chemical analysis awarded by the Royal Society of Chemistry, as stated in Regulation 4 of the Food Safety (Sampling and Qualifications) (Scotland) Regulations 2013. The individuals referred to in the recommendations of this report hold the appropriate qualification.
- 3.4. Paragraph 85 of Schedule 13 to the Local Government etc (Scotland) Act 1994 makes it the duty of councils to enforce part IV of the Agriculture Act within their area. Section 67(3) of the Agriculture Act requires enforcement authorities to appoint sampling officers and analysts. Specifically, Section 67(3)(b) states that authorities shall appoint an agricultural analyst.

- 3.5. There is no statutory requirement to appoint Food Examiners but it would be of benefit to do so, as seen in recent legal proceedings when the Council was asked to show that the Food Examiner was entitled to act of the Council's behalf. The qualifications for these posts are detailed in Regulation 5 of the Food Safety (Sampling and Qualifications) (Scotland) Regulations 2013. (See Appendix 1). The individuals referred to in the recommendations of this report hold the appropriate qualifications.
- 3.6. As a result of competitive tendering exercises, the City of Edinburgh Council has been contracted to undertake analytical services since 2007. On 21 August 2007, the Community Resources Committee appointed Andrew C Mackie and Robert C Beattie as Public Analysts, Agricultural Analysts and Food Examiners.

#### **4. Current Position**

- 4.1. On 1 July 2014, the City of Edinburgh Council (CEC) were awarded a three year contract from 1 July 2016 to 30 June 2019 with an option to extend for two years to 30 June 2021 to provide scientific services.
- 4.2. Robert C Beattie is still employed by the City of Edinburgh Council and continues to be an appointed Public Analyst, Agricultural Analyst and Food Examiner for South Lanarkshire Council.
- 4.3. Andrew C Mackie has retired and has been replaced by Christopher Hunt by CEC.
- 4.4. It is therefore noted that in addition to Robert C Beattie, the following individual be appointed as Public Analyst, Agricultural Analyst and Food Examiner with immediate effect: -
- ♦ Christopher Hunt BSc, MChemA, CChem, FRSC.

#### **5. Employee Implications**

- 5.1. There are no employee implications contained within this report

#### **6. Financial Implications**

- 6.1. There are no financial implications contained within this report. The cost for analysing the samples is met from existing revenue budgets.

#### **7. Other Implications**

- 7.1. There are no implications for risk or sustainability in terms of the information contained in this report.

#### **8. Equality Impact Assessment and Consultation Arrangements**

- 8.1. This report does not introduce a new policy, function or strategy nor recommend a change to an existing policy, function or strategy and therefore, no impact assessment is required.
- 8.2. There is also no requirement to undertake any consultation in terms of the information contained in this report.

**Michael McGlynn**  
**Executive Director (Community and Enterprise Resources)**

8 May 2018

**Link(s) to Council Objectives/Ambitions/Values**

- ◆ Make communities safer, stronger and sustainable

**Previous References**

- ◆ Community Resources Committee 21 August 2007

**List of Background Papers**

None

**Contact for Further Information**

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

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## **Appendix 1**

### Food Safety (Sampling and Qualifications) (Scotland) Regulations 2013

#### Regulation 5, Schedule 2, Part 1, Qualifications for Food Examiners:

1. A first degree (with honours) in microbiology (irrespective of the title of the degree).
2. A degree of master of science, provided that –
  - a. The degree was awarded following an examination rather than a thesis; and
  - b. At least one paper in the degree was in microbiology.
3. Fellowship of the Institute of Biomedical Sciences if that fellowship has been gained after passing the higher specialist diploma examination in medical microbiology set by that Institute.
4. The degree in mastership in chemical analysis awarded by the Royal Society of Chemistry.
5. Fellowship or membership of the Institute of Food Science and Technology.
6. The graduateship of the Society of Biology gained after passing the examinations in the Society's theory paper in microbiology.