



## **Food Law Service Plan**

# **2023 - 2024**

Approved – Protective Services Manager – Tricia Scott

Date – 13<sup>th</sup> July 2023

Approved – Service Director – Nuala McKinlay

Date 14 July 2023



## **1.0 Introduction**

This plan sets out how the Council, through the Protective Service's Food, Health and Safety Team, will deliver food safety so as to ensure that consumers may be confident that the food they purchase and food that is produced in the Borders is safe to eat. The plan details how the Food, Health and Safety Team will meet its responsibility under food law legislation. This involves a combination of interventions which include the provision of advice and guidance, enforcing food legislation through inspections and audits, sampling food and water and investigating outbreaks of infectious disease and complaints relating to food premises and food products.

The structure of the plan is in line with the requirements of the draft Administration and Service Planning – Food Law Code of Practice (Scotland) 2020

## **2.1 Aims and Objectives**

To support business and to ensure that food produced, purchased or consumed within the Scottish Borders is safe and authentic, the Council will:-

- Promote food safety through the inspection programme via education, persuasion and enforcement and by the monitoring of food and water through the sampling programme.
- Provide consumers with information to enable them to make informed decisions of food choices through the food standards inspection programme.
- Target interventions at high risk premises where the greatest risks exist.
- Support the Primary Authority principle.
- Investigate cases of communicable disease and take the necessary steps to reduce the possibility of spread throughout the community.
- Investigate complaints and infringements of legislation and take proportionate action.
- Provide advice and guidance in relation to food related planning and licensing applications.
- Work in partnership with the Food Standards Scotland (FSS) and in line with the Food Law Code of Practice (Scotland) and associated guidance.
- Work to the principles identified by the Office for Product Safety and Standards in promoting a front-line regulatory service that encourages business and maintains public protection.

## **2.2 Links to Corporate Objectives and Plans**

The vision of Scottish Borders Council's Plan 2023 is to be:

- People focused
- Inclusive and fair
- Agile
- Sustainable

And is based on 6 outcomes

- Clean Green Future
- Fulfilling Our Potential
- Strong Inclusive Economy, Transport and Infrastructure
- Empowered, vibrant communities
- Good Health and Wellbeing
- Working Together Improving Lives

The Food Law Service Plan 2023-24 contributes to these priorities in the following ways:-

- The inspection of food service operations within a variety of settings with an aim of having responsible food businesses that flourish and provide customers with healthy food options.
- Providing business advice to help businesses to succeed economically whilst maintaining public protection.
- Providing a service that investigates complaints regarding food produced and sold in the Borders.
- Introducing mobile working using tablets and software to enable officers to provide businesses with inspection reports in a more timeous manner.

## **3.1 Profile of the Scottish Borders**

Scottish Borders Council is a Unitary Authority, covering an area of around 4,732 sq. kilometers south of Edinburgh and is the 4<sup>th</sup> most sparsely populated mainland area in Scotland. Geographically it extends south to the national boundary with Cumbria and Northumberland with South Lanarkshire and Dumfries and Galloway to the west and east, East and Mid Lothian to the north.

There is a population of approximately 114 000 which unusually is not concentrated within a regional centre but is spread between 5 market towns of Hawick, Kelso, Jedburgh, Galashiels and Peebles and 12 smaller towns and 38 villages/settlements with 47% of the population living in rural areas.

The area is predominantly rural with significant forestry, farming and fishing industries. The traditional textile industry has been augmented by new technology and many residents commute to work in neighbouring conurbations. Tourism is an important part of the Borders economy and the Borders Railway presents opportunities for residents, local businesses and tourists alike.

### **3.2 Organisational Arrangements**

The Food, Health and Safety team roll comprises a Principal Regulatory Services Officer and 5 Environmental Health Officers/ Food Safety Officers and one part time EHO with currently the PRSO, one EHO and one FSO in post. The team reports directly to the Protective Services Manager who reports to the Director of Corporate Governance. (See Appendix 1 for structure)

### **3.3 The Scope of the Food Law Service**

The Food, Health and Safety Team is responsible for the full range of duties required by European and National food law relating to food safety and food standards and follow the guidance issued by the Scottish Food Enforcement Liaison Committee (SFELC) and Food Standards Scotland (FSS).

The team engages with food businesses within the Borders such as home bakers and home caterers, child minders, newsagents, food shops and supermarkets, public houses, cafes and restaurants, mobile traders, food manufacturers and distributors, fishing vessels etc. on a one-to-one basis and on a risk based approach with those businesses posing the highest risk to consumer safety receiving the highest priority. As well as securing compliance with food law, officers provide advice and guidance to food businesses. This is an important aspect of our work as it helps ensure that food businesses requesting help can be assisted so that they comply with all the necessary legal requirements.

We also provide health certification for exports of both food and food production coproducts to a variety of countries such as China and Vietnam. The service provides export health certification for the areas fish establishments who export fish products and co-products into the EU currently 2 days a week.

The team is responsible for sampling both food and water from food premises within the Borders and participates in national (SFELC and FSS), regional (Lothian and Borders Food Liaison Group) and local sampling projects. The team has an annual food sampling plan with an annual budget of £14500 to monitor the quality, safety and authenticity of the food and drink being produced and sold within the Borders. Food samples are taken for both microbiological examination and chemical analysis and the results are entered onto the national Scottish Food Sampling Database (SFSD) to help provide a national picture on existing and emerging food safety issues.

The team investigates complaints relating to both food premises and food products. Investigating food complaints can be quite time consuming and can involve liaising with other local authorities and the public analyst. Although such investigations rarely result in formal action, they do often help identify failings in food handling and production procedures which can be rectified to prevent further problems occurring in the future.

In conjunction with the Consultant in Public Health Medicine and NHS Borders, the team investigates notifications of infectious disease, including food poisoning. The main aim of the investigations is to help control and prevent the spread of infectious diseases such as Salmonella, E. coli, Giardia, Cryptosporidium etc. by identifying possible causes and in doing so, taking preventative measures to stop the further spread of the infection.

All the team's officers are also authorised to enforce legislation relating to health and safety at work, smoking in work and public places and Covid controls if required.

### 3.4 Demands on the Food Safety Service

There are currently 1935 food premises within the Scottish Borders which are inspected by the team using a risk-based inspection programme. The inspection frequency is determined by the nature of the business and its performance against a set of criteria set out in the Food Law and the Food Interventions Codes of Practice.

The food businesses are a mix of retail, catering and manufacturing premises with the primary food manufacturing industry being fish and fish products although there are a number of producers of charcuterie products that have started operating and distilleries that have recently opened and more are being built. The retail and catering premises range from national traders to small and medium sized independent enterprises and there is a thriving home baking and tablet making industry.

<b>Food Safety Premises Profile at 13.07.2023</b>	
<b>Total Number of Premises</b>	1935
Primary Producers including fishing vessels	81
Manufacturers and packers	129
Importers/Exporters	0
Distributors/Transporters	55
Small Retailer	329
Schools/Colleges	74
Caring Premises	224
Mobile Food Units	67
Hotels/Guest Houses	109
Public Houses/Clubs	156
Restaurants/Cafes/Canteens	334
Restaurants and Caterers - other	261
Supermarkets	28
Takeaways	88

The team has to accommodate businesses that operate outside normal working hours and routine evening work is necessary to carry the inspection of businesses such as takeaways.

A number of businesses are operated by traders of Sikh, Pakistani, Bangladeshi, Chinese, Turkish, Central and Eastern European origin. Generally the owners of these businesses have a good command of English, however provision has been made for guidance to be available in a range of languages. The team also have access to a telephone translation service should this be required.

The team will be implementing the enhanced system for Official Control Verification interventions (OCV) in establishments requiring approval under EC Regulation 853/2004. The new national system will apply uniform official control standards across the approved establishment sector to improve the overall consistency and quality of approval processes and regulatory activity. The enhanced system will involve a greater degree of scrutiny and verification of businesses' food safety management systems, as well as greater levels of

business support to food manufacturers with an aim of achieving compliance where required, thereby ensuring the maintenance of high levels of consumer protection. This work will enhance confidence in the reputation of Scotland as a country of food and drink and should help ensure continued access to export markets.

It is anticipated that this enhanced system for OCV will require a greater input of officer time and the OCV resource calculator has indicated this will require an extra 12 weeks of officer time.

<b>EC Reg. 853/2004 Approved Establishments approved for</b>	
Fish products	7
Egg Products	1
Dairy products	1
Meat products	4
Cold store	4
Egg packers – not to be included in OCV	10

### **3.5 Enforcement Policy**

Scottish Borders Council will enforce food law legislation in a firm but fair manner based on the principles of enforcement i.e. of proportionality, consistency, transparency and targeting of resources when applying the law which is consistent with the principles of the Scottish Regulators Strategic Code of Practice.

The Food, Health and Safety Team have a documented Enforcement Policy approved by the Head of Service. This is backed up by formal procedures relating to inspection, sampling, complaint handling and enforcement.

Officers of the Food, Health and Safety Team are authorised to undertake the tasks for which they are appointed.

### **3.6 Service Delivery Points**

The service is based at Council Headquarters, Newtown St Boswells, TD6 0SA and can be contacted via the Contact Centre Telephone: 0300 100 1800

Mon to Wed: 8am to 5pm

Thurs: 8am to 8pm

Friday: 8am to 5pm

Saturday: 9am to 12noon

Office Hours: Mon to Fri 8:45am to 5:00pm HQ closed Fridays

or via the Council's website [www.scotborders.gov.uk](http://www.scotborders.gov.uk)

or by email [placehealth@scotborders.gov.uk](mailto:placehealth@scotborders.gov.uk)

The service is also accessible through the area offices in Galashiels, Hawick, Peebles and Duns and there is an out of hours service through East Lothian Council on 01896 752111.

### 3.7 Liaison with Other Organisations and Access to Expertise

To ensure there is a consistency of enforcement, the team works with other authorities through the Lothian and Borders Food Liaison Group and SFELC working groups and is subject to audit by Food Standards Scotland who also provide direction and guidance on a partnership basis.

The Consultant in Public Health Medicine and NHS Borders provide specialist support in relation to infectious disease control and outbreaks.

City of Edinburgh Council's Scientific Services have the contract to provide laboratory services for the microbiological examination and chemical analysis of food sampled by the service and we use Scottish Water for testing potable water supplies including private water supplies in commercial food premises.

Internally, the team works with the Council's planning, building standards, school's catering, licensing and education teams providing advice and guidance on food related matters and acting as statutory consultees for planning, building warrant and licensing applications.

Insect identification is usually carried out informally, however for unusual or novel infestations Killgerm and Edinburgh Scientific Services can provide an identification service.

### 4.1 Service Delivery

Food Law inspections are programmed in accordance with the Food Law Code of Practice (Scotland). The Code requires that once inspected, premises are given a risk rating score which then identifies the minimum inspection period for the premises. The Food Law Rating Scheme (FLRS) has been fully implemented and it is anticipated that all Group 1 and 2 food businesses will have been assessed by the FLRS by 2025. There has been an increase in the frequency of inspections due to implementation of the FLRS and this has posed a problem when determining the inspection programme and premises rated E are subject to monthly inspections rather than the 6 monthly inspections of the previous scheme. At the present time it is still not possible to determine the impact that this will have but once the FLRS is fully implemented there will be a review after 12 months to determine the impact.

### 4.2 Premises Risk Profile and Inspections due 2023 - 24

	<b>Band</b>	<b>No</b>	<b>DUE 23/24</b>
<b>Group 1</b>	<b>A</b>	4	<b>4</b>
	<b>B</b>	12	<b>12</b>
	<b>C</b>	2	<b>2</b>
	<b>D</b>	0	
	<b>E</b>	0	
<b>Group 2</b>	<b>A</b>	<b>22</b>	<b>11</b>
	<b>B</b>	<b>450</b>	<b>300</b>
	<b>C</b>	<b>228</b>	<b>228</b>



	<b>D</b>	<b>21</b>	<b>21</b>
	<b>E</b>	<b>1</b>	<b>1</b>
<b>Group 3</b>	<b>A</b>	<b>44</b>	<b>AES</b>
	<b>B</b>	<b>181</b>	<b>60</b>
	<b>C</b>	<b>32</b>	<b>16</b>
	<b>D</b>	<b>5</b>	<b>5</b>
	<b>E</b>	<b>0</b>	<b>0</b>
		<b>Total Due</b>	<b>660</b>

#### **4.3 Targeted Intervention Activity**

The food inspection programme is required to reflect the minimum inspection frequency dictated by the Food Law Rating Scheme. This means that all premises will be inspected by the Food, Health and Safety Team every 1 month, 3 months, 6 months, 12 months, 18 months, 24 months or 36 months depending on the group of the business and the performance level of that business.

The Code also permits the use of alternative enforcement strategies (AES) for Group 3 low risk premises that have a sustained level of compliance or where information available at the point of registration indicates there is a minimal inherent risk. These premises will be provided with a self-audit questionnaire. The full details of this procedure are available in the Alternative Enforcement Strategy Procedure.

During the pandemic routine inspections were halted and FSS developed a LA Recovery plan to reset the inspection programme coming out of the pandemic. Due to resource issues and issues with the team's food premises database the recovery programme in the Borders was delayed. The team now have an inspection programme for 2023-24 with a total of 660 food law inspections. These figures do not include the potential for an increase in the number inspections due to the Food Law Rating Scheme's revised inspection frequencies of 1 month and 3 months for the very poor performers, nor does it include new premises that opened during the pandemic and during the current year that will require a food law inspection. There are currently 269 unrated businesses that require an intervention. To assist with these inspections the authority is intending to employ contract staff to carry out inspections at Group 2 A – C businesses which will allow the team to concentrate on all the Group 1 and Group 2 D – E establishments and the unrated businesses over the first 9 months of the year.

The Food, Health and Safety Team will continue to work with premises with a consistent history of being "Non Broadly Compliant" or with an inconsistent history over the last 3 programmed inspections and will actively engage with Food Business Operators to identify matters which prevent them from achieving compliance. Officers will work with the operators to produce cost effective solutions to bring the businesses up to a broadly compliant standard assuming there is a definition of this developed for the FLRS. The intention is to decrease the number of premises currently failing to meet broad compliance.

In addition to carrying out the programme of routine and focused food inspections, the team will develop the delivery of food law enforcement via a range of projects. Projects for 2023-24 will include the continued support of the Schools Countryside Day, targeted food sampling at food premises that have been identified as weak links in the food safety chain in the Scottish Borders, supporting any Food Standards Scotland initiatives and supporting

the FSA's National Food Safety Week activities. Continued promotion of the "Eat Safe Scheme" will be carried out with the aim of increasing the number of awards made.

Officers will also undertake appropriate action to deal with any matters of evident concern relating to health and safety at work noted during food inspections.

#### **4.4 Food Complaints**

The team will continue to investigate complaints relating to food practices within establishments in the authority's area from members of the public, employees and other enforcement bodies. Such complaints can include issues relating to cleaning, maintenance of equipment, inadequate process or operational procedures and poor hygiene practices.

The team will also investigate complaints that arise from food products that are manufactured, produced, consumed and purchased within the Scottish Borders Council area and those that are retailed and consumed in the boundaries but are manufactured out of the area.

The number of complaints received over the Covid pandemic dropped significantly and the figures for the three years previous to the pandemic were

	<b>2018-2019</b>	<b>2019-2020</b>	<b>2022-2-23</b>
<b>Number of Food Complaints</b>	19	30	8
<b>Number of Food Premises Complaints</b>	98	90	206

and it is expected that figures will return to these levels. Food complaints and food premises complaints are dealt with as a priority within a target first response time of 3 working days.

#### **4.5 Primary/Home Authority Scheme**

There are no formal arrangements in place for Home Authority or Primary Authority (currently not relevant in Scotland) in place for food law issues, however the team provide support to a number of manufacturers with national and international distribution arrangements.

#### **4.6 Advice to Business**

The Food, Health and Safety team has a policy of offering comprehensive advice to any business for which we are, or are likely to become, the enforcing authority for any part of the business based within our area. This includes giving advice on legal and technical matters where we have expertise and assisting in the resolution of enquiries involving other enforcement agencies.

The team also receives and responds to a significant number of enquiries relating to individuals wishing to start a food business. The service received 22 requests for such service last year.

#### **4.7 Food Sampling**

The food sampling programme includes the sampling of food, articles in contact with food and potable water from food premises within the Borders. The programme is determined annually and comprises a local sampling programme focusing on the food manufacturing base in the Borders and also regional and national programs coordinated by the Lothian and Borders Food Hygiene Liaison Group, the Scottish Food Enforcement Liaison Committee and Food Standards Scotland.

The programme is designed around the seasonal availability and high risk nature of certain foods and the results generated contribute to nationally collected data on the microbiological and chemical quality of ready to eat foods etc. through a Scottish national sampling database.

During 2019-20 117 samples were taken of which 9 were unsatisfactory and required a follow up investigation. The percentage of unsatisfactory results has reduced from 10% in 2018-19 7.7% in 2019-2020 but they still require officers to actively engage with food businesses to address the reasons for failure. The sampling programme was suspended during the Covid pandemic.

The team has reinstated sampling and completed the Food Standards Scotland's program for 2022 – 2023. 23 samples were taken in total with 1 unsatisfactory result.

For 2023 -24 there is a £14500 budget for sampling and the team has a programme to take 96 samples over the year and to participate in the FSS program once details of that programme have been provided. All the Approved Establishments and Group 1 establishments will be included in the program as well as Group 2 Band D and E establishments.

#### **4.8 Food Law Incidents**

Food safety emergencies and incidents which pose a serious risk to public safety are identified as a priority issue for the Food, Health and Safety Team. Procedures are in place to ensure that warnings issued by Food Standards Scotland (FSS), and local incidents which need to be reported to FSS, are dealt with properly.

Most alerts received from FSS are for information only but there are occasions where the team has to contact affected traders to ensure the appropriate actions have been taken in relation to the alert.

As well as food alerts, FSS has a system for notifying local authorities of allergy alerts. The main reasons for such alerts is the failure of manufacturers to declare the presence of one of the 14 allergens now listed in the food information regulations.

Emergency contact details for the service have been provided to FSS to allow notification of such alerts out of office hours.

#### **4.9 Control and Investigation of Infectious Disease.**

The control and investigation of outbreaks of food related infectious disease falls within the remit of the Food, Health and Safety team. The fundamental principles are to prevent

secondary infection and to identify a possible source thereby preventing, through appropriate actions, a repetition of the incident.

Such investigations will be carried out in conjunction with the Consultant Public Health Medicine who will, if necessary, convene an outbreak control team. Larger incidents may require cross boundary communications with other Local Authorities.

In individual cases of illness, the initial assessments are conducted by telephone to establish food histories and to identify cases (or contacts) working in high risk environments which could pose a risk of further transmission. Such cases or contacts are subjected to a full investigation and provision of advice to ensure the risk of further transmission is controlled.

Premises associated with confirmed or suspected cases are investigated if within the Council's area, or notified to the appropriate authority for investigation. It is the policy of the Council to assist other Local Authorities where cross boundary incidents may have arisen.

The number of notifications received in 22-23 has fallen to 13 notifications from 39 pre-Covid notifications and it is anticipated that there may be an increase in the number received in 2023-24.

#### Notifications of Infectious Disease 2022-23

Organism	Salmonella	E coli	Giardia	Cryptosporidium	Legionella
Number	5	3	1	4	1

#### 4.10 Food Law Liaison

The Council is committed to ensuring that food safety provision is consistent with that of neighbouring authorities and throughout Scotland and the UK and is an active member of the Lothian and Borders Food Hygiene Liaison Group having chaired the group in 2021 and attending SFELC meetings on behalf of the liaison group during that period..

The Council receives and takes cognisance of guidance from Food Standards Scotland, the Food Standards Agency, the Office for Product Safety and Standards, the Royal Environmental Health Institute of Scotland, the Trading Standards Institute and the Scottish Food Enforcement Liaison Group.

Formalised consultation and liaison arrangements are in place for the review of licensing applications, planning applications and building control applications for new businesses and those undergoing significant alteration.

#### 4.11 Food Law Promotion

The Food, Health and Safety team continue to operate the Food Hygiene Information Scheme. This scheme, as well as providing an incentive for business operators to achieve compliance, allows members of the public to view an internet based site which informs them whether a premises holds a Pass certificate or is classed as Improvement Required. Premises are also provided with a Pass certificate and window sticker for display where

appropriate. In order to achieve a PASS, the business must show broad compliance with legislative standards. The results are updated on a weekly basis and can be found at <http://www.foodstandards.gov.scot/consumers/food-safety/buying-food-eating-out/food-hygiene-information-scheme>

The team also participates in the Eat Safe Scheme which recognises premises where there has been a sustained level of good practice and a recognised high level of food hygiene training amongst supervisory staff. The total of number of awards issued in the Scottish Borders has now reached 64.

Encouraging a healthy diet falls within the remit of Food Standards Scotland. The team supports the health improvement initiative Healthy Living which is administered by NHS Scotland. Currently we have 15 businesses with the award within the Scottish Borders Area.

#### **4.12 Food Hygiene Training**

The Food, Health and Safety Team no longer provide food hygiene training courses but the Borders College are able to provide food hygiene training at all levels from 1- 4 as well as sector specific training. It is anticipated that the college will be able to provide an effective programme of training and training at the college qualifies for Individual Learning Account funding.

Food Business operators are also directed to the Royal Environmental Health Institute of Scotland that maintains a list of food hygiene trainers.

#### **4.13 Food Exports**

The team receives requests for the issue of Export Health Certificates from a number of local companies for food and co-products to be exported to the EU, China, Vietnam and Singapore. In the year 2022 – 23 276 export health certificates were signed for fish products exported into the EU.

The team also provides support attestations for companies exporting fish products to the EU through logistic hubs in Scotland and England.

#### **5.1 Resource**

Provided below are details of the resources that are allocated to each aspect of the Food Health and Safety Team. The team also has responsibility for occupational health and safety. Over the previous 2 years the team has operated with 1.9 FTE operational officers and carried 3.35 FTE Vacant posts.

The team has been joined by a Food Safety Officer (FSO) who completed their training with the Authority bring the team to 2.85 FTE and we will continue to try to fill the vacant posts.

The total budget for the Food Health and Safety Team for 2023-24 is £333 748 which includes an £14500 sampling budget for the Food, Health and Safety team for microbiological examination and chemical analysis of food and water.

<b>5.2 Staffing Allocation</b>			
<b>Designation</b>	<b>Posts</b>	<b>Level of Authoristaion High - Low</b>	<b>Food Law Resource (FTE)</b>
<b>Principal Regulatory Services Officer</b>	<b>1</b>	<b>High</b>	<b>0.95</b>
<b>Environmental Health Officer/Food Safety Officer</b>	<b>5.5</b>	<b>High</b>	<b>0.95</b>
<b>Total</b>	<b>6.5</b>		<b>6.175</b>

### **5.3 Administration**

The Food, Health and Safety Team is supported by a centralised Business Support Team which provides administrative and some clerical support for a range of services based at Head Quarters in addition to offering a focused point of contact and referral for service users.

Officers are responsible for their own admin relating to food law interventions producing their own letters and reports and updating the MIS.

### **5.4 Staff Development Plan**

Officers' individual training needs are to be identified formally during Performance Review and Development assessment to be held annually with a review after six months. This formal process will not preclude additional training needs being addressed during the year or prevent staff from taking advantage of other opportunities that may arise.

Training will be provided using a range of techniques including formal qualifications; external training courses; internal training courses; cascade training; shadowing and mentoring. Officers also have access to an on-line competence assessment programme which provides officers and managers with a structured framework for identifying areas where they require further professional development.

All members of the Food, Health and Safety Team are supported in maintaining continuing professional development (CPD) and achieving the minimum CPD level of 10 hours Food Safety CPD annually as required by the Food Law Code of Practice (Scotland).

Recruiting suitably qualified and competent staff is becoming increasingly difficult both locally and nationally and the service is investigating ways of developing staff from within the authority to fill this gap going forward and has been training an Officer for the past year who has recently qualified as a FSO. A trainee FSO post has been developed to train further FSOs under a "grow your own" policy.

## 6.1 Quality Assessment

The team has a number of internal food safety performance indicators against which the service is assessed. A summary of the performance for 2019 -20 is given below along with the previous year for comparison as this was the last year the team was fully resourced and carrying out inspections before the disruption of the Covid pandemic.

Indicator	Target	2019-20 Actual	2020-23	Comment
Percentage of planned food law inspections for A-D premises completed within appropriate inspection period.	100%	98%	<i>Figures not available due to pandemic</i>	The Food Health and Safety team have been operating at below 40% capacity during 2022/23
Complaints/Service Requests responded to in 3 days	100%	89%	91%	
Letters following Inspection, provided within 10 days	100%	88%	92%	

## 7.0 Review against the Service Plan

This Food Safety Service Plan will be formally reviewed on an annual basis. The review will include information on the previous year's performance with particular emphasis on specified performance targets, standards and outcomes. Due to the pandemic and subsequent MIS and resource issues inspection performance figures are not available for the period 2020 - 23. The review process will recommence for the 2023-24 inspection programme and reported in the 2024-25 Food Service Plan. The review process will set out any relevant targets for the year or service development identified as necessary by the review.

## 7.1 Performance for 2020-2023

The Food, Health and Safety team have had difficulty in recruiting officers into the team. During the pandemic 3.5 FTE left the team and the authority was unsuccessful in replacing them. This has obviously impacted on the team's performance and resulted in the team not achieving any of the performance targets.

During the year previous year, 2022-2023 there were 129 businesses that ceased trading and 142 businesses opened. (Note these are not necessarily new premises but includes some existing operations where there was a change of food business operator.)

Sampling is recognised as an important part of the enforcement and monitoring of food safety and food standards compliance. However due to lack of staff the authority's own sampling plan was suspended but the team did complete the Food Standards Scotland's sampling programme.

The Approved Establishments, other than egg packers, were sampled in the final month of the year. 23 samples were taken including the FSS sampling program and samples from Approved Establishments.

A sampling programme has been developed with advice and guidance from Edinburgh Scientific Services for 2023 – 24 and will be published on the Council's website.

Complaints about food businesses and food products manufactured or sold in Scottish Borders from consumers and business proprietors provide valuable intelligence regarding legal compliance and general standards. The team investigated 8 complaints relating to food and 206 about food premises during the year. The number of food complaints has fallen by about a third, however, the number of food premises complaints has increased by about a third. All complaints have been investigated and appropriate guidance given or enforcement action taken. Some complaints require communication with other local authorities.

The number of businesses responding to the Customer Satisfaction Survey has proved disappointing and we are now considering alternative methods such as ringing or emailing the food businesses to increase the numbers providing feedback.

The team continues to contribute to corporate objectives by providing consumers and businesses with accurate, timely and easily understood advice and guidance. The team has responded to 22 requests for advice during the year, the same as the previous year.

The team works closely with the Consultant of Public Health Medicine and Infection Control Team in providing an investigatory and advisory service for notified cases of food borne infectious disease. During 2022 - 23 14 cases of infectious disease were notified and investigated.

## 7. 2 Review of 2022 - 23

The Food Health and Safety Service was audited by Food Standards Scotland's LA Audit Team between 7<sup>th</sup> and 24<sup>th</sup> March 2022 . The findings of the audit are available at [https://www.foodstandards.gov.scot/downloads/Scottish\\_Borders\\_Council\\_\(767\)\\_ -\\_Capacity\\_and\\_Capability\\_-\\_Final\\_Audit\\_Report.pdf](https://www.foodstandards.gov.scot/downloads/Scottish_Borders_Council_(767)_-_Capacity_and_Capability_-_Final_Audit_Report.pdf)

- 1) Complete 100% of Food Law inspections Group 1 and 2 category A-E which are due in 2022-23 – **NOT ACHIEVED**
- 2) Meet performance targets on provision of reports of inspection following programmed visits. **NOT ACHIEVED**



- 3) Meet performance targets on responding to service requests within 3 days – **NOT ACHIEVED**
- 4) Increase the number of Eat Safe Awards – **NOT ACHIEVED**

<b>Targets for 2023-24</b>
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The review process has identified the need to target the following areas in 2023-24

1. Fill the vacant posts
2. Complete 100% of Food Law Inspections for Group 1 and 2 establishments that are due in the inspection year 2023-24.
3. Review all Approved Establishments to ensure compliance with legislative requirements and re-introduce OCV
4. Provide OCV training for all staff involved with inspection of approved establishments
5. Complete the FSS sampling program and re-introduce a Council sampling program.
6. Complete review of Food Law procedures.
7. Introduce mobile working through digital technology
8. Meet performance targets of 10 days for the provision of reports of inspection following programmed visits.
9. Meet performance targets on responding to service requests within 3 days.
10. Increase the number of Eat Safe Awards.

Appendix 1



