

DATA LABEL: PUBLIC



**COUNCIL EXECUTIVE**

**FOOD SERVICE PLAN 2021/2022**

**REPORT BY HEAD OF PLANNING, ECONOMIC DEVELOPMENT & REGENERATION**

**A. PURPOSE OF REPORT**

The purpose of this report is to make the Council Executive aware of the obligation upon the council to approve an annual Food Service Plan, and to seek approval for the Food Service Plan 2021/2022.

**B. RECOMMENDATION**

It is recommended that the Council Executive:

1. notes the content of the report and accompanying Food Service Plan; and
2. approves the Food Service Plan 2021/2022.

**C. SUMMARY OF IMPLICATIONS**

<b>I Council Values</b>	Focusing on our customers' needs; being honest, open and accountable; making best use of our resources; working in partnership.
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	<p>The Food Law Code of Practice (Scotland) determines the requirements upon local authorities for the delivery of food safety and public protection activities.</p> <p>The statutory requirements outlined in section 1 of the code are to be brought to the attention of local authority officials and or elected members responsible for agreeing budgets or other service arrangements relevant to the delivery of official controls.</p> <p>The Public Health (Scotland) Act 2008 places a duty on the NHS Lothian to produce a joint health protection plan in collaboration with relevant local authorities.</p> <p>The Drinking Water Quality Regulator (DWQR) maintains an overview and direction for local authority duties in regard to private water supplies.</p> <p>The plan does not require a strategic</p>

	environmental assessment. The plan deals with issues of equality and risk.
<b>III Implications for Scheme of Delegations to Officers</b>	There are no implications for the scheme of delegation. In terms of the Food Law Code of Practice (Scotland) the designated lead food officer is the Environmental Health Manager.
<b>IV Impact on performance and performance Indicators</b>	<p>The Food Service Plan identifies how work will be prioritised to ensure a high level of performance in work that has greatest impact on protecting public health.</p> <p>Performance indicators are reported internally and publically through covalent.</p>
<b>V Relevance to Single Outcome Agreement</b>	<p>SOA 3 Our economy is diverse and dynamic, and West Lothian is an attractive place for doing business.</p> <p>SOA 7 We live longer, healthier lives and have reduced health inequalities.</p>
<b>VI Resources - (Financial, Staffing and Property)</b>	The service plan has been developed to be delivered within current resources. This requires prioritisation and changes to the extent and method of service delivery. This means not all aspects of the service can be delivered in line with all external requirements and expectations.
<b>VII Consideration at PDSP</b>	The plan was presented to the Environment PDSP on the 1 June 2021. The panel were advised the plan would be reported to Council Executive with a recommendation for approval. This was agreed by the panel. No changes to the service plan were required following consideration by the panel.
<b>VIII Other consultations</b>	None.

## **D. TERMS OF REPORT**

### **D1 Background**

Since the 1 April 2015, Food Standards Scotland (FSS) has been responsible for all strategic and policy aspects of food standards, food safety and feed safety in Scotland. This is a responsibility previously undertaken for the whole of the UK by the Food Standards Agency.

There are specific legal obligations placed on local authorities in regard to delivering food safety official controls. Section 1 of the Food Law Code of Practice (Scotland) requires the statutory obligations covered to be brought to the attention of local authority officials and or elected member bodies responsible for agreeing budgets or other service arrangements relevant to the delivery of official controls.

The obligations that apply to the delivery of official controls by local authorities include ensuring:

- The effectiveness and appropriateness of official controls.
- That controls are applied at an appropriate risk-based frequency.
- That they have a sufficient number of suitably qualified and experienced competent staff and adequate facilities and equipment to carry out their duties properly.
- That staff are free from conflicts of interest.
- That they have access to an adequate laboratory capacity and capability for testing.

The Food Service Plan outlines how these and other official control obligations are being met and pursued within West Lothian. Appendix 1 to this report gives a summary of these obligations and approach taken.

FSS is responsible for ensuring that appropriate and adequate arrangements are in place to meet official control obligations in Scotland. This role includes the production of statutory Codes of Practice approved by Ministers setting standards for the delivery of official controls by local authorities and the monitoring of service delivery through annual returns and audit of relevant local authority services

## **D2 Purpose of the Plan**

Safe food and drink is something which the vast majority of the population take for granted. The safety of this fundamental human need relies on a competent, trustworthy and properly regulated and managed supply monitored mainly by environmental health professionals working within local authorities. This essential work often goes unnoticed. The consequences of a failure in the safety of the food and drink we consume can be catastrophic in costs to human health, the food industry, governments, reputation, public confidence and trust. One of the purposes of the Food Service Plan is to outline how such controls are delivered in West Lothian within current resources.

The plan, however, also incorporates other closely linked elements of public health protection undertaken by officers within the environmental health service including infectious disease control and the regulation of private water supplies and recreational water quality and safety.

Although elements of the food service will be reflected in the service management plan for Planning, Economic Development and Regeneration, the creation of a detailed food service plan is a distinct requirement. The structure of the service plan is determined by guidance contained within the framework agreement, and a copy of the proposed plan for 2021/2022 is attached for review and consideration.

## **D3 Protection**

The key role of the service is public health protection. The service plan gives an overview of how this is delivered in West Lothian. The mission statement for the service is – *“To protect public health and contribute to a healthy community in West Lothian by ensuring the safety, wholesomeness and quality of food and water through education and enforcement.”*

The service plan identifies the different aspects and approaches of service delivery to ensure a rounded, balanced and effective approach to public health protection.

The plan reflects the risk based prioritisation of the service and recognises that not all aspects can be delivered in line with the requirements of the Food Law Code of Practice (Scotland). For example, not all food safety inspections can be targeted by their due date. This and other aspects have been outlined in previous service plans.

The service plan reflects a number of positive outcomes over recent years in terms of improvements to food safety standards within West Lothian food establishments including increasing levels of compliance and maintaining high levels of customer satisfaction from business operators. It also reflects a very unusual and challenging year in 2020/2021 in responding to the COVID pandemic.

#### **D4 Performance and Performance Management**

The Food Service Plan details important elements of performance by presenting statistics and case studies to illustrate the balance between the output and outcomes of service delivery.

Everyone working within the service has a responsibility for ensuring the delivery of the best service possible. To help deliver a positive and productive performance culture the service ensures targets are established which focus on outcomes and outputs.

Performance is monitored and assessed by various methods and reported internally and publically. Performance expectations and standards are outlined and reported in the following ways:

- Public reporting through Pentana.
- Audit by Food Standards Scotland (formerly Food Standards Agency).
- Legislation, enforcement and technical guidance.
- Internal working documents and procedures.
- Food Service Plan.
- Internal monitoring of performance.
- Appraisal and Development Review (ADR) process.
- Training and professional development of officers and management.
- Reporting to external agencies.
- Internal reporting to elected members and corporate management.

The changing nature of demands upon the service requires a flexible approach to balancing often competing priorities. Food safety and public health protection will always provide challenges. Officers and managers continue to take a constructive and professional approach to such matters, and through prioritisation, effective work planning and delivery, the service has ensured good performance in a number of areas.

The most significant impact on the service during 2020/2021 was the COVID pandemic and the response required by the service to address the public health concerns and issues resulting. The focus of the commercial team within the service had to move from food safety controls in businesses to public health controls in terms of COVID control regulations.

However, even in challenging times it is important to acknowledge the positive aspects of team work addressed and delivered during 2020/2021. These include:

- The response by the service and officers to the COVID pandemic and adapting to new working methods, and new enforcement and regulatory responsibilities. Points to note include:
  - Developing new knowledge and skills in addressing ever changing public health and regulatory controls for dealing with the pandemic.
  - Providing significant support to businesses and members of the public in understanding the requirements of regulations and guidance being issued.
  - Keeping elected members aware of the requirements to help assist with constituent enquiries.
  - Working with NHS Lothian colleagues in managing incidents and outbreaks.
  - Training and developing staff to work as contact tracers in the early stages of the pandemic before more structured approaches could be put in place nationally.
- Working with Food Standards Scotland to develop a strategy for re-starting of food safety inspection plans and programmes impacted by the pandemic.
- Working with Food Standards Scotland and other local authority colleagues to address issues around export and import of food as a consequence of the UK departure from the EU.
- Securing a new contract for provision of public analyst and food examiner laboratory services.

## **D5 Challenges**

Dealing with risks to public health along with an increasing workload remains a significant challenge for the service, as does capacity and resilience in the event of a major incident. However, the challenge and demand continue to be positively managed and also supported by officers. This is achieved through established work priorities, improved efficiency and effectiveness in work planning and actions, ensuring appropriate and balanced enforcement action, supporting businesses where possible to work safely, and supporting officers in dealing with difficult and complex public health protection work. The priority focus remains on outcomes and not just output. This approach has been in place for many years with some adjustments and refinements over time.

The plan for 2021/2022, and beyond, is to ensure the service focuses resources at priority areas of work, and takes correct action to protect public health when risks are identified.

## **E. CONCLUSION**

The Food Service Plan 2021/2022 aims to reflect the ongoing work of Environmental Health & Trading Standards in protecting food safety and public health in West Lothian.

## **F. BACKGROUND REFERENCES**

1. Report to Council Executive – Food Service Plan 2020/2021, 23 June 2020.
2. Report to the Environment Policy Development and Scrutiny Panel – Food Service Plan 2021/2022, 1 June 2021.

Appendices/Attachments: Two

Appendix 1 Summary of official control obligations.

Food Service Plan 2021/2022.

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8 June 2021

## Appendix 1

The Food Service Plan 2021/2022 deals with the following matters in more detail and depth. However the following outlines the main operational obligations on competent authorities in terms of Regulation (EC) 882/2004 and the measures for delivery within West Lothian.

<b>Obligation on local authorities</b>	<b>Summary of service delivery in West Lothian</b>
Official controls are applied at an appropriate risk-based frequency. (Article 3, (1))	<p>It has been highlighted in previous food service plans that not all controls are completed in accordance with the timescales determined within the Food Law Code of Practice (Scotland). Prioritisation is given to the highest risk premises for inspection. There was an impact on service delivery from vacancies within the service. There was an issue with attracting suitably qualified staff to advertised posts. This impact is ongoing. Recruitment to vacant posts will be pursued through 2021/2022.</p> <p>In 2020/2021:</p> <ul style="list-style-type: none"> <li>• The inspection plan was impacted in order to give priority to the public health response to the COVID pandemic. There were no routine proactive food safety inspections completed.</li> <li>• There were a significant number of business engagements in response to the pandemic and which included review and discussion of food safety practices with the business operator.</li> <li>• There were a large number of service requests received. 97.8% were responded to by the due date.</li> </ul>
The effectiveness and appropriateness of official controls. (Article 4, (2)(a))	<p>The service has been audited by Food Standards Agency Scotland (now Food Standards Scotland). No major concerns were highlighted during audits. There is a balanced approach to enforcement and education, and a high level of business compliance, and business satisfaction with the approach taken by officers. The enforcement policy for the service is cited as a good example in the Scottish Regulators Code of Practice.</p> <p>In 2020/2021:</p> <ul style="list-style-type: none"> <li>• For all risk rated food establishments in West Lothian, 96.6% were broadly compliant in terms of food law requirements.</li> <li>• 97.8% of relevant establishments within the food hygiene information scheme held a Pass award.</li> </ul>
Staff carrying out official controls are free from conflicts of interest. (Article 4, (2)(b))	This is addressed through the councils' code of conduct for employees.
They have access to an adequate laboratory capacity and capability for testing. (Article 4, (2)(c))	Edinburgh Scientific Services have been appointed to provide laboratory services. They are an official control laboratory and meet the necessary requirements. A food sampling plan is included within the service plan. Sampling outcomes are recorded on a national database – SFSS.

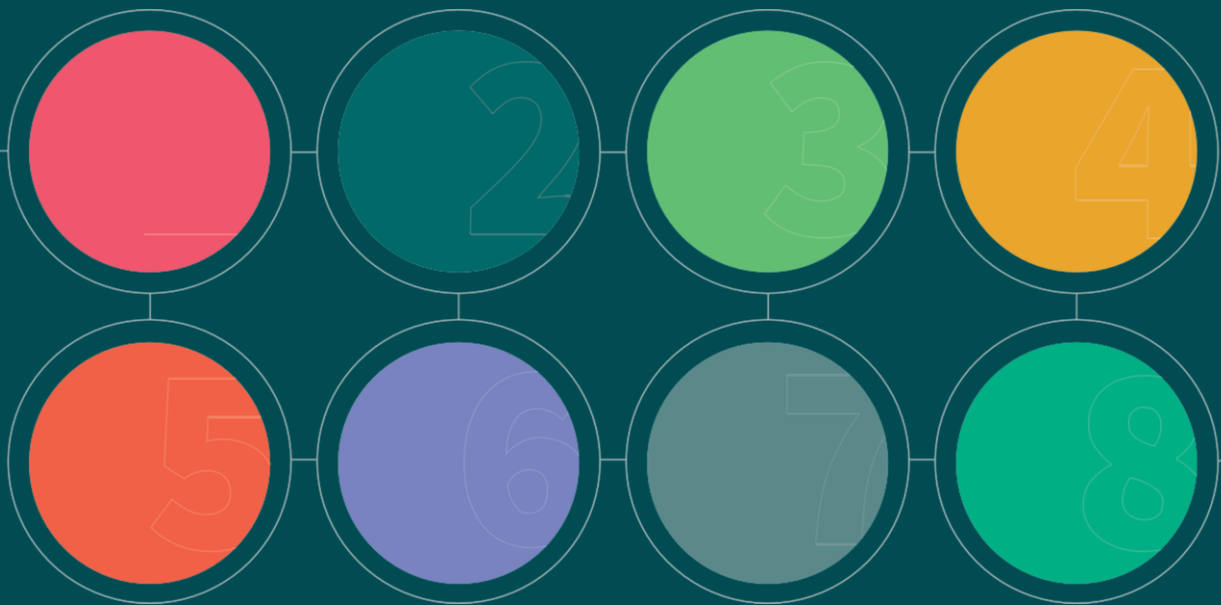
<p>They have a sufficient number of suitably qualified and experienced competent staff and adequate facilities and equipment to carry out their duties properly. (Article 4, (2)(c) &amp; (2)(d))</p>	<p>There is no official standard provided for determining sufficient numbers of staff. However, in recent years the service has delivered a high standard of output and outcomes. The professional development requirements for officers in terms of the code of practice are being met, and officers have the necessary facilities to complete their work. It is recognised within the service plan that work is not easily quantifiable and impacts on workload delivery will vary depending on circumstances. Resources available to support service delivery continue to be kept under review. Vacancies within the service have impacted on official control delivery. These vacant posts will continue to impact in 2021/2022 as recruitment is pursued. There are no reductions in staffing from previous service plan.</p> <p>West Lothian has the third lowest costs per 1,000 population for environmental health (Scottish average is £13,771, and West Lothian is £8,061 – figures from Local Government Benchmark Framework 2019/2020). Although there is some variability in the levels of service provision there is no real evidence of serious detriment to food safety and public health in West Lothian at this time.</p>
<p>They have legal powers to carry out official controls. (Article 4, (2)(e))</p>	<p>Officers carrying out official controls are authorised in terms of the Council's scheme of delegation. Authorisation documents are available for officers. Officers will be authorised in terms of legislation applicable and appropriate to level of professional competence and grading.</p>
<p>They have contingency plans in place, and are prepared to operate plans in event of emergency. (Article 4, (2)(f))</p>	<p>The service will implement emergency plans as appropriate. There are different national and regional incident management plans for purposes of consistency. Staff have been involved in testing these plans. There is a service wide business continuity plan which is tested and reviewed appropriately. There are also internal procedures and information to assist officers involved in emergency situations.</p>
<p>They shall ensure efficient and effective co-ordination between all competent authorities involved. (Article 4, (3))</p>	<p>The service will liaise and co-operate appropriately with Food Standards Scotland. The service is also involved with other regional local authority colleagues in the Lothian &amp; Borders Food Liaison Group which provides regular links to ensure consistency of approach and sharing of intelligence. Officers are also involved in national networks and working groups. The service also has access to MEMEX for food crime intelligence sharing. The service also uploads official control data to the Scottish National Database. It will work with primary and home authority local authorities in ensuring consistent food law enforcement.</p>
<p>They shall ensure the impartiality, quality and consistency of official controls at all levels. (Article 4, (4))</p>	<p>Officers will follow national guidance and internal policies and procedures to ensure consistency of approach. Officers will regularly discuss issues of concern with colleagues and will come forward for consideration at</p>



	<p>monthly team meetings. Issues for clarification or opinion can also be shared with regional liaison group colleagues, and if necessary taken to national groups for determination. Concerns of interpretation will also be raised with Food Standards Scotland. The service has a Council approved and publically available enforcement policy which demonstrates a graduated and transparent approach to enforcement. It is recognised within the Scottish Regulators Code of Practice as a good example. All inspection reports and guidance issued will direct customers and business operators to the process of raising concerns which might arise from the implementation of official controls. Customer survey information with business customers has always reported high levels of satisfaction with officers and official control activity.</p>
<p>They shall carry out internal audits or may have external audits carried out to ensure the objectives of the regulation are being achieved. (Article 4, (6))</p>	<p>Internal monitoring procedures are in place. These will include performance management – with internal and public performance standards being made available. Monitoring will also involve accompanied visits, case review, 1-2-1 meetings and performance appraisal in compliance with the Council's ADR process. External audits are carried out by Food Standards Scotland. Annual returns have been made (LAEMS and SFEAR). Official control data is uploaded to Food Standards Scotland – Scottish National Database.</p>
<p>They shall ensure staff performing official controls receive appropriate training for area of competence, and have aptitude for multidisciplinary cooperation. (Article 6, (a)-(c))</p>	<p>Ongoing training and development is essential, and the food law code of practice anticipates at least 10 hours CPD will be provided annually. Training records are kept, and training opportunities are provided for all staff. Training and development needs will be discussed and considered as part of 1-2-1 and ADR discussions. A number of staff are involved with internal and external partners, working groups and represent the service competently in such circumstances. This is a key element of succession planning within the service.</p>
<p>They shall carry out activities with high level of transparency and make relevant information publically available. The public will have access to information on control activities and their effectiveness, and information relating to product withdrawals. (Article 7, (1))</p>	<p>An annual food service plan is developed and approved by Council Executive. This is a public document and is available on the council website. A lot of other information has been made available on the council website. The service participates in the Food Hygiene Information Scheme to ensure appropriate public information is available regarding food hygiene compliance in local food establishments. The service will also encourage businesses to pursue Eat safe awards, which are also publically available information regarding standards of compliance. The service will issue media information appropriately. It will also ensure provision of information in terms of freedom of information. Food Standards Scotland co-ordinate product withdrawals. Information will be shared with the public and businesses appropriately.</p>
<p>They shall ensure staff maintain professional secrecy in regard to certain information obtained in carrying</p>	<p>Staff are made aware of legal obligations. Staff will also complete internal council training sessions on data protection and information security. These are regularly</p>

out official controls. This includes confidential investigation and legal proceedings, and personal data. (Article 7, (2) &(3))	completed by staff to ensure awareness is maintained.
They shall carry out official controls in accordance with documented procedures containing information and instruction for staff performing official controls. (Article 8, (1))	Staff will have access to and will be aware of national standards and guidance, e.g. Food Law Code of Practice. All staff have access to internal systems or web access for necessary documents. There are also internal policies and procedures which staff are made aware of and are expected to follow. These are openly available, and contain appropriate cross referencing to other relevant guidance. Internal monitoring will consider compliance with procedures.
They shall have in place procedures to verify the effectiveness of official controls carried out and ensure that corrective action is taken when needed. (Article 8, (3)(a) & (b)).	Internal monitoring, including accompanied visits will take place appropriately. Performance management processes are also in place. For example, a monthly report considers the premises which have been inspected and require a revisit based on the rating for compliance. It will ensure that officers are following up issues of concern. Reports are also provided which identify improving standards within food establishments over time, and through food hygiene information scheme. The outcomes and information is collected and stored on CIVICA APP system. The service is also audited by Food Standards Scotland.
They shall provide reports on official controls carried out and ensure business operators are provided with a copy of the report. (Article 9)	It is standard procedure to ensure that a report is left with a business operator after official control inspections and interventions. A written report will be left at time of visit, and if necessary followed up by a more detailed typed report. Guidance is also left to explain purpose of visit and also direct to sources of further information. Reports are designed to ensure compliance with the requirements within the Food Law Code of Practice.
They shall carry out official controls using appropriate control methods and techniques such as monitoring, surveillance, verification, audit, inspection, sampling and analysis. (Article 10, (1))	Various methods and techniques for official controls are used and are reflected in internal policies and procedures, and information recording on CIVICA APP system. Methods and techniques are considered appropriately in context of the hazard and risk activity of business operation or process. There is a prioritisation of work activities which is also included in the food service plan.

Planning, Economic Development and  
Regeneration  
Environmental Health & Trading Standards  
**Food Service Plan 2021/2022**



**OVERVIEW:**

In order to follow the recommendations of the Food Law Code of Practice (Scotland) and the obligations on competent authorities contained in Regulation (EC) 882/2004, West Lothian Council is required to develop and approve an annual food service plan. The structure of the food service plan is determined by the guidance contained within the Framework Agreement on Local Authority Food Law Enforcement.

The plan outlines how food safety will be monitored and controlled. The plan also covers other public health functions undertaken by the commercial team within environmental health. In Scotland the vast majority of establishments handling, producing and selling food are inspected, monitored and regulated by local authority environmental health teams.

The service plan covers six sections:

- food service aims and objectives;
- authority background;
- service delivery;
- resources;
- quality assessment;
- service plan and operational plan review; and

**Safe food and drink is something which the vast majority of us take for granted. The safety of this fundamental human need relies on a competent, trustworthy and properly regulated and managed supply, monitored mainly by environmental health professionals working within local authorities. This essential work often goes unnoticed. The consequences of a failure in the safety of the food and drink we consume can be catastrophic in costs to human health, the food industry, governments, public confidence and trust. The purpose of this service plan is to outline how such controls are delivered in West Lothian.**

## **SECTION 1 – SERVICE AIMS AND OBJECTIVES**

### **1.1 Mission Statement**

*To protect public health and contribute to a healthy community in West Lothian by ensuring the safety, wholesomeness and quality of food and water through education and enforcement.*

### **1.2 Corporate Plan & Single Outcome Agreement Links**

Priority 6: Delivering positive outcomes on health.

Priority 8: Protecting the built and natural environment.

SOA6 We live longer, healthier lives and have reduced health inequalities.

<https://www.westlothian.gov.uk/article/33026/Corporate-Plan>

### **1.3 Aims and Objectives**

Our priority customers for the work we undertake are the public and businesses within West Lothian. We support the following objectives of Food Standards Scotland Strategic Priorities:

1. Food is safe.
2. Food is authentic.
3. Consumers have healthier diets.
4. Responsible food businesses flourish.

### **1.4 Official Control Obligations**

There are specific legal obligations placed on local authorities in regard to delivering food safety official controls. Section 1 of the Food Law Code of Practice (Scotland) requires the statutory obligations covered to be brought to the attention of local authority officials and or elected member bodies responsible for agreeing budgets or other service arrangements relevant to the delivery of official controls.

The obligations are outlined in different articles of Regulation (EC) 882/2004. Appendix 7 gives details of these obligations and how they are met within West Lothian.

### **1.5 Our priorities**

The food service has to be delivered on a priority basis alongside other public health and safety priorities within the environmental health service. This reflects the nature of the work undertaken and that the service cannot be divided up into uniform time units for completing tasks. Each inspection or service request will have its own complexity and issues which determine the amount of work and time required to address.

The priorities are based on both reactive and proactive work and the potential public health impact of each. Delivery of service priorities will be within the context of resources available

and staff skills, knowledge, experience and capacity. A basic overview of environmental health service priorities and staff contribution is given in Appendix 1.

Service priorities have been established to ensure the best practical service in addressing the food safety and public health needs of our communities. They also reflect guidance issued by the Scottish Food Enforcement Liaison Committee and Food Standards Scotland in regard to prioritising food inspections. Health and safety enforcement and public health priorities have been included to reflect the combined work undertaken by officers. (A separate health and safety service plan is also prepared and published). Food service priorities are outlined in Appendix 5.

**The purpose of the service is to intervene and prevent the human and financial costs of foodborne illness impacting downstream on society, businesses, health care services etc. The financial costs are estimated to impact substantially on the UK economy, individuals, businesses and NHS (£9.1 billion annually), with 180 deaths, and 16,300 hospital admissions\*. Food borne illness has a significant impact on lost working days and, for small food businesses, it can be financially disastrous. The focus of the food service in West Lothian is to do everything possible within available resources to prevent and minimise the impact of foodborne disease.**

\*Food Standards Agency – [The Burden of Foodborne Disease in the UK 2018](#)

## **SECTION 2 - AUTHORITY BACKGROUND**

### **2.1 Profile**

West Lothian is a mixed rural and urban authority covering a geographical area of 42,504 Ha. The population is approximately 183,100\*. The Environmental Health & Trading Standards service is located in Linlithgow Partnership Centre, Linlithgow. There are 1840\*\* food premises within the area ranging from farms, retailers and caterers, to large manufacturers. (\*National Records of Scotland mid-year estimate 2019, \*\*As of 01/04/2021)

### **2.2 Organisational Structure**

The service structure is as per appendix 1.

The commercial team is part of the Environmental Health & Trading Standards service which is part of Planning, Economic Development and Regeneration.

The authority has appointed Edinburgh Scientific Services (City of Edinburgh Council) to provide analytical and food examination services.

### **2.3 Scope of the Food Service**

The scope of the food service enforcement is set out in appendix 2.

## **2.4 Demands on the Service**

Services are available from 8.30am to 5.00pm Monday to Thursday and 8.30am to 4.00pm Friday. The team, however, has to accommodate working out with these times due to operating times of businesses. Routine evening and early morning working is necessary to carry out the inspection and sampling programmes. Emergency contact details have been provided to appropriate partner agencies in regards to incident management and food alerts, should these occur out with normal working hours. However, the arrangements are limited to point of contact notification only.

There are 9 approved premises in West Lothian in terms of Regulation (EC) 853/2004 (premises dealing with manufacture of food products of animal origin). A number of premises currently meet the exemption criteria for approval but may well require to be approved in the future.

There is a regular turnover in many of the catering businesses with new owners and changes in operation of the business. In the last 10 years there has been a 28% increase in registered food businesses.

In line with the enforcement policy, officers are required, when necessary, to take appropriate enforcement action. This may include service of notices, closure of premises, and reports to the Procurator Fiscal leading to prosecutions and time in court. The level of action required has been relatively consistent in recent years. Previous case studies of enforcement action showed the time spent dealing with one problematic food business equated to approximately five routine inspections.

The principles of better regulation have been a key aspect of how the food service is delivered for a number of years. As well as food safety, officers in the commercial team will also carry out a number of workplace safety and smoking enforcement inspections. This is done to ensure best use of resources and avoid unnecessary additional visits to premises. It is encouraging to note the positive feedback from business consultation exercises in relation to their experience of inspections and enforcement activities.

The service cost per head of population has remained constant in recent years even though West Lothian's population continues to increase. Most recent government figures (2018/2019)<sup>1</sup> estimate that the UK public spend £46.60 per person per week on food and drink. There is no specific budget for the food service plan only. However, the inspecting, sampling, monitoring, enforcing and all other services through this service plan and the health and safety service plan cost the West Lothian population £0.06 per person per week.

<sup>1</sup>Family food 2017/2018 – A national statistics publication by DEFRA.

<https://www.gov.uk/government/statistics/family-food-201819/family-food-201819>

It is, however, vitally important to remember that the principal purpose of the food service in West Lothian is public health protection. In previous years a number of changes were made to the approach taken to inspections e.g. prioritisation of workload, changes in inspection reporting and recording, changes to inspection and workload allocation and geographical distribution, better use of flexible working and council buildings. Further adaptation of the service will be required during 2021 and beyond. We will ensure that attention continues to be given to positive outcomes irrespective of the breadth of service provision in future. Some of these issues are highlighted in 6.3.

### Consumer Expectations

National surveys continue to show the importance of food safety for consumers. The top four food safety issues for consumers are:

- Chemicals from the environment, such as lead, in food (32%)
- Food hygiene when eating out (31%)
- The use of pesticides to grow food (31%)
- Food poisoning (28%)

45% of respondents reported concern about food safety in UK restaurants, pubs, cafes and takeaways. 40% of respondents reported concern about food safety in UK shops and supermarkets.

84% of respondents reported being aware of the hygiene standards in places they eat out at or buy food from.

61% of respondents trusted that people who produce and supply food make sure it is safe, honest and ethically approved.

FSA Biannual Public Attitudes Tracker Report – November 2019.

<https://www.food.gov.uk/about-us/biannual-public-attitudes-tracker>

## 2.5 Enforcement Policy

In terms of the framework agreement on food law enforcement the service has a written enforcement policy which has been approved by the council. The policy has undergone an equality impact assessment, and is followed by officers. The policy has also been cited as a good example in the Scottish Regulators Code of Practice. A copy of the policy is available to anyone on request and is also available on the West Lothian Council website. (<http://www.westlothian.gov.uk/environmental-health>)



Alternative enforcement arrangements are allowed within the code of practice for certain risk rated food safety inspections. Visits and alternative interventions will be carried out in accordance with internal procedures outlined in Appendix 5.

### **SECTION 3 - SERVICE DELIVERY**

All officers in the commercial team contribute to the development and implementation of this plan. This section outlines areas of work to which they contribute.

In order to meet ever changing demands, the service is always looking at ways of working most effectively. Performance management is a key factor in ensuring this can be achieved (see section 4.4). The quality of the service delivered is essential in protecting public health, and the service is working to ensure that everyone plays a part in delivering the best service possible.

#### **3.1 Food Premises**

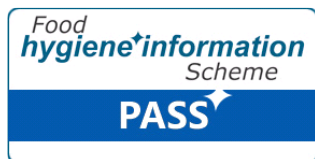
There are currently 1840 food premises within West Lothian which require to be inspected by the team. Food safety inspections will be carried out to assess food hygiene and food standards (composition, labelling etc.) compliance. Inspection frequencies are determined by the nature of the business and performance against specific criteria set out in the food law code of practice.

In 2019 the food law code of practice was updated in Scotland. Previously there were two inspection programmes which separated food hygiene and food standards compliance. In Scotland these have now been combined into one inspection plan for most food establishments. There are a few exceptions which will still receive separate food hygiene and food standards inspections. This change in approach will ensure that appropriate attention is given to all key elements of food safety at every visit made to a food establishment.



Food premises profiles, inspection targets and revisit information are outlined in Appendix 3.

The approach to premises inspections has been reviewed and new procedures have been introduced to ensure better recording of activities following inspection and also ensure that significant failures are followed up appropriately. This allows officers to target problem premises. An overview of the “Food Safety Interventions Policy” can be found in appendix 5.



The service participates in the Food Hygiene Information Scheme. This is a national scheme to advise customers at point of use of the food hygiene performance of the food businesses they use. Each business is rated following the routine hygiene inspections completed by officers. Information on whether the business receives a Pass or Improvement Required award will be published to the website hosted by the Food Standards Agency, and a certificate is provided for the business to display on the premises.

### 3.2 Food Complaints and Food Fraud

The commercial team receives a number of complaints about unsatisfactory food or food premises. These are investigated in line with our procedures on dealing with complaints.

Investigating food complaints can be quite involved and 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.



Food fraud and food crime came to public attention during the discovery of undeclared horse meat in various meat products in early 2013. During routine inspections and sampling, officers are looking for evidence of any attempts to mislead consumers or provide food which is dangerous. Food Standards Scotland have established a food crime investigation unit to work more closely with local authorities in improving intelligence, detection and enforcement in regard to food fraud and criminal activity. The expectations, focus and demands of this work are likely to increase. The Food Standards Agency and Food Standards Scotland published a baseline report on food crime in the UK. This can be found on the Food Standards Agency [web site](#). The service receives and provides intelligence reports on potential food crime through MEMEX which is a secure data sharing system.

### 3.3 Home Authority Principle / Primary Authority Partnership

West Lothian Council has no arrangements in place for being home authority or primary authority (not relevant in Scotland at this time) with any business activity.

These are formal arrangements made between local authorities and large scale business operating regionally or nationally. The intention is to reduce the regulatory burden on the business and agree a consistent application of legal interpretation by focusing concerns raised by other local authority enforcement officers through the local authority rather than the business. It is fair to say there are a number of concerns with these arrangements and the burdens placed on the home or primary authority.

### **3.4 Advice and support to Business**

All officers will be involved in giving advice to businesses on food safety and workplace safety issues. This is an important aspect of work as it helps to ensure that businesses which request help can be set up complying with the necessary legal requirements. It has been established as one of our priorities for higher risk food establishments and fits the model of targeting upstream intervention.

**The service recognises that a well run and viable business will most likely be a safe business. Officers will direct business owners to support and help from colleagues working through Business Gateway. Information sheets are left at every inspection with details of where businesses can get further help and support in this and other aspects of food safety and workplace safety. This all works towards protecting public health and reducing the financial impact of compliance on businesses.**

The ongoing work with established businesses is assisted by a number of helpful information sheets, guidance booklets, and other educational resources. Much of the information used is produced within the team and aims to give businesses the necessary information for complying with the law and improving hygiene and safety standards. We aim to include all new premises in our inspection programme within three months of registering. It is recognised that this is out with the timeframe expectations of the food law code of practice. We are looking at ways of improving these timeframes during 2021/22 where this can be achieved in accordance with other priorities. Part of this approach is to rate lowest risk businesses within the minimal inspectable risk category. This means there will be no inspection carried out, which allows officers to focus on higher risk businesses. Appendix 3 shows a comparison of enquiries received over recent years. Business satisfaction survey results are also found in Appendix 3

### **3.5 Sampling – Food and Drink**

The team develops an annual sampling plan. Sampling is necessary to monitor the quality and safety of food and drink being produced and sold within West Lothian. Sampling of food prior to a hygiene inspection is a useful indicator of how the business is operating.

The range of samples taken is split into chemical and microbiological. The current target for chemical samples is 0.8 samples per 1000 population and for microbiological the target is 1.1 samples per 1000 population.



Samples can fail for various reasons and require to be followed up by officers. A national report on sampling by Scottish local authorities identified a failure rate of 5.4% for chemical\*, and 20.7% for microbiological\* during a 12 month period. Scottish local authorities are now working in a more co-ordinated way in terms of sampling priorities. This is being done in association with Food Standards Scotland (FSS).

(\*Local Authority Food Sampling in Scotland 1st July 2018 to 30th June 2019 Report)

As all local authorities are facing similar challenges work has been done to target local resources towards even more focused national sampling initiatives. The targeted sampling is based on data collected over recent years for all samples taken in Scotland and means that each year all local authorities will contribute to providing better information on existing and emerging food safety issues. Local sampling targets still form part of each local authority sampling plan and remain useful for a limited range of issues.



This joint focused approach will have some potential impact on local sampling as, overall, smaller numbers of samples may be taken due to costs of focused sampling activities. It is however a good example of how environmental health professionals are trying to ensure a public health focus in achieving the best results in difficult times.

Appendix 3 has details of samples taken during 2020/2021, and also the sampling plan for 2021/2022.

### Case Study 1

#### Helping to shape the future of food safety

Officers within the service will contribute to the many developments in food safety and public health protection being considered at a national level. Food Standards Scotland have identified a significant change in staff resources allocated to food safety throughout Scotland and along with local authorities are looking at new ways of providing public health protection and new priorities for attention. Whilst our main focus will always be the impacts of food safety at a local level we also recognise the importance of helping to shape future developments to ensure we can maintain the best level of protection for the people of West Lothian. We have been actively involved in developing a new national approach to food safety inspections, and inspection rating systems for businesses. Officers have also been involved in groups working on issues relating to food exports, and official control charging, which may have significant impacts in years to come.

#### 3.5.1 Sampling – Water Quality

Sampling of drinking and recreational water is also undertaken. This involves sampling mains and private water, as well as swimming pools, spa pools etc. The private water regulations place a requirement upon local authorities, and those responsible for private supplies, to ensure drinking water standards meet those of public water. The team is

involved in sampling and monitoring local private supplies and undertaking risk assessments on them. Sampling is required on an ongoing annual basis. An annual return on sampling, enforcement and water quality standards is made to the Scottish Government (Drinking Water Quality Regulator). These results are then published in a publically available report on the DWQR web pages <http://dwqr.scot/information/annual-report/>.

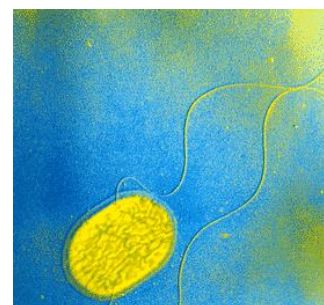
During 2018/2019 DWQR introduced an online risk assessment system which the team has to enter data onto regarding local supplies.

There is no routine sampling of mains water supplies with any concerns being directed to Scottish Water and the Drinking Water Quality Regulator. This is necessary to accommodate other workload and sampling plan priorities. The council does however retain the statutory right to sample if required.

The sampling of swimming pools, spa and recreational waters will be reactive to any concerns or incidents. The safety and quality of water should be part of the routine management and monitoring carried out by facility operators. Management controls of such environments are assessed during routine inspections by officers.

### **3.6 Control and Investigation of Outbreaks of Food Related Infectious Disease**

Controlling and preventing the further spread of infectious disease is a key part of the service provided by the commercial team. This work is done in partnership with NHS Lothian and the Consultant in Public Health Medicine. Notifications of food poisonings and infectious diseases such as, *Salmonella*, *Campylobacter*, *Cryptosporidium*, *E. coli* O157 etc., are passed to the team by NHS Lothian. The role of the service is to investigate cases looking for possible sources, or outbreaks, and in doing so take preventative measures to stop the further spread of infection. Recent statistics are shown in appendix 3.



A major outbreak plan has been developed by NHS Lothian and the local authorities of West Lothian, Edinburgh, Midlothian and East Lothian. Procedures for dealing with sporadic cases are also in place. As part of the review of sporadic procedures it has been agreed that cases of campylobacter will no longer be investigated routinely by this service. Notified cases will be sent guidance and information about the illness by NHS Lothian, Health Protection Team. Statistics will be reported to the team annually by NHS Lothian. Case numbers will be reviewed regularly and any issues will be discussed between NHS Lothian and the local authorities.

### **3.7 Food Emergencies and Safety Incidents**

Food safety emergencies and incidents which pose a serious risk to public safety are identified as a priority issue for the commercial 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 are for information only but a number of press releases and trade notifications have to be completed by the team in relation to the warnings. As well as food alerts, FSS has a system for notifying local authorities of allergy alerts. These were previously part of the main alert scheme. The main reasons for such alerts is the failure to declare the presence of one of the many allergens now listed in the food information regulations.

Emergency contact details for the service have been provided to FSS to allow notification of any incidents.

### **3.8 Liaison with Other Organisations**

It is important to realise that the food team does not work in isolation from other internal services or external organisations. Internally, the team works with planning, building standards, economic development, licensing, legal, education, occupational health, corporate communications, and social policy to provide a joined up service.

The food law code of practice requires local authorities to work together and with national bodies to contribute to consistency of enforcement. Externally, the team works with other local authorities, through Lothian and Borders Food Liaison Group, and Scottish Food Enforcement Liaison Committee's Food Safety sub-group and Food Standards sub-group. The team maintains links with NHS Lothian and Scottish Water through the Health Protection Liaison group. A Joint Health Protection Plan has been developed and approved by Council Executive. A positive working relationship has been developed with the Procurator Fiscal service. The service is audited by FSS.

Appendix 4 lists the team's main customers, partners and stakeholders.

#### **Case Study 2**

##### **Dealing with irresponsible food business operators**

Although the levels of compliance within West Lothian food businesses are high and have improved over the years, there are still a small percentage of food business operators who fail to operate safely and this requires serious action to be taken to protect public health. Officers often have to take action in serving notices on establishments to stop the preparation and sale of food. On many occasions these actions are required when we discover new businesses who have not registered and are operating dangerously, or businesses which have moved from low risk to high risk food preparation without notifying this service, and are doing so in premises which are not suitable. Very often we only become aware of these situations through complaints or concerns received.

Thankfully such poorly performing businesses remain in the minority.

### 3.9 Food Safety and Standards Promotion

It is clear that inspection of premises and enforcement of the law will not in itself bring about the necessary improvements in public health. There needs to be a balance of education with enforcement. Although limited, the team's input to education and promotion of food safety is recognised as an important tool and will be provided as resources permit.



Officers are the main source of support for most small businesses within West Lothian. They have a key role during inspections of ensuring business operators and food workers understand all the necessary requirements placed upon them. Feedback from businesses as part of our annual survey is very positive and is one of the publically reported key performance indicators for the service.

Officers will promote the Healthy Living Awards, as appropriate, within catering businesses. This is likely to be a significant issue in terms of public health as the costs of treating poor health caused by poor diet rise substantially in years to come.

30 businesses in West Lothian hold the [Eat safe](#) award for hygiene standards. We hope more businesses will be able to meet these requirements in coming years.

Our food hygiene training programme “Food Safety is Everybody’s Business” continues to be used with catering businesses to help them train staff. It is currently available in English, Polish, Italian, Urdu, Punjabi and Cantonese. The materials have been provided through the council website with video material uploaded and available on the [food safety web pages](#).



#### Case Study 3

##### Food hygiene information scheme – improving food safety

During 2019 we started to actively monitor the impact the food hygiene information scheme was having on West Lothian businesses. Whilst the service continues to promote the scheme with consumers it is clear that improvements in business compliance are evident as a result of the scheme being in operation. Since the scheme was introduced in West Lothian the percentage of businesses achieving a Pass rating has increased (currently around 96%). It was also clear where inspections found issues of non-compliance the significant majority of those businesses (81%) were taking appropriate action to achieve a Pass rating.

## SECTION 4 - RESOURCES

### 4.1 Financial Allocation

There is no specific budget allocation for delivery of the food service plan. The service delivery is shared by officers within the commercial team along with delivery of other environmental health functions. This includes delivery of the health and safety service plan. A full time equivalent staff figure is provided in appendix 3.

A budget has been set for food, drink and water sampling as follows:

	Budget 20/21	Budget 21/22
Sampling	£22,000	£22,000

West Lothian has the third lowest costs per 1,000 population for environmental health (Scottish average is £13,771\*, and West Lothian is £8,061\* – figures from Local Government Benchmark Framework 2019/2020). There will, however, be some variability between local authorities in terms of the level of service delivered. (\*The framework definition of environmental health includes the operation of public conveniences which are not an operational or service function of Environmental Health & Trading Standards in West Lothian but still get counted against costs of service.)

### 4.2 Staffing

The service is staffed as per the structure indicated in appendix 1.

Food safety is only one element of the role of environmental health. The pressures on the whole service increase year on year with changes in legislation, increasing population and demand on the service having to be managed on a priority basis. We are therefore identifying and targeting priority areas of work, delivering aspects of the service differently, reducing or removing aspects previously delivered, and continuing to work as effectively as possible to protect public health.

Appendix 1 gives an overview of staff contribution across the service areas and priorities.

### 4.3 Staff Development Plan

The Food Law Code of Practice (Scotland) requires a minimum of 10 hours food safety training to be completed by every officer annually. Officers who are members of the Royal Environmental Health Institute of Scotland are also required to complete 20 hours training and development every year as part of the Continuous Professional Development scheme.

Training and development needs are assessed during individual Appraisal and Development Review meetings held in accordance with the council's Investor in People accreditation. Monthly 1-2-1 performance meetings are also held with officers.

A competency framework for the food service has been developed to help give more detail to skills and knowledge pertinent to the different work areas. This was produced in support



of national guidance which provided a simple framework but lacked detail. It will provide officers with links to necessary legislation, guidance, technical information, scientific papers etc. and will continue to develop over time. The framework is also being extended to other areas of the environmental health service.

Recruiting suitably qualified and competent staff is becoming an increasing problem within the environmental health profession. Appendix 1 has details of current age profiles within the environmental health service. Planning for the future is a key element to ensure sustainability and resilience. Developing our own officers and trainee plans will be a key part of this going forward in the next 5 to 10 years.

#### **4.4 Performance Management**

Everyone working within the service has a responsibility for ensuring the delivery of the best service possible. To help deliver a positive and productive performance culture the service ensures targets are established which focus on outcomes and outputs.

Performance is monitored and assessed by various methods and reported internally and publically. Performance expectations and standards are outlined and reported in the following ways:

- Legislation, enforcement and technical guidance.
- Internal working documents and procedures – e.g. framework policies and procedures, enforcement policy, customer service standards, council HR policies and procedures etc.
- Food service plan.
- Internal monitoring of performance – e.g. team meetings, one to one discussions, monthly reporting to senior officers, public reporting of performance through Pentana, accompanied visits, customer survey and service complaints.
- Appraisal and Development Review (ADR) process.
- Training and professional development of officers and management.
- Reporting to external agencies – e.g. Food Standards Scotland, Scottish Government.
- Internal reporting to elected members – performance committee, Environment PDSP, Council Executive.
- Audit by Food Standards Scotland.

### **SECTION 5 - QUALITY ASSESSMENT**

#### **5.1 Quality Assessment**

The Environmental Health & Trading Standards service participates in the West Lothian Assessment Model. This is West Lothian Council's adaptation of the European Foundation for Quality Management. This is being used to help deliver continuous improvement of the service in years to come. The service is assessed as part of the corporate Customer Service Excellence award.



The food safety work is subject to audit by the Food Standards Scotland. All audit reports can be found at <https://www.foodstandards.gov.scot/business-and-industry/safety-and-regulation/audit-and-monitoring> . The service was last subject to an onsite core audit in February 2014. Audit reports are sent to the Chief Executive and are reported to appropriate elected member forums. Routine remote audit questionnaires are completed and returned Food Standards Scotland, although no Council specific reports are provided.

The environmental health team were also recognised as best performers for 2019 in the APSE Performance Networks Awards. This is a benchmark network of around 250 local authorities throughout the UK.



Internal monitoring of procedures and customer feedback regarding food safety inspections and food complaints is also used to assess the quality of the service provided. Customer consultation is a key development issue and a customer and business consultation survey is carried out once a year.

## **SECTION 6 - SERVICE PLAN AND OPERATIONAL PLANS REVIEW**

### **6.1 Review against Service Plans and Team Plans.**

The food service plan will be reviewed in six months.

Internal plans, policies and procedures are reviewed annually, or as and when required.

### **6.2 Identification of any Variance from the Service Plan**

The changing nature of demands upon the service requires a flexible approach to balancing priorities. Food safety and public health protection will always provide challenges. Officers and managers continue to take a constructive and professional approach to such matters, and through prioritisation, effective work planning and delivery, the service has ensured good performance in a number of areas.

The most significant impact on the service during 2020/2021 was the COVID pandemic and the response required by the service to address the public health concerns and issues resulting. The focus of the commercial team within the service had to move from food safety controls in businesses to public health controls in terms of COVID control regulations.

There was an acceptance and agreement from Food Standards Scotland that the nature of response required to the COVID pandemic by local authorities was significant and that it would not be reasonable or practical for local authorities to follow normal expectations of the Food Law Code of Practice for programmed food safety interventions. On site food safety engagement with businesses has been limited to give priority to our response to COVID management, and has been mainly through remote contact and providing guidance on maintaining food safety standards in establishments.

COVID demands also impacted on the food sampling, and private water sampling programmes during 2020/2021.

Staffing and recruitment continues to provide challenges within the service. The pandemic has impacted on opportunities for training and developing new staff, but there were some positive developments with the service receiving additional funding to recruit two new staff to deal with COVID and related public health issues in the year ahead. This will provide much needed assistance within the service as attempts are made to train and recruit new staff into vacant posts and address work demands.

During 2020/2021 the animal feeding stuff work carried out by trading standards colleagues was transferred to Food Standards Scotland due to changes in legislation. Food Standards Scotland are now legally the competent authority for such work. This is minor impact issue within West Lothian with very few establishments requiring to be regulated and higher priority work demands requiring attention by the trading standards team.

However, even in challenging times it is important to acknowledge the positive aspects of team work addressed and delivered during 2020/2021. These include:

- The response by the service and officers to the COVID pandemic and adapting to new working methods, and new enforcement and regulatory responsibilities. Points to note include:
  - Developing new knowledge and skills in addressing ever changing public health and regulatory controls for dealing with the pandemic.
  - Providing significant support to businesses and members of the public in understanding the requirements of regulations and guidance being issued.
  - Keeping elected members aware of the requirements to help assist with constituent enquiries.
  - Working with NHS Lothian colleagues in managing incidents and outbreaks.
  - Training and developing staff to work as contact tracers in the early stages of the pandemic before more structured approaches could be put in place nationally.
- Working with Food Standards Scotland to develop a strategy for re-starting of food safety inspection plans and programmes impacted by the pandemic.
- Working with Food Standards Scotland and other local authority colleagues to address issues around export and import of food as a consequence of the UK departure from the EU.
- Securing a new contract for provision of public analyst and food examiner laboratory services.

Performance and workload comparisons are made in Appendix 3.

### **6.3 Areas for Improvement / Challenges.**

In addition to the challenges from workload and staffing resource which would have impacted the service in normal circumstances, the COVID pandemic has continued the delay in being able to carry out the inspection and sampling plans for 2021/2022. The impact on

the inspection plan has been acknowledged by Food Standards Scotland nationally, and there are ongoing discussions to determine how local authorities can address plans, backlogs and future demands going forward.

The following have been identified as the key challenges for 2021/2022 and ongoing:

- Ongoing demands on officers from challenging premises and incidents in terms of food safety, workplace safety and public health issues.
- Responding to challenges, consequences and work demands from the COVID pandemic.
- The developing and changing regulatory landscape as the UK addresses and adapts to the impact of future trade agreements with the European Union and other parts of the world.
- Ensuring that officers are supported, developed and capable of dealing with challenging, time consuming and high risk workload. Maintaining capacity in skills and knowledge, as well as officer resource.
- Establishing and targeting workload priorities with available resources which deliver and maintain the best achievable levels of public health protection.
- Resolving vacancies and staffing availability to ensure continuation of service delivery.

There are no specific projects identified for attention in 2021/2022.

The biggest demand on the food service remains dealing with risks to public health balanced against an increasing workload. These challenges will be significant in the year ahead. However any challenge and demand continues to be positively managed and also supported by officers. This is pursued through established work priorities, improved efficiency and effectiveness in work planning and actions, ensuring appropriate and balanced enforcement action, supporting businesses where possible to work safely, and supporting officers in dealing with difficult and complex public health protection work. The priority focus remains on outcomes and not just output. This approach has been in place for many years with some adjustments and refinements over time.

The plan for 2021/2022, and beyond, is to ensure the service focuses resources at priority areas of work, and takes the correct action to protect public health when risks are identified.

### **Appendices:**

Appendix 1 – Service structure.

Appendix 2 – Scope of food service.

Appendix 2a – Extended public health links from food safety controls.

Appendix 2b – Objectives of the food service.

Appendix 3 – Workload and performance comparisons.

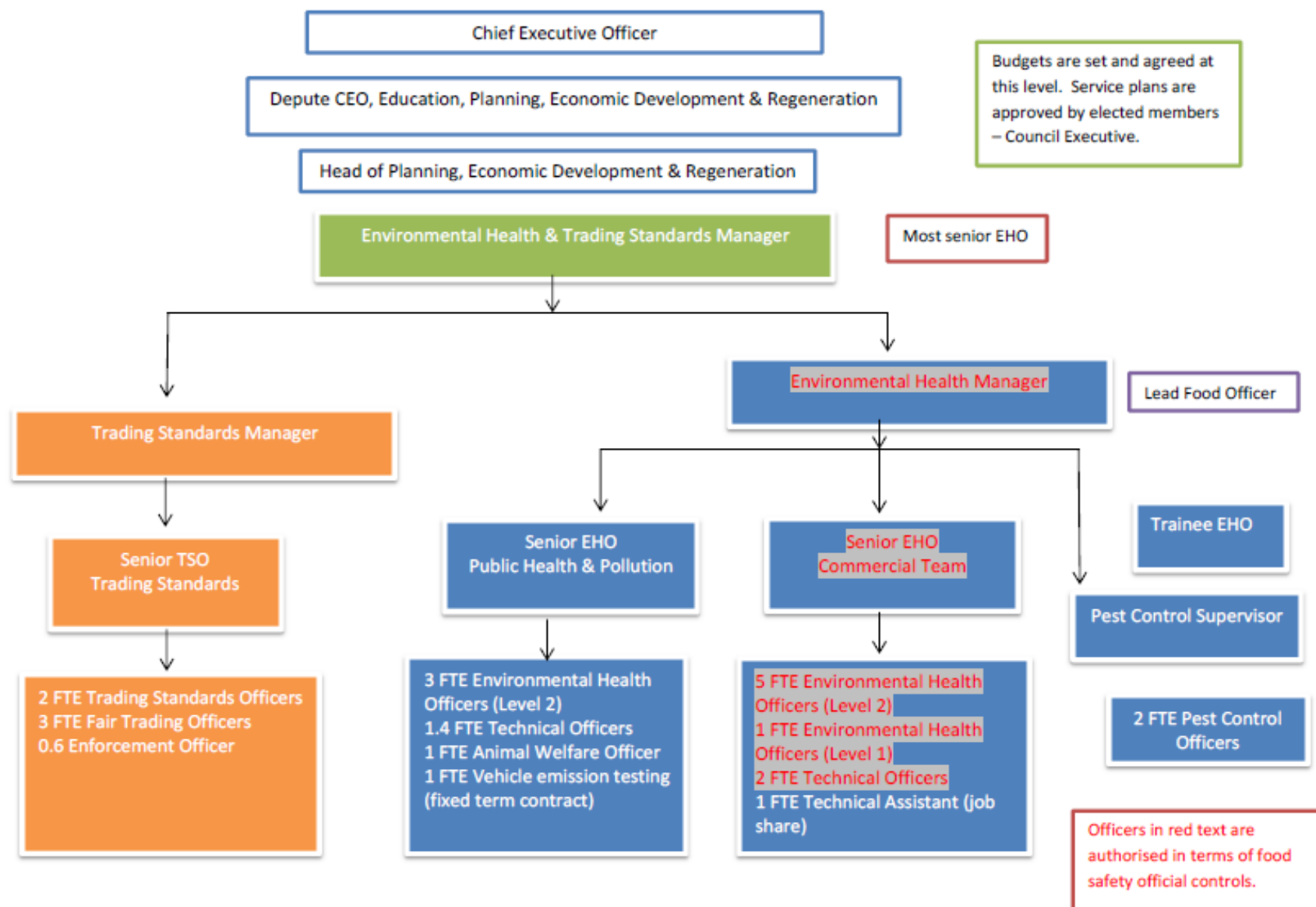
Appendix 4 – List of customers / partners / stakeholders.

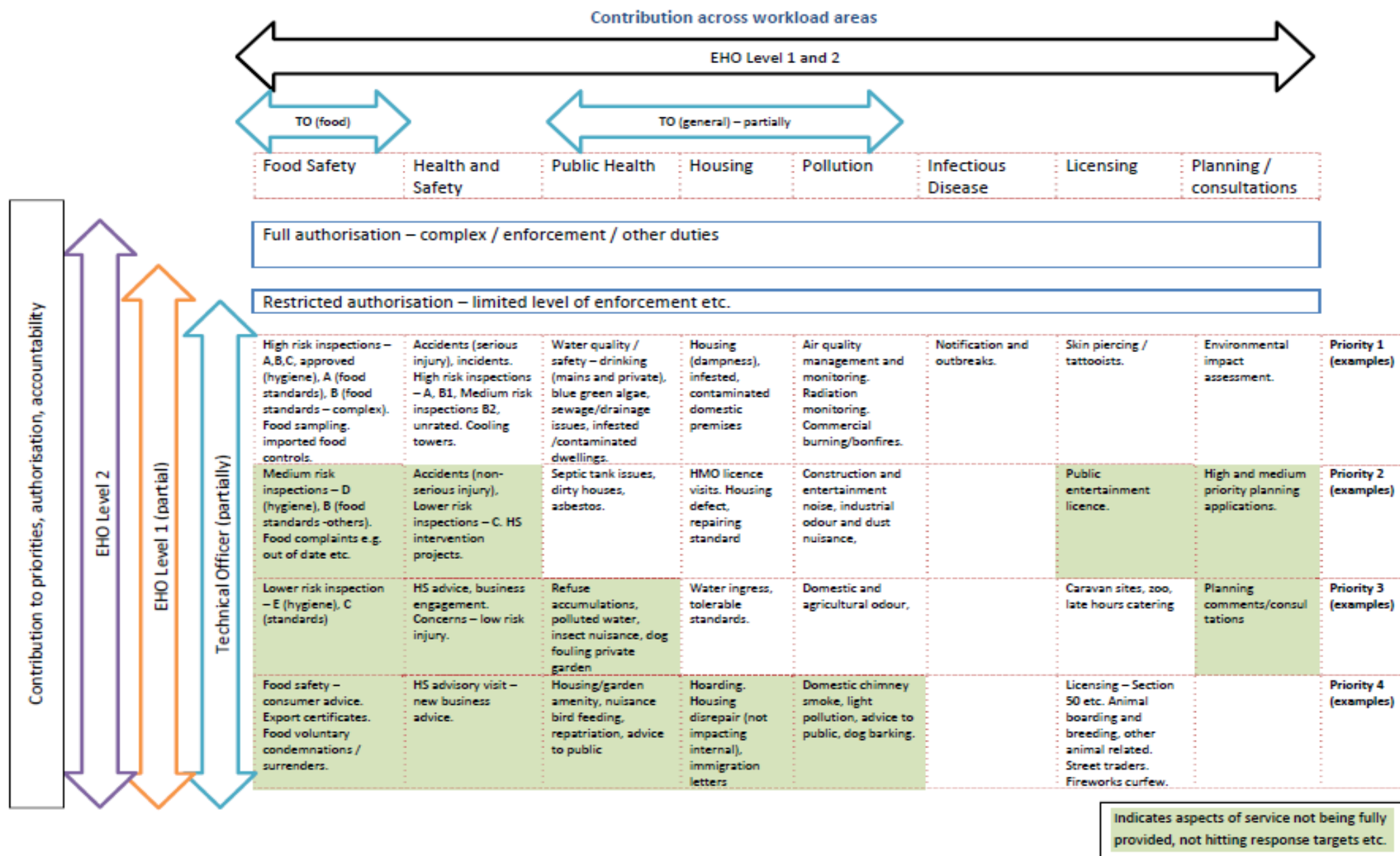
Appendix 5 – Overview of food interventions policy.

Appendix 6 – Service requests / complaints – service standards and prioritisation.

Appendix 7 – Official control obligations

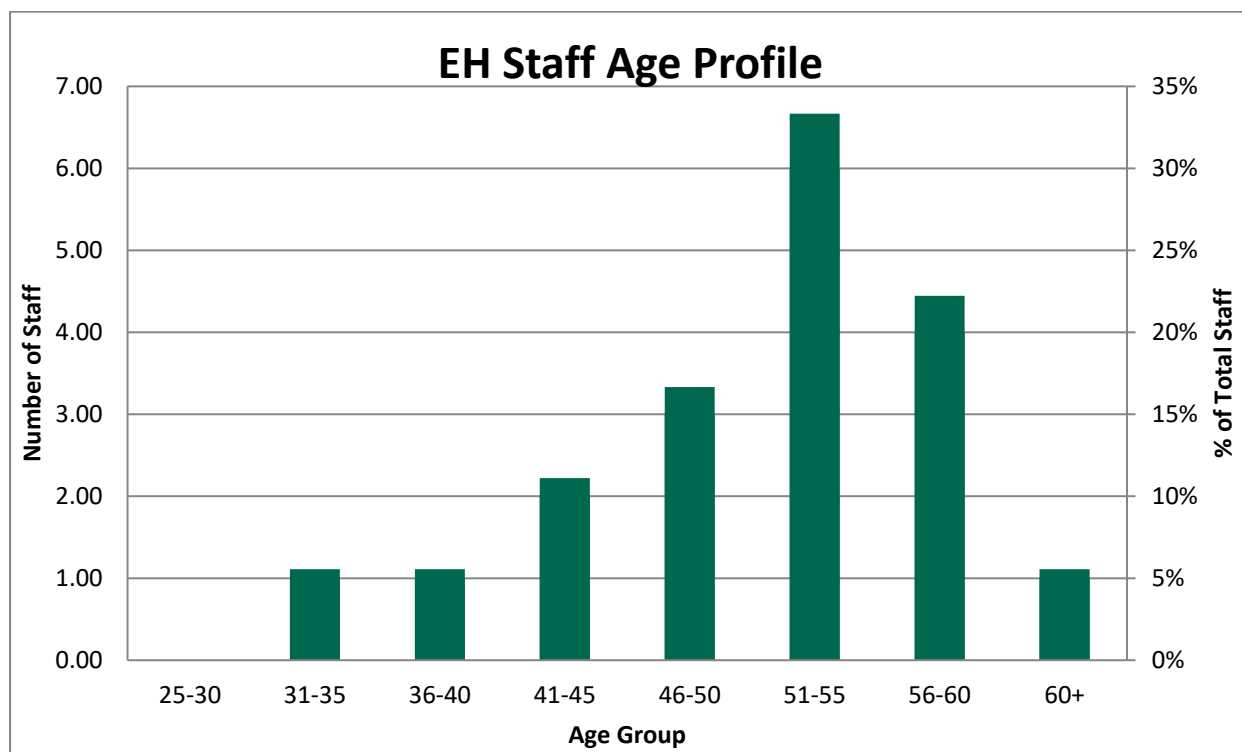
## Appendix 1 – Environmental Health and Trading Standards Structure (April 2021)





## Appendix 1

### Environmental Health staff age profile (at 01/04/2021)



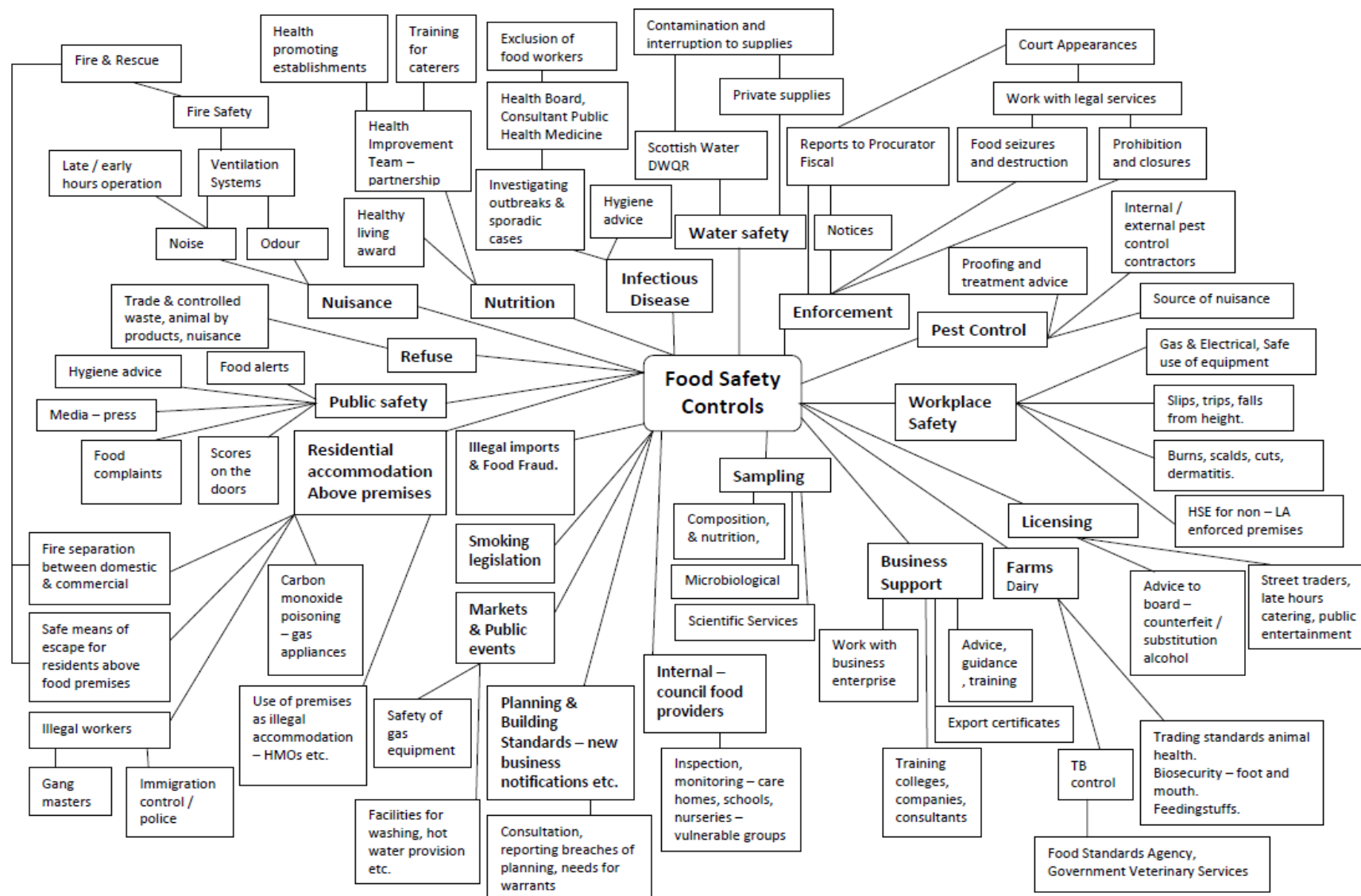


## Appendix 2 – Scope of Food Service

Function	Activities
<b>Food safety (hygiene and standards)</b>	<p>To inspect premises in line with The Food Law Code of Practice (Scotland) and prioritise the inspection of premises on a basis of high to low risk.</p> <p>To adhere to relevant team policies and procedures.</p> <p>To ensure compliance with the law by means of education, training, motivation and enforcement.</p> <p>To ensure that re – visits are made to premises when necessary, and in line with our inspection procedures.</p> <p>To ensure compliance with legal requirements in terms of licensing and approval of premises.</p> <p>To ensure that a sampling programme is devised and followed.</p>
<b>Food enquiries and investigations</b>	<p>To react to emergencies and immediate threats to public health.</p> <p>React to and investigate, where appropriate, enquiries and complaints relating to food safety and quality, and hygiene in food premises.</p> <p>React to and respond appropriately to food alerts.</p> <p>To adhere to team policies and procedures.</p> <p>When necessary seize, detain and arrange for condemnation of food not meeting food safety requirements.</p> <p>Respond to requests for verification of voluntary surrender of food for condemnation.</p> <p>Respond to requests for export certificates.</p>
<b>Business and consumer advice</b>	<p>Carry out visits to premises to give guidance or to follow up complaints.</p> <p>Provide guidance and advice to new businesses to help comply with food law.</p> <p>Provide training and education for trade and other groups in West Lothian.</p> <p>Deal with general enquiries for help and guidance on relevant food matters.</p>
<b>Reporting and liaison – working together</b>	<p>To ensure that policies and procedures are in place and followed as per the Framework Agreement on Food Law enforcement.</p> <p>Prepare reports and returns to various groups and agencies.</p> <p>Work together with others to improve food safety and the service provided.</p> <p>Work together as a team.</p>
<b>Water quality and safety</b>	<p>To ensure that a sampling plan is in place and carried out to measure the safety and quality of private and public drinking water supplies in West Lothian.</p> <p>To ensure that a sampling plan is in place and carried out to measure the safety and quality of recreational water, such as swimming pools, spas etc.</p> <p>To ensure that appropriate follow up action is taken when problems are identified with water safety and quality.</p> <p>To respond to requests, where appropriate, from people concerned about the safety and quality of water in West Lothian.</p>
<b>Infectious disease control</b>	<p>To investigate notified cases of food poisoning, and food or water – borne disease.</p> <p>To notify Public Health Medicine of possible outbreaks / cases for exclusion.</p> <p>To adhere to relevant team policies and procedures.</p> <p>To provide good advice to patients and public to prevent further spread of infection.</p> <p>To be involved in any incident or outbreak control team.</p>
<b>Support activities and miscellaneous</b>	<p>To manage the work of the food service.</p> <p>To provide technical and administrative support.</p> <p>To instigate special projects and initiatives to tackle particular food related issues.</p> <p>To use and maintain a system database to manage the inspection programme and process service requests.</p> <p>To maintain the competence of inspection staff and develop their skills and knowledge, by means of peer review, training and monitoring.</p> <p>To ensure that premises files are updated with appropriate information.</p>



## Appendix 2a –Extended public health links from food safety controls



**Appendix 2b – Objectives of food service**

- *To ensure the safety of food by means of a programme of inspections designed to check compliance with current laws and codes of practice, and to educate, train and motivate all parts of the food industry. To enforce the law when necessary in the interests of public health.*
- *To protect the public and ensure the quality and safety of food and drink in West Lothian by inspection and sampling for analysis and examination. To inspect premises to ensure food standards legislation is being applied and improve compliance through a balance of education and enforcement.*
- *To react to emergencies and immediate threats to public health. To investigate food related enquiries and complaints. Reacting to food safety alerts issued by FSS and other bodies to secure the withdrawal of any suspect foods from premises within West Lothian. To ensure that food not meeting food safety requirements is removed from sale to the public. To issue appropriate export certification in relation to food being exported to countries out with the UK.*
- *To provide guidance and raise awareness of food safety within the business community and general population of West Lothian to ensure compliance with food law and help develop a better educated population.*
- *To work together with colleagues in West Lothian Council, other local authorities, professional bodies, central government and other interested parties to ensure a co – ordinated approach to food related matters. To provide relevant reports and statistics as required regarding the operation of the food service.*
- *To ensure the wholesomeness, safety and quality of drinking and pool waters in West Lothian.*
- *To be proactive and reactive in controlling and investigating instances of food or water – borne diseases and infections within West Lothian. To provide appropriate information to patients and work with partners in public health medicine to control the further spread of infection.*
- *To ensure activities which are necessary to support, compliment and develop the work of the food service are carried out (e.g. staff development and health and safety, performance monitoring and reporting service prioritisation, balancing better regulation and public health protection).*

### Appendix 3 – Workload Comparisons

Activity	2017/2018		2018/2019		2019/2020		2020/2021	
	Completed	Missed	Completed	Missed	Completed	Missed	Completed	Missed
Food Law Inspections (combine food hygiene and food standards from July 2019)	-	-	-	-	386	30	-*	803
(By alternative enforcement)	-	-	-	-	204	0	1286	0
	Completed	Missed	Completed	Missed	Completed	Missed	Completed	Missed
Food hygiene inspections	781	72	723	47	156	278	-	-
(By alternative enforcement)	208	0	63	0	125	0	-	-
	Completed	Missed	Completed	Missed	Completed	Missed	Completed	Missed
Food standards inspections	769	52	247	35	56	75	-	-
(By alternative enforcement)	94	4	70	1	47	0	-	-
Revisits / other visits	714		666		213		-*	
Number of premises	1713		1733		1737		1756	
Broadly Compliant Hygiene	92.0%		93.5%		-		-	
Broadly Compliant Standards	99.6%		99.7%		-		-	
Broadly complaint food law	-		-		96.8%		96.6%	
Highest Priority Inspections completed by due date.	97.4%		97.9%		85.0%		-*	
Number of enquiries	671		670		741		872	
% Enquiries responded to on time (Target 85%)	95.1%		95.2%		93.3%		97.8%	
Number of food complaints	106		53		41		48	
Number of premises complaints	63		139		184		95	
Food alerts	11		2		20		9	
Advisory visits	41		23		5		-*	
Infectious disease investigations/ notifications	47		63		73		31	
Export certificates	38		35		47		40	
Food condemnations	0		0		0		0	
Workplace safety interventions (food establishments)	198		177		110		-*	
Samples taken	Type	No.	Type	No.	Type	No.	Type	No.
	Food Chem	151	Food Chem	146	Food Chem	171	Food Chem	0
	Food micro	201	Food micro	175	Food micro	212	Food micro	0
	Water mains	0	Water mains	0	Water mains	0	Water mains	0
	Water private	32	Water private	12	Water private	17	Water private	0
	Swimming pool	0	Swimming pool	0	Swimming pool	0	Swimming pool	0
Reports to fiscal	0		0		0		0	
Hygiene improvement notices	16		10		3		0	
Remedial action notices	15		10		8		0	
Emergency Closures (including voluntary)	0		0		0		0	
Number of staff available	7.1		7		6		7.3	
£ Cost / Head of population / year (Per Week)	£2.39 (£0.05)		£3.31** (£0.06)		£3.27** (£0.06)		£2.83** (£0.05)	

\*Inspection / intervention programme halted by COVID pandemic response and priorities. Approved by FSS.

\*\*Costs now include food service plan and health and safety service plan delivery. No specific food service plan budget.

### **Appendix 3 - Inspection Workload Targets**

#### **Inspection Workload 2021/2022**

Table 1. Food Safety Inspections 2021/2022

Priority Group	Total Number in Group	Planned Inspections / Interventions due for 21/22
1	92	81
2	552	519
3	1327	941

During 2019/2020 the Food Law Code of Practice was changed to bring in a new inspection programme and risk rating scheme for food establishments in Scotland. This brought together the previous inspection programmes for food hygiene and food standards into one inspection. There are a small minority of establishments that will not be covered e.g. approved establishments. In previous service plans the inspection workload has been set out in terms of food hygiene and food standards plans with risk categories A to E and unrated in each. Existing establishments will only transfer to the new risk rating scheme following inspection and this process may take a few years to complete. The new scheme has categories A to E within 3 business groupings. Under the previous scheme A rated premises were highest risk and priority, but under the new scheme they are lowest risk and priority (but that depends on the business group). Therefore, in order to simplify the inspection plan, premises have been categorised in terms of priority groupings based on the different inspection rating schemes priorities.

Note for 2021/22 – due to impact of COVID on inspection programme for 2020/21 and ongoing there will be a revision of this inspection plan once agreement has been established with Food Standards Scotland on how inspection plans are to be resumed and missed inspections dealt with.

### **Appendix 3 – Sampling Performance Measures**

#### **Sampling Outcomes 2020/2021**

Sample Type	% Pass
Food microbiology	-
Food Chemical	-

Due to COVID pandemic response there were no routine samples taken during 2020/21.

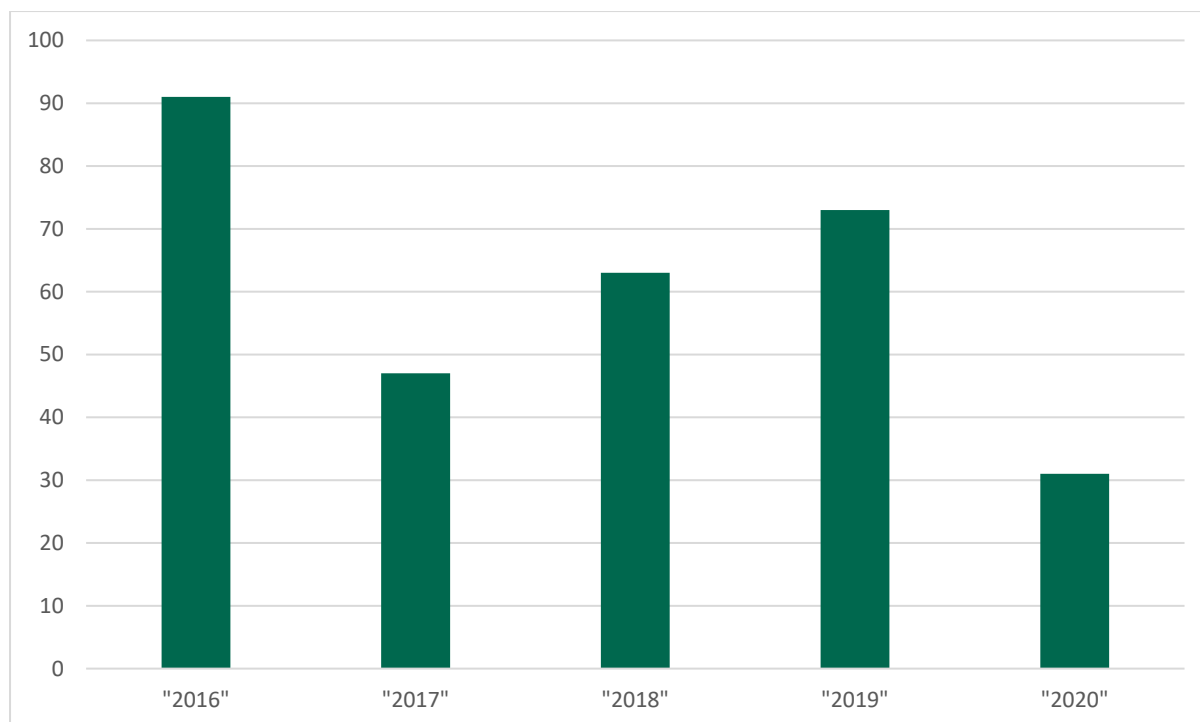
#### **Sampling Plan 2021/2022 (Draft)**

*The sampling plan for 2021/2022 will be completed at a later stage in the year. At the beginning of 2021/2022 the restrictions and controls in place for COVID pandemic continue to direct priorities to other aspects of work.*

*Normal annual sampling targets are outlined in table below but these will also be revised in accordance with other work demands and the COVID landscape.*

<b>Sample Type</b>	<b>Number</b>
Food Microbiological	200
Food Chemistry	170
Private Water Supply (PWS) Regulated Micro	11
PWS Regulated Chemical	11

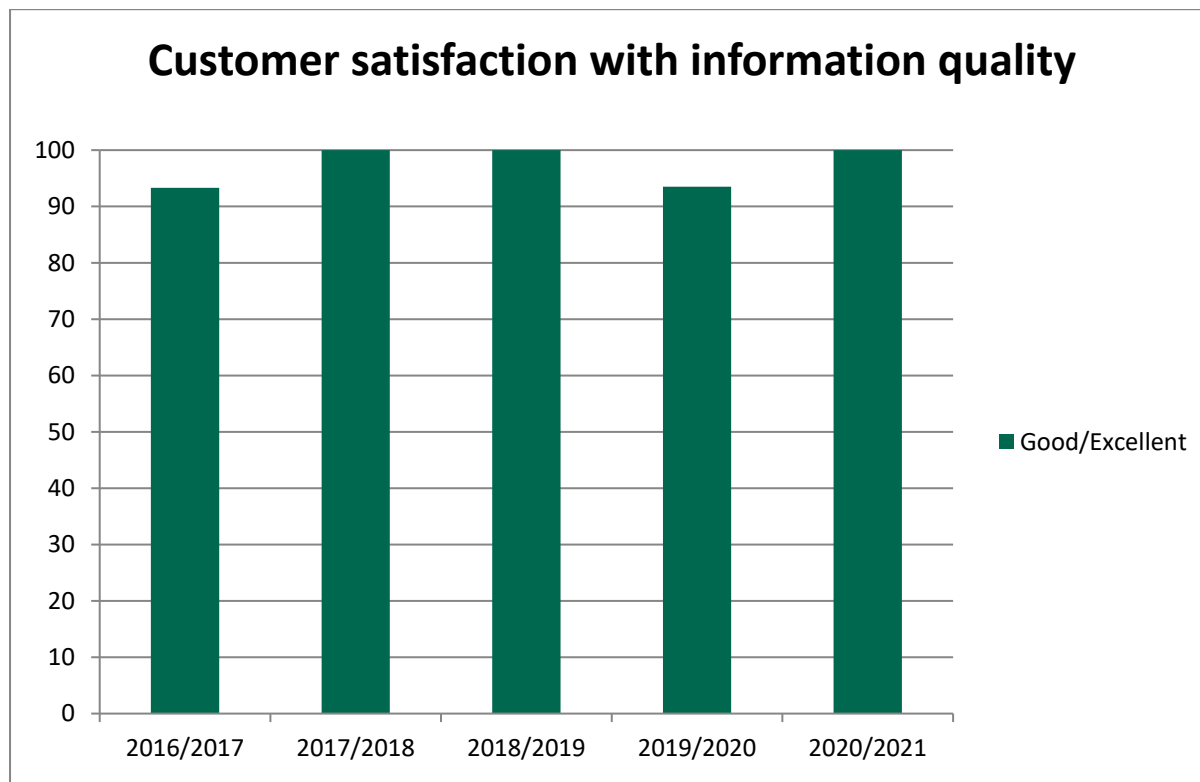
### Appendix 3. Infectious Disease Investigations – West Lothian



Previous service plans included data for Campylobacter. These are not routinely investigated, and are only reported by NHS Lothian colleagues at the end of the year. The information in the graph above reflects the number of cases of other specified infectious diseases which are reported and followed up by this service.

### Appendix 3 – Business Customer Satisfaction

Business Customer Satisfaction. (Percentage of businesses who rated officer's explanation of how to comply with legislation as good or excellent)



Overall customer satisfaction remains high. It is encouraging to note that officers input to business visits is viewed so positively. Business customers are surveyed annually to help us ensure that officers are providing the best service possible. It remains a difficult balance when officers are having to take enforcement action and convey challenging information. Other information gathered in our annual surveys is highlighted in the table below.

	2020/2021	2019/2020	2018/2019
Staff overall knowledge and professionalism (good/excellent)	96%	95.8%	100%
Overall level of service (good / excellent)	96.2%	95.8%	100%
Treated fairly at all times	96.2%	97.5%	100%

This feedback would tend to support the view that local businesses support the visits to their premises and the assistance offered by officers.

**Appendix 4 – Customers / Partners / Stakeholders**

<b>GROUP</b>	<b>RELATIONSHIP</b>	<b>COMMUNICATION EXAMPLES</b>	<b>PROPOSED FOR 2021/2022</b>
Businesses within West Lothian	Inspections; application of legislation; advisory activities; investigation into incidents, sampling, education, training, enforcement, motivation. New business support.	Provide guidance, training materials online, technical information, guidance notes, information leaflets, Use of Interpretation and Translation for ethnic languages as appropriate, press releases, mail shots etc. Improved web content and links to other sources of information.	No change to current approach.
Public	We protect them. We investigate complaints on their behalf. We provide guidance and information.	Press releases, infectious disease information sheets. Customer feedback on food complaints. Food hygiene information scheme. Web information on food safety issues.	No change to current approach.
FSS	They provide direction and guidance on a partnership basis. We report to them annually. They audit our performance.	Audit reports. We consult them on technical guidance and policy. They consult with us on legal, policy and technical matters. Will engage through working groups and similar. Upload of data to Scottish National Database.	No change to current approach.
Elected Members (Councillors)	We respond to complaints and enquiries and provide information as required.	Reports to Environment PDSP, and Council Executive. Advice to licensing board.	No change to current approach.



		Annual Service Plan is presented to Council Executive for approval. Email local members when premises in area is closed.	
Other LA Services – Planning, Building Standards, Economic Development, Legal & Licensing, Facilities Management, Education services, Integration Joint Board, Social policy.	Act as statutory consultee. Provide and receive guidance and support. Work in partnership in specific areas of interest.	Planning and building warrant application comments. Licensing applications and comments. Reports as required. Meetings with facilities management, as required, to discuss common issues from inspections. Developed social policy food safety and infection control procedures document.	Ongoing communication where changes in legislation or policy likely to impact on services.
Lothian NHS	We work together on investigation and control of infectious diseases.	EHO/HPT meetings. Sporadic and outbreak plans. Agreed joint health protection plan.	No change to current approach.
Other local authorities	Share information and best practice. Sampling initiatives. Developing guidance and working standards to ensure consistency of approach. Contribution to national policies and legislation development.	Liaison groups. Scottish Food Enforcement Liaison Committee. National working groups.	No change to current approach.
PF and legal system.	Take legal action based on reports sent by us.	We send reports. Work together on content of report. We provide technical guidance. Send reports electronically.	No change to current approach.

**2021/22*****Food Service Plan***

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Care Inspectorate	Act as Consultee / Advisor	Written reports and telephone calls to Care Inspectorate Officers	No change to current approach.
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## Appendix 5

### Overview of food interventions policy:

The Interventions Food Law Code of Practice (Scotland) advocates achieving compliance through the use of a range of interventions and allows local authorities some flexibility in the type of intervention used at a food business.

West Lothian Council recognises that different approaches are required to ensure a business complies with the law in terms of food hygiene and food standards. It is however important to recognise that the approach used by officers will be determined by the circumstances identified at the time of a visit and not in advance.

It is recognised that the code of practice expects a risk based approach to inspections is put in place by local authorities. With this in mind West Lothian Council has always established a priority basis for workload, as follows:

Priority	Category	Description
1	Emergencies and threats to public health	<ul style="list-style-type: none"> <li>Food alerts for action (issued by Food Standards Scotland) – high threat to public health.</li> <li>Fatalities / serious accidents.</li> <li>Communicable disease outbreaks and public health incidents.</li> <li>Communicable disease investigations.</li> <li>Revisits to secure compliance.</li> <li>Formal action to protect public health (remedial action notices, hygiene emergency prohibition, seizure and detention of food, prohibition notice etc.)</li> <li>High priority food and water concerns and monitoring.</li> <li>Serious workplace safety concerns.</li> </ul>
2	Highest consequence proactive	<ul style="list-style-type: none"> <li>Routine priority 1 group inspections.</li> </ul>
3	Medium consequence proactive / reactive	<ul style="list-style-type: none"> <li>Routine priority 2 group inspections.</li> <li>Guidance to potentially high risk new establishments.</li> <li>Project / support activities to address high consequence public health issues.</li> <li>Routine high risk / unrated health and safety interventions.</li> <li>Street traders certificates of compliance, and Section 50 certificates (Licensed establishments).</li> <li>Export certificates.</li> <li>Project / support activities to support service delivery and customer / business information access.</li> </ul>
4	Lower consequence proactive / reactive	<ul style="list-style-type: none"> <li>Routine priority group 3 inspections.</li> <li>Consultations / comments – licensing of events, planning etc.</li> <li>Guidance to low risk new establishments.</li> <li>Low priority food and water concerns.</li> </ul>

The priorities reflect the combined work areas of food safety, workplace safety and public health.

### Food Safety Inspections

Category	Inspection target	Intervention
Priority 1	By due date (+ 28days)	Inspection
Priority 2	By due date (+ 28days)	Inspection*
Priority 3	Within financial year	Inspection /Alternative enforcement**
853/2004 establishment	By due date (+ 28days)	Inspection
*Priority being given to premises where there is potential cross contamination issues.		
**Includes premises with no inspectable risk (already categorised as alternative enforcement)		

Priority	Inspection categories (risk ratings before inspection)
1	Food hygiene Annex 5 – A, B, approved establishments (not cold stores) Food standards Annex 5 – A Food law rating scheme – 1D, 1E, 2D, 2E, 3D, 3E.
2	Unrated premises. Food hygiene Annex 5 – C Food hygiene Annex 5 – approved establishments (cold stores). Food standards Annex 5 - B Food law rating scheme – 1A, 1B, 1C, 2C.
3	Food hygiene Annex 5 – D, E Food standards Annex 5 – C Food law rating scheme – 2A, 2B, 3A, 3B, 3C Primary Production Holdings (All premises rated alternative enforcement / minimal inspectable risk)

### Inspections and Interventions

All inspections and interventions will be carried out in accordance with West Lothian Council's inspection procedures and enforcement policy. Inspections will be conducted in accordance with the Interventions Food Law Code of Practice (Scotland) and will utilise the appropriate West Lothian Council inspection aide memoire. Not all inspections are able to be targeted by the due date as required by the code of practice.

### Alternative Enforcement – Food Hygiene & Food Standards

In line with the principles of the Food Law Code of Practice (Scotland) West Lothian Council ensures that priority is given to food premises which present a greater risk to public health and food safety. In order to do this a hierarchical approach to inspections and visits has been established. In order to ensure the best use of the staff resources we have available and also ensure that we maintain a level of intelligence regarding premises within our area

it has been appropriate to remove a number of food premises from our routine inspection programme and target them through an alternative enforcement approach.

Premises which are subject to alternative enforcement have been identified above. Alternative enforcement will be considered as follows:

#### **Alternative enforcement visits**

Officers undertaking alternative enforcement visits within such premises will not need to be qualified as per code of practice requirements. The purpose of this approach will be to establish the operating arrangements of such premises and distribute appropriate guidance to food business operators. A record of such visits will be completed and held electronically. Should there be a change in the business operation likely to change the inspection rating of the premises then such matters will be referred back for a qualified officer to pursue.

The purpose is to link in with work already being done by other non-food officers and ensure a better system for gathering information and maintaining business contact.

Where the premises is deemed to be operating in a way which requires no further intervention by a qualified officer then a rating will be applied to maintain the premises within its current category (or comparable if considered under food law rating scheme) and ensure a further visit is made within the time frame for such premises outlined in the code of practice.

Premises which are visited by a non-qualified officer in terms of this approach cannot be included within the scope of the food hygiene information scheme.

Premises which are allocated to qualified officers due to link with higher risk inspection, can be inspected as normal.

#### **Alternative enforcement – non-visit business contact**

Premises identified as falling within the alternative enforcement strategy which are not linked to a higher risk inspection, and where other workload activities prevent site visit will be contacted by letter or email. The purpose will be to provide basic food safety guidance, and request that the business operator advises this service of any material change in business ownership or operation. Any notified change in ownership or significant change in business operation will be followed up by a visit by a qualified officer in due course.

This approach will be kept under review.

#### **Non – Broadly Compliant Premises**

Following an inspection any business that does not meet the broadly compliant criteria should be subject to further intervention. Such action should normally be implemented no later than 1 month after the initial inspection (dependant on nature of non-compliance).

Officers will determine the most appropriate action giving consideration to the West Lothian Council enforcement policy and inspection procedures.

Interventions will be recorded by officers, and may include:

- further inspection and audit;
- verification and surveillance;
- advice and education; and
- formal sampling.

### **Change of Ownership / Premises**

An officer will inspect a changed business for food law compliance, and health and safety (where appropriate) irrespective of what the initial planned inspection was for. Risk ratings will be applied against the new premises details.

### **Food Hygiene Information Scheme**

Officers will ensure that they follow nationally issued guidance and internal procedures when inspecting businesses and assessing in terms of the FHIS. Only businesses which have been inspected and rated by a qualified officer will be included within the scope of the scheme.

Officers will be mindful of the response times for visit requests in terms of the scheme and ensure these are met.

## **Appendix 6**

### **Service Requests and complaints – service standards and prioritisation:**

#### **Response times and updates:**

We will aim to respond to 85% of enquiries within 2 working days of receipt. We will aim, if required, to update customers of progress within 28 days of receipt. Our response may be by phone, mail or email.

#### **New business advice**

We will provide initial advice over the phone, by email or letter. We will provide written guidance to assist (if required), and / or, direct customers to other sources of information.

Further assistance such as review of plans, or site visits will no longer be possible for routine new business work due to other workload demands.

#### **Licensed premises – Section 50 Certificates**

We will provide initial advice over the phone, by email or letter. We will provide written guidance to assist (if required), and / or, direct customers to other sources of information.

There will be no routine site visits. Final site visits will be carried out only after notification that the appropriate building warrant has been issued and premises are in finished condition ready for operation. The site visit will be carried out within 15 working days of request by the customer to the appropriate officer. If the premises is visited and not complying with requirements then further visits will be carried out. Revisits will be carried out within 15 working days of notification by the customer that works have been completed.

The timeframes reflect the need to balance other higher priority workload within the service.

#### **Street trader application – Vehicle inspections – New Licences**

We will provide initial advice over the phone, by email or letter. We will provide written guidance to assist (if required), and / or, direct customers to other sources of information.

Inspections of new vehicles to issue a hygiene certificate will be carried out within 15 working days of the customer requesting a visit with the appropriate officer. These inspections will only take place on a specified afternoon or morning once a week.

The timeframes reflect the need to balance other higher priority workload within the service.

#### **Investigation of consumer concerns – food and drink, premises etc.**

Concerns will be prioritised and addressed relevant to the nature of the concern.

The following types of concern are examples of those considered high priority:

- Cases of confirmed food poisoning linked to food establishment or food stuff.
- Numbers of unconfirmed illness associated with food establishment or food stuff.
- Foods subject to serious contamination or in a condition likely to be a risk to public health.
- Concerns regarding poor hygiene conditions within premises likely to give rise to contamination of food being prepared.
- Concerns regarding illness or infection associated with drinking or recreational water.

The following types of concern are examples of those considered low priority. They are likely to be subject to referral to a future inspection or other intervention:

- Notification of out of date food being sold. Unless there is a poor history within the premises, or after a number of similar complaints in a short period of time.
- Concerns about front of house hygiene conditions in premises. Unless there is a poor history within the premises, or after a number of similar notifications in a short period of time.
- Concerns about drinking and recreational water not linked to illness or infection. Concerns about mains water will be referred to Scottish Water and the Drinking Water Quality Regulator.
- Concerns regarding quality and nature of food and drink sold in food premises. Unless there is a poor history within the premises, or after a number of similar notifications in a short period of time.



## Appendix 7 – Official Control Obligations

The following outlines the main operational obligations on competent authorities in terms of Regulation (EC) 882/2004 and the measures for delivery within West Lothian Council.

Obligation on local authorities	Summary of service delivery in West Lothian
Official controls are applied at an appropriate risk-based frequency. (Article 3, (1))	<p>It has been highlighted in previous food service plans that not all controls are completed in accordance with the timescales determined within the Food Law Code of Practice (Scotland). Prioritisation is given to the highest risk premises for inspection. There was an impact on service delivery from vacancies within the service. There was an issue with attracting suitably qualified staff to advertised posts. This impact is ongoing. Recruitment to vacant posts will be pursued through 2021/2022.</p> <p>In 2020/2021:</p> <ul style="list-style-type: none"> <li>• The inspection plan was impacted in order to give priority to the public health response to the COVID pandemic. There were no routine proactive food safety inspections completed.</li> <li>• There were a significant number of business engagements in response to the pandemic and which included review and discussion of food safety practices with the business operator.</li> <li>• There were a large number of service requests received. 97.8% were responded to by the due date.</li> </ul>
The effectiveness and appropriateness of official controls. (Article 4, (2)(a))	<p>The service has been audited by Food Standards Agency Scotland (now Food Standards Scotland). No major concerns were highlighted during audits. There is a balanced approach to enforcement and education, and a high level of business compliance, and business satisfaction with the approach taken by officers. The enforcement policy for the service is cited as a good example in the Scottish Regulators Code of Practice.</p> <p>In 2020/2021:</p> <ul style="list-style-type: none"> <li>• For all risk rated food establishments in West Lothian, 96.6% were broadly compliant in terms of food law requirements.</li> <li>• 97.8% of relevant establishments within the food hygiene information scheme held a Pass award.</li> </ul>
Staff carrying out official controls are free from conflicts of interest. (Article 4, (2)(b))	This is addressed through the councils' code of conduct for employees.
They have access to an adequate laboratory capacity and capability for testing. (Article 4, (2)(c))	Edinburgh Scientific Services have been appointed to provide laboratory services. They are an official control laboratory and meet the necessary requirements. A food sampling plan is

	included within the service plan. Sampling outcomes are recorded on a national database – SFSS.
They have a sufficient number of suitably qualified and experienced competent staff and adequate facilities and equipment to carry out their duties properly. (Article 4, (2)(c) & (2)(d))	<p>There is no official standard provided for determining sufficient numbers of staff. However, in recent years the service has delivered a high standard of output and outcomes. The professional development requirements for officers in terms of the code of practice are being met, and officers have the necessary facilities to complete their work. It is recognised within the service plan that work is not easily quantifiable and impacts on workload delivery will vary depending on circumstances. Resources available to support service delivery continue to be kept under review. Vacancies within the service have impacted on official control delivery. These vacant posts will continue to impact in 2021/2022 as recruitment is pursued. There are no reductions in staffing from previous service plan.</p> <p>West Lothian has the third lowest costs per 1,000 population for environmental health (Scottish average is £13,771, and West Lothian is £8,061 – figures from Local Government Benchmark Framework 2019/2020). Although there is some variability in the levels of service provision there is no real evidence of serious detriment to food safety and public health in West Lothian at this time.</p>
They have legal powers to carry out official controls. (Article 4, (2)(e))	Officers carrying out official controls are authorised in terms of the Council's scheme of delegation. Authorisation documents are available for officers. Officers will be authorised in terms of legislation applicable and appropriate to level of professional competence and grading.
They have contingency plans in place, and are prepared to operate plans in event of emergency. (Article 4, (2)(f))	The service will implement emergency plans as appropriate. There are different national and regional incident management plans for purposes of consistency. Staff have been involved in testing these plans. There is a service wide business continuity plan which is tested and reviewed appropriately. There are also internal procedures and information to assist officers involved in emergency situations.
They shall ensure efficient and effective co-ordination between all competent authorities involved. (Article 4, (3))	The service will liaise and co-operate appropriately with Food Standards Scotland. The service is also involved with other regional local authority colleagues in the Lothian & Borders Food Liaison Group which provides regular links to ensure consistency of approach and sharing of intelligence. Officers are also involved in national networks and working groups. The service also has access to MEMEX for food crime intelligence sharing. The service also uploads official control data to the Scottish National Database. It will work with primary and home authority local authorities in ensuring consistent food law enforcement.
They shall ensure the impartiality, quality	Officers will follow national guidance and internal policies and

and consistency of official controls at all levels. (Article 4, (4))	procedures to ensure consistency of approach. Officers will regularly discuss issues of concern with colleagues and will come forward for consideration at monthly team meetings. Issues for clarification or opinion can also be shared with regional liaison group colleagues, and if necessary taken to national groups for determination. Concerns of interpretation will also be raised with Food Standards Scotland. The service has a Council approved and publically available enforcement policy which demonstrates a graduated and transparent approach to enforcement. It is recognised within the Scottish Regulators Code of Practice as a good example. All inspection reports and guidance issued will direct customers and business operators to the process of raising concerns which might arise from the implementation of official controls. Customer survey information with business customers has always reported high levels of satisfaction with officers and official control activity.
They shall carry out internal audits or may have external audits carried out to ensure the objectives of the regulation are being achieved. (Article 4, (6))	Internal monitoring procedures are in place. These will include performance management – with internal and public performance standards being made available. Monitoring will also involve accompanied visits, case review, 1-2-1 meetings and performance appraisal in compliance with the Council's ADR process. External audits are carried out by Food Standards Scotland. Annual returns have been made (LAEMS and SFEAR). Official control data is uploaded to Food Standards Scotland – Scottish National Database.
They shall ensure staff performing official controls receive appropriate training for area of competence, and have aptitude for multidisciplinary cooperation. (Article 6, (a)-(c))	Ongoing training and development is essential, and the food law code of practice anticipates at least 10 hours CPD will be provided annually. Training records are kept, and training opportunities are provided for all staff. Training and development needs will be discussed and considered as part of 1-2-1 and ADR discussions. A number of staff are involved with internal and external partners, working groups and represent the service competently in such circumstances. This is a key element of succession planning within the service.
They shall carry out activities with high level of transparency and make relevant information publically available. The public will have access to information on control activities and their effectiveness, and information relating to product withdrawals. (Article 7, (1))	An annual food service plan is developed and approved by Council Executive. This is a public document and is available on the council website. A lot of other information has been made available on the council website. The service participates in the Food Hygiene Information Scheme to ensure appropriate public information is available regarding food hygiene compliance in local food establishments. The service will also encourage businesses to pursue Eat safe awards, which are also publically available information regarding standards of compliance. The service will issue media information appropriately. It will also ensure provision of information in terms of freedom of information. Food Standards Scotland co-ordinate product withdrawals. Information will be shared with the public and businesses appropriately.
They shall ensure staff maintain professional	Staff are made aware of legal obligations. Staff will also complete

<p>secrecy in regard to certain information obtained in carrying out official controls. This includes confidential investigation and legal proceedings, and personal data. (Article 7, (2) &amp;(3))</p>	<p>internal council training sessions on data protection and information security. These are regularly completed by staff to ensure awareness is maintained.</p>
<p>They shall carry out official controls in accordance with documented procedures containing information and instruction for staff performing official controls. (Article 8, (1))</p>	<p>Staff will have access to and will be aware of national standards and guidance, e.g. Food Law Code of Practice. All staff have access to internal systems or web access for necessary documents. There are also internal policies and procedures which staff are made aware of and are expected to follow. These are openly available, and contain appropriate cross referencing to other relevant guidance. Internal monitoring will consider compliance with procedures.</p>
<p>They shall have in place procedures to verify the effectiveness of official controls carried out and ensure that corrective action is taken when needed. (Article 8, (3)(a) &amp; (b).</p>	<p>Internal monitoring, including accompanied visits will take place appropriately. Performance management processes are also in place. For example, a monthly report considers the premises which have been inspected and require a revisit based on the rating for compliance. It will ensure that officers are following up issues of concern. Reports are also provided which identify improving standards within food establishments over time, and through food hygiene information scheme. The outcomes and information is collected and stored on CIVICA APP system. The service is also audited by Food Standards Scotland.</p>
<p>They shall provide reports on official controls carried out and ensure business operators are provided with a copy of the report. (Article 9)</p>	<p>It is standard procedure to ensure that a report is left with a business operator after official control inspections and interventions. A written report will be left at time of visit, and if necessary followed up by a more detailed typed report. Guidance is also left to explain purpose of visit and also direct to sources of further information. Reports are designed to ensure compliance with the requirements within the Food Law Code of Practice.</p>
<p>They shall carry out official controls using appropriate control methods and techniques such as monitoring, surveillance, verification, audit, inspection, sampling and analysis. (Article 10, (1))</p>	<p>Various methods and techniques for official controls are used and are reflected in internal policies and procedures, and information recording on CIVICA APP system. Methods and techniques are considered appropriately in context of the hazard and risk activity of business operation or process. There is a prioritisation of work activities which is also included in the food service plan.</p>