

North Lanarkshire Council

Report

ENVIRONMENT & TRANSPORTATION COMMITTEE

approval noting

Ref IM/AM

Date 20/11/19

BUSINESS REGULATION SERVICE PLAN 2019-2020

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Executive Summary

All local authority regulators of food safety and occupational health & safety must plan their enforcement and advisory activities and in accordance with independent auditor preference, present that plan before a relevant committee for its approval.

The Service Plan 2019-2020 is appended at 6.1 to this report. It includes note of our adoption of a new Food Law Rating System (FLRS) which combines the old rating systems for food hygiene and food standards into one food law intervention scheme. It also notes our commencement of the new Official Control Verification (OCV) audit process for approved food premises.

Recommendations

It is recommended that the Environment and Transportation Committee:

1. Note the contents of this report; and
2. Approve the Business Regulation Service Plan 2019-2020.

The Plan for North Lanarkshire

Priority Improve the health and wellbeing of our communities

Ambition statement (14) Ensure the highest standards of public protection

1. Background

- 1.1 The Business Regulation Service is a subset of Protective Services and is responsible for the delivery of a statutory enforcement and advisory service for:
- Food law in all food establishments within North Lanarkshire; and
 - Occupational health & safety in those premises within North Lanarkshire for which they have an enforcement role (health and safety enforcement within premises being split between local authorities and Health and Safety executive depending on the nature of the business).
- 1.2 The Service is required to prepare an annual plan which clearly maps out specific aims and objectives for the financial year.
- 1.3 Article 7 of Regulation No. (EC) 882/2004 compels all local authorities to conduct their food safety activities at a high level of transparency and, in general, allow public access to information on those activities, their effectiveness and certain other related information.
- 1.4 Food Standards Scotland (FSS) advocates that transparency is best achieved by seeking and obtaining the approval of elected members. FSS is independent of national government and has the primary objective of protecting the health and other interests of consumers in relation to all food issues.
- 1.5 The Health & Safety Executive's (HSE) national Local Authority Enforcement Code requires us to be accountable to the public and businesses for our actions. This can be achieved by publication of our Service Plan.

2. Report

Food Law

- 2.1 The Service Plan notes details of the resources and targets for inspections and interventions in respect of food law, including:
- Achieving a target of at least 96% of all of our programmed food law inspections;
 - Ensuring at least 90% of our food business operators' premises achieve a 'Pass' status in accordance with the national Food Hygiene Information Scheme (FHIS);
 - Commence investigation of 90% of food complaints within 2 working days of receipt;
 - Maintain a target of at least 94% of infectious disease cases being responded to in accordance with the NHSL Epidemiological Investigation Protocol.
 - Respond to at least 93% of high risk requests for assistance/advice within 2 working days of receipt.
- 2.2 Compliance with the statutory guidance 'Food Law Code of Practice (Scotland) 2019' (the Code) and the 'Interventions Food Law Code of Practice (Scotland) 2019' (the Interventions Code) is an important requirement to safeguard and ensure proper and consistent administration of Food Law across Scotland. The Council's legal responsibilities include ensuring:
- The effectiveness and appropriateness of Official Food Controls;

- That controls are applied at an appropriate risk-based frequency; and
 - That there is a sufficient number of suitably qualified and experienced, competent staff and adequate facilities and equipment to carry out duties properly.
- 2.3 The Service Plan details the interventions programme for the financial year, and is determined in accordance with the Code and the Interventions Code which set out the risk-based intervention frequencies for all food establishments.
- 2.4 The new Food Law Rating System (FLRS) has amended the intervention frequency for businesses which fail to achieve satisfactory standards by increasing the inspection frequency requirement of poor performers from every 6 months, to either every 1 month or every 3 months, dependent upon the level of non-compliance found. The new FLRS also places more emphasis upon food standards matters and is therefore more resource intensive.
- 2.5 Additionally, this financial year sees the Service commencement of the Official Control Verification (OCV) audit process for 'Approved Premises' – premises which handle or process products of animal origin e.g. large dairies, fish exporters etc. Implementation of this new process will significantly increase the amount of officer time spent on audits of these establishments.

Health and Safety Law

- 2.6 The HSE's national Local Authority Enforcement Code sets out a risk-based approach to targeting occupational health and safety interventions to be followed by local authority regulators. A key component is to ensure that appropriate interventions are focussed on specified high-risk sectors.
- 2.7 In accordance with the national code, the Service will continue to respond to requests for advice, investigate complaints, accidents, dangerous occurrences and other incidents reported to us and we will undertake appropriate interventions, particularly relevant to North Lanarkshire, wherever possible.
- 2.8 The Service Plan details activities which are planned throughout the financial year in respect of occupational health and safety matters, including:
- Gas safety in catering establishments;
 - Electrical safety in catering establishments;
 - '*Slips, trips and falls*' awareness, particularly in relation to the handling of hot liquids, fats and cooking oils;
 - Safe operation of solid fuel ovens in catering establishments (CO emissions);
 - Work at height and fragile roofs.
- 2.9 Additional projects may be added where relevant, having been highlighted by the HSE, regionally by the West of Scotland Health & Safety Liaison Group or through local intelligence, complaint, notification or other direct referral to the Service.

3. Equality and Diversity

3.1 Fairer Scotland Duty

There are no unfair aspects contained within this report.

3.2 Equality Impact Assessment

There is no adverse impact on equality or diversity contained within this report.

4. Implications

4.1 Financial Impact

There are no financial impacts associated with this report.

4.2 HR/Policy/Legislative Impact

The report has no adverse human resource, policy or legislative implications.

4.3 Environmental Impact

There are no environmental implications contained within this report.

4.4 Risk Impact

The new inspection programmes detailed above should reduce the overall public health risk.

5. Measures of success

5.1 Performance is monitored in a several ways including on a quarterly basis by the Environmental Health Management Team (EHMT). If under performance or deviation is identified, corrective action is promptly implemented.

5.2 Performance outcomes for all participant food businesses in respect of the 'pass' and 'improvement required' standard stipulated in the national Food Hygiene Information Scheme (FHIS) are reported locally to populate key performance indicator requirements on *PerformNL* and returned separately, electronically, to FSS.

5.3 The quality of the performance and professional conduct of the Council's enforcement personnel during inspections of businesses (both food and non-food based) is monitored, in part, using post-intervention customer service questionnaires. Here service recipients are encouraged to provide their appraisal of the standard of service delivered.

6. Supporting documents

6.1 Business Regulation Service Plan 2019-2020



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Regulatory Services & Waste Solutions



Protective Services

(Business Regulation Service)

Food Safety/Occupational Health & Safety Service Plan 2019/2020

STATUTORY AND GENERAL OBLIGATIONS ON FOOD AUTHORITIES

Legal Obligation on Food Authority

Compliance with statutory guidance 'Food Law Code of Practice (Scotland) 2019' (the Code) and 'Interventions Food Law Code of Practice (Scotland) 2019' (the Interventions Code) is an important requirement to safe guard and ensure proper and consistent administration of Food law across Scotland.

In delivery of Official Food Controls, North Lanarkshire Council is legally required to ensure:

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

The Food Standards Scotland (FSS) seeks to work in partnership with Local Authorities to help Local Authorities deliver on official control policies and Codes, and to assist local authorities in implementing the Codes.

Effects of Failure to Comply with these Statutory Obligations

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

Requirement to Prepare an Annual Service Plan

Each Food Authority should complete an annual Service Plan which details the Interventions programme for the coming year. **They should ensure such a programme is adequately resourced** and the overall plan is subject to approval timeously at the appropriate governance level within the Local Authority.

The Service Plan should include:-

- A statement in relation to the Food Authority's approach or policy on Interventions, Enforcement, and Service Delivery.
- A Food Authority's approach to Interventions out-of-hours.
- Details on how new Food Business Establishments are to be included in the Authority's planned Intervention Programme.
- Effective routine sampling.
- Strategies for maintaining surveillance of "low-risk" establishments where the LA has decided these will be subjected to alternative enforcement strategies in either their Food Service Plan or Enforcement Policy.

The Service Plan or Enforcement Policy should include:-

- The Food Authority's approach to revisits and enforcement action- North Lanarkshire's approach to enforcement is included within the Enforcement Policy. Its approach to revisits and enforcement action is incorporated within Food Policies which are an extension of the Enforcement Policy.
- Strategies for maintaining surveillance of "low-risk" establishments where the LA has decided these will be subjected to alternative enforcement strategies in either their Food Service Plan or Enforcement Policy- North Lanarkshire has included these within both the Service Plan and the Food Policies which are an extension of the Enforcement Policy.

The Interventions Programme should include:-

- The Food Business Establishment profile.
- The number of Interventions programmed.
- An estimate of the number of revisits that will be made.
- An estimation of resources required.
- Resource for new businesses.
- Detail any targeted Intervention activity that the Food Authority intends to carry out including any extra resources this may require.
- Identification of any priorities relating to nationally or locally driven outcomes, such as compliance with new legislation or improved compliance with existing legislation and other central government initiatives, including compliance with the Food Law Code of Practice (Scotland) 2019 and the Interventions Food Law Code of Practice (Scotland) 2019.

SECTION 1: SERVICE AIMS AND OBJECTIVES

1.1 Aims and Objectives

North Lanarkshire Council is committed to delivering customer excellence for all of its service users to maximise the benefits of North Lanarkshire's geographical location, creating prosperity, achieving social justice and fulfilling local needs by providing best value.

The following aims and objectives have been identified as being fundamental to this process.

1. To place the safety, health and well-being of the employed and the general public foremost.
2. To inspect businesses for food law and/or health and safety law compliance within at least the minimum targets which have been set for inspection purposes and ensure that a proportionate and consistent enforcement policy is adhered to.
3. To commit to the national Regulators' Code for reserved matters and the Scottish Regulators' Strategic Code of Practice for devolved matters.
4. To undertake a programme of effective routine food sampling to ensure that food is of the nature, quality and substance demanded by the public and to take appropriate action to remove any unsatisfactory foodstuffs identified during this process.
5. To respond appropriately to relevant food alerts as required by Food Standards Scotland (FSS).
6. To investigate food complaints and to initiate legal proceedings where this is deemed to be in the public interest.
7. To offer free advice and guidance to the public and the food and health & safety businesses within North Lanarkshire for the purposes of achieving compliance with statutory requirements and assisting in developing and promoting competence in food and workplace health & safety awareness.

8. To prepare reports and other related data for other Services within the Authority, Food Standard Scotland, the Health & Safety Executive and other relevant Agencies to demonstrate transparency, ensure compliance with legislation and to provide a coordinated approach to food safety and health & safety related matters.
9. To investigate instances of food and water borne diseases within North Lanarkshire in a coordinated approach with the relevant Health Authorities.
10. To fully and promptly investigate notifications of work related accidents, dangerous occurrences and ill health and take enforcement action in accordance with guidance to prevent harm and secure justice, where appropriate.
11. To respond promptly and courteously to requests for assistance and commit to the delivery of customer service excellence for all of our service users.
12. To aim to deliver an improvement in public confidence in the way food safety and health & safety issues are monitored and enforced within North Lanarkshire.

1.2 Links to Corporate Ambition Statements and Priorities

This Operational Plan is linked with the Protective Services Operational Plan, the Waste Solutions and Regulatory Services Operational Planning Dashboard and ultimately serves the Plan for North Lanarkshire.

For example, from The Plan for North Lanarkshire:

'Improve economic opportunities and outcomes'

The growth and sustainability of local business is actively supported. Working in partnership with Business Gateway, we offer a comprehensive and free consultancy service to start-up, fledgling and mature businesses to help with legal compliance in relation to food safety, food standards and, where appropriate, occupational health & safety legislation.

'Improve the health and wellbeing of communities'

In accordance with the Interventions Food Law Code of Practice (Scotland) 2019, formal, unannounced inspections of North Lanarkshire's food businesses are undertaken to ensure operators make or sell foods which meet compositional and declaration legal standards that they are safe to eat and will not cause illness or disease. Where food businesses are found operating unsafely, they may be compulsorily closed to safeguard public health, reported to the Courts and the unfit foods are seized for destruction (as appropriate). The only food businesses which would not be subjected to proactive inspections are low risk Group 3 Band A premises which following initial or subsequent intervention or where the food registration form gives sufficient information to make determination that there is minimal inherent risk, and the Lead Food Officer determines either to place the business on a 60 month intervention frequency or choose not to undertake a proactive intervention.

We respond quickly to consumer concerns about food business operators, whether that is the condition of their premises, the state of the food products or the malpractices allegedly conducted there.

The Service investigates outbreaks of infectious disease in conjunction with NHS Lanarkshire and acts over concerns of poor public or private water supplies.

A similar service exists for occupational health & safety where the local authority is the relevant enforcement body.

Plan for North Lanarkshire

The Plan for North Lanarkshire identifies 25 high level ambition statements aligned into five priorities and the Business Regulation's Food Safety /Occupational Health & Safety Service Plan links with some of these priorities as follows.

Improve the health and wellbeing of communities

- Programme of targeted interventions to determine compliance with statutory requirements along with proportionate enforcement action, as required.
- A commitment to the prevention of death, injury and ill health arising out of or in connection with a work activity.
- Food sampling programme.
- Partnership working with NHS Lanarkshire to locate the source and prevent the further spread of infection.
- Monitoring of levels of compliance with the national tobacco smoking ban requirements.
- Focusing on specific health & safety issues.
- Working in partnership with NHS Lanarkshire, Consumer Focus, Food Standards Scotland, the Health & Safety Executive and other agencies to promote and deliver health improvements for the employed within North Lanarkshire and its citizens.

Improve North Lanarkshire's Resource Base

- Provision of food safety literature and correspondence in a range of ethnic minority languages along with access to interpreters in order to promote social inclusion.
- Updating and maintaining enforcement officer competence.
- FHIS (Food Hygiene Information Scheme).
- ISO 9001.
- ISO 14001.
- OHSAS 18001.
- IIP (Investors in People).
- APSE (Authority Public Service Excellence).

Business Regulation regards high quality public service as its key value and this commitment is reflected in that the Service has achieved ISO 9001, ISO 14001 and OHSAS 18001 accreditation. We have recently successfully migrated to the 2015 iterations of ISO 9001 and ISO 14001.

Business Regulation aims to support and work alongside various organisations including Food Standards Scotland, Health & Safety Executive, Police Scotland, Scottish Fire & Rescue, NHS Lanarkshire, Health Protection Scotland to deliver common objectives which prevent or mitigate against illness, disease or injury and to deliver better health outcomes for residents, consumers and employees by sharing and promoting best practice for food safety, public health and occupational health & safety interventions.

SECTION 2: BACKGROUND

2.1 Profile of the Local Authority

North Lanarkshire is the 4th largest authority in Scotland with a population of 340,180 and an area of 47,222 hectares (2018). It is situated approximately half way between the cities of Glasgow and Edinburgh and many of its residents live in the six main towns of Airdrie, Coatbridge, Cumbernauld, Bellshill, Wishaw and Motherwell.

North Lanarkshire is in the midst of a process of major social, economic and environmental change. This has required a process of regeneration which is perhaps best illustrated in the Ravenscraig initiative whereby work is now proceeding with large commercial and residential developments on the former steelwork's site.

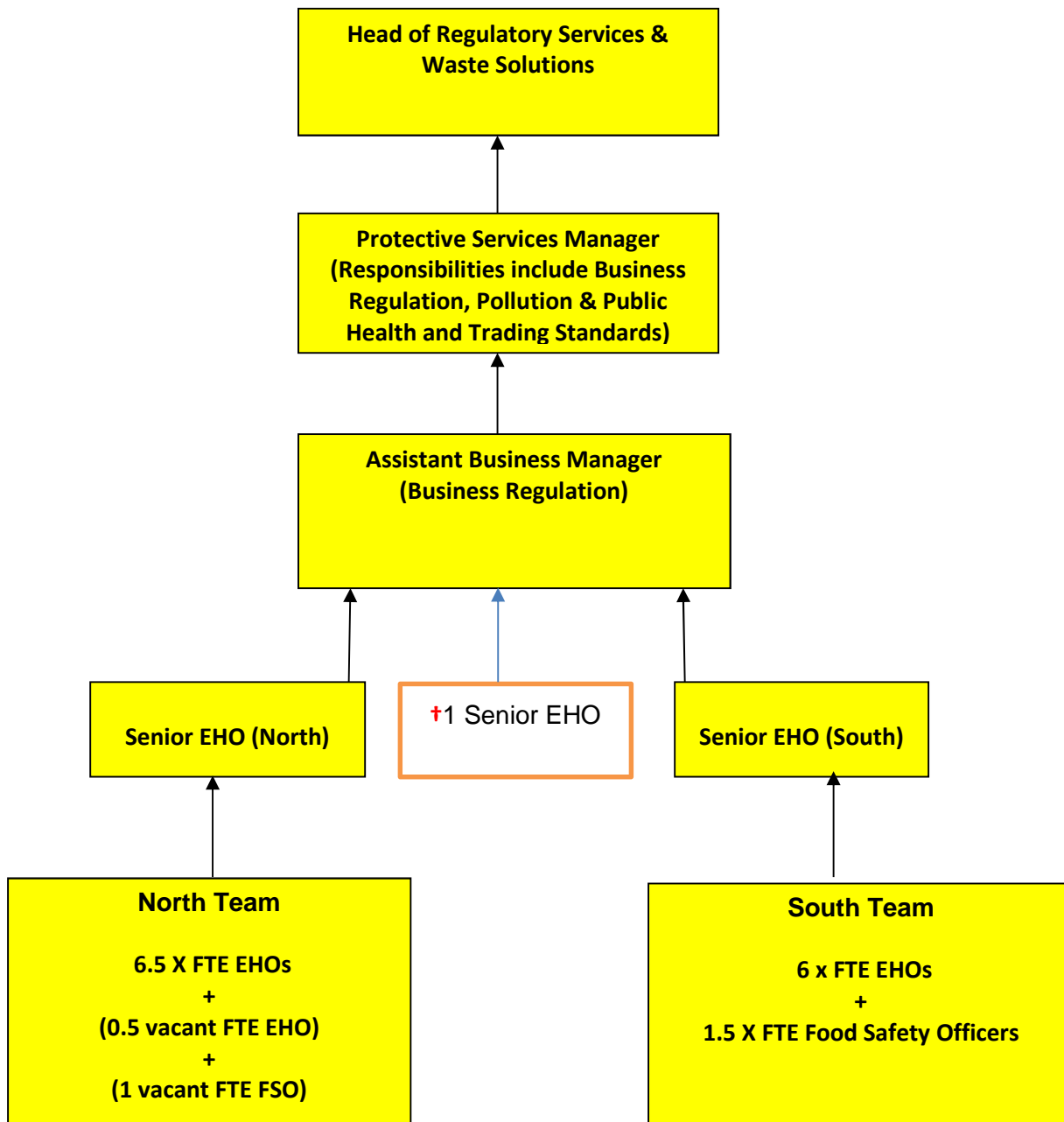
This process of economic re-generation will continue and is greatly assisted by the strategic location of North Lanarkshire in regard to links to the South via the M73 and M74 and to Glasgow and Edinburgh via the A8/M8 motorways. Extensive improvements to the local motorway network and various arterial roads, recently completed, following a massive infrastructure investment and upgrade.

Here is a plan of North Lanarkshire Council's catchment zone.



2.2 Organisational Structure

The configuration of the Business Regulation Service for 2019/20.



† Temporary increase in resource to assist with Food Standards Scotland Audit Action Plan

2.3 Scope of the Business Regulation Service

The services which are provided include:-

- ☐ Advice/Guidance to the Private Sector/Voluntary Groups.
- ☐ Compilation of Performance Indicator Data (e.g. PerformNL, LAE1 etc.).
- ☐ Disposal/Seizure of Unfit Foodstuffs.
- ☐ Eat Safe Initiative.
- ☐ Export Health Certificates.
- ☐ Food Law Interventions.
- ☐ Food Safety Alerts.
- ☐ Food Safety/Health & Safety Promotional Initiatives.
- ☐ Approval of Premises under Regulation EC No 853/2004
- ☐ Formal/Informal Food Sampling.
- ☐ Frequent Liaison with Food Standards Scotland and Health Board.
- ☐ Health & Safety Interventions.
- ☐ Healthy Living Awards.
- ☐ Originating Authority Responsibilities.
- ☐ Infectious Disease Investigations.
- ☐ Enforcement within Skin Tanning Premises.
- ☐ Investigation of Complaints Regarding Workplaces.
- ☐ Investigation of Food Complaints.
- ☐ Investigation of Workplace Accidents, Dangerous Occurrences and Occupational Ill Health.
- ☐ Licensing and Inspection of Skin Piercing & Tattooing Premises.
- ☐ Licensing of Venison Dealers
- ☐ Monitoring of Compliance with the National Tobacco Smoking Ban in Public Places.
- ☐ Precognition/Reports to the Crown Office & Procurator Fiscal Service.
- ☐ Private Water Supply Register, Risk Assessments, Sampling and Grant Assistance.
- ☐ Promoting Healthier Food in Catering.
- ☐ Public Mains Water Sampling.
- ☐ Reports to Licensing Boards.
- ☐ Representation on the Scottish Fish Hygiene Working Group.
- ☐ Representation on the West of Scotland Health & Safety Liaison Group.
- ☐ Representation on West of Scotland Food Liaison Group.
- ☐ Representative on the Review of the Scottish Waterborne Hazard Plan.
- ☐ Responses to Building Warrants and Planning Enquiries.
- ☐ Shared maintenance of the FHIS Website at a local input level.
- ☐ Work in Partnership with the HSE on National Campaigns & Initiatives.

Chemical analysis and microbiological examination of food samples is undertaken by Glasgow Scientific Services (GSS) on behalf of the Service.

The Service has access to translation services for documentary purposes and to facilitate routine inspections and other food and health and safety enquiries where this is required.

Feed issues are dealt with exclusively by the Council's Trading Standards Service and relevant details are contained within a separate Trading Standards Service Delivery Plan.

Our Service headquarters are located within the Municipal Buildings at Kildonan Street, Coatbridge, ML5 3LF.

Our normal business hours are 08.45am to 16.45pm, Monday to Thursday with a 16.15pm closure each Friday. However, a stand by service is available to respond to emergencies including Food Alerts For Action, outwith normal business hours.

2.4 Demands on the Business Regulation Service

The current data relating to the food premises profile follows.

Food Hygiene By Risk Category	
A	9
B	138
C	874
D	809
E	768
Unrated	25
Total	2623
Food Standards By Risk Category	
A	10
B	1047
C	1544
Unrated	32
Total	2633
SND Category & Premises Count	
Primary Producers	26
Manufacturers & Packers	69
Importers	0
Distributors/Transporters	60
Retailers	407
Supermarket/Hypermarket	51
Small Retailer	7
Retailer-Other	4
Restaurant & Caterers	182
Restaurant/Café/Canteen	183
Restaurant/Caterer- Others	520
Hotel & Guest house	29
Pub/Club	210
Takeaway	317
Caring Premises	50
School/College	139
Mobile Food Unit	161
Others	251
Total	2666

In addition to the above, there are 21 separate establishments currently approved under EC Regulations and one application pending.

We have approximately 3,500 businesses at present for which we have responsibility for the enforcement of occupational health & safety law.

2.5 Enforcement Policy

North Lanarkshire Council has a documented enforcement policy which was approved by Elected Members at the Infrastructure Committee in September, 2018 and is available on NLC website to businesses and consumers. The policy was updated to reflect:-

- Changes in legislation;
- The effect of the Scottish Regulators' Strategic Code of Practice (SRSCoP) on food safety matters;
- Have due regard to the general principles of the Regulators' Compliance Code in respect of health and safety matters;
- Advice issued by Food Standards Scotland (FSS) and the Health and Safety Executive (HSE); and
- Relevant provisions of the Code for Crown Prosecutors.

The enforcement policy is subject to further review.

All Authorised Officers with responsibility for inspecting premises and/or dealing with other food and health and safety issues have been made aware of the revised enforcement policy. Authorised Officers are also aware that it is the Council's policy to offer advice where this is appropriate or requested, particularly in regard to small and medium sized businesses.

Arrangements will be made to inspect and register any food premises found to be trading but which have not registered with the Authority. It will not normally be the policy of the Authority to submit a report to the Crown Office & Procurator Fiscal's Service regarding failure to register alone unless a food business operator habitually refuses to do so or in combination with the discovery of unregistered premises is a serious state of non-compliance with food law.

The enforcement policy for Council operated food businesses will be as detailed within the Food Law Code of Practice (Scotland) however the standards expected and required are no different to those demanded in private sector premises.

The Service will adhere to the HSE's enforcement policy statement in relation to matters of occupational health & safety.

SECTION 3: SERVICE DELIVERY

3.1 Food and Health & Safety Premises Interventions

Food Safety

There is a target of hitting at least 96% of all of our programmed food law inspections.

Business Regulation stepped up to being an 'early adopter' of the new annex five pilot scheme and participated in the implementation group, having formerly worked in partnership with FSS to develop a viable alternative for rating of food establishments referred to as the Food Law Rating System (FLRS). The FLRS combines the rating systems for Food Hygiene and Food Standards into one Food Law Intervention scheme based upon a new Food Business performance model that will target resources on high to medium risk and non-compliant businesses. This impacts upon the frequency of inspection of food establishments for both hygiene and standards components of what is now known as a 'food law' inspection. The scheme went live to all local authorities on 1 July, 2019.

The FLRS takes account of a food business operator's track record of compliance and where this is good, they will receive '*earned recognition*' influencing the risk rating to reduce intervention frequency. This will assist resources to be targeted towards businesses which consistently fail to achieve satisfactory standards and which will be subjected to sustained and intense enforcement activity.

This links into our policy for working more efficiently, effectively ensuring that resources are always targeted where they are most needed.

In addition to all of this new premises will receive an initial inspection to check that everything is in order and will be risk rated in accordance with the Interventions Food Law Code of Practice (Scotland) 2019. The only food businesses which would not be subjected to proactive inspections are low risk Group 3 Band A premises which following initial or subsequent intervention or where the food registration form gives sufficient information to make determination that there is minimal inherent risk, and the Lead Food Officer determines either to place the business on a 60 month intervention frequency or choose not to undertake a proactive intervention.

The estimated inspection activity for 2019/2020 is 3105 total food law interventions. This is a conservative figure which comprises:

- 1442 food law programmed inspections generated from the Service database based on original food hygiene and standards scoring systems, plus an anticipated 20 % increase in these programmed interventions (288 additional food law interventions) as a result of NLC having been participants within the new FLRS implementation group ;
- a projected 23 Band E intensive 1 month interventions (based on total numbers of Remedial Action Notices and Voluntary Closure Agreements during 2018 2019); and
- 1000 secondary food law inspections (or revisits) and 208 new premises inspections. The purpose of revisits is to monitor non-compliant standards arising from the initial inspection and/or matters of evident concern discovered.

Our average annual number of revisits to check on non-compliance over the last three years is 1218 (991 food hygiene and 227 food standard). Our average annual number of new premises visits over the last 3 years for food hygiene is 208 and for food standards is 207. Not included here are any unpredictable or ad hoc interventions, for example, responding to consumer concerns over poor cleanliness or structural conditions, hygiene malpractices or unsatisfactory foods prepared or sold locally.

The new FLRS places more emphasis on previously under- enforced food standards matters and is therefore more resource intensive.

An ongoing review of distributors within NL to determine approval requirements under Regulation EC No 853/2004 has increased the number of approve establishments within North Lanarkshire.

In addition the Service will commence the Official Control Verification (OCV) audit process for approved premises. Training is currently being rolled out by Food Standards Scotland on this to ensure that officers can robustly challenge documentation provided by food business operators.

The OCV approach has been developed to ensure that the verification of a food safety management system (FSMS) during an official control inspection is systematic, structured and scientific. It also ensures that the FSMS is verified both in terms of its validation and implementation. Implementation of this new process will significantly increase the time spent on official control visits at approved establishments.

The anticipated increased in our inspection activity in terms of numbers of inspections and the commencement of the Official Control Verification (OCV) audit process for approved premises coupled with staff reductions implemented within Business Regulation over recent years due to Council savings cuts and which included replacement of experienced staff with inexperienced staff, affecting the nature of work undertaken by that head count, places doubt over North Lanarkshire Council's resource capability to deliver this estimated inspection activity.

In regard to the inspection of food premises outwith normal working hours, our policy is to ensure that, where premises are only open out with normal hours, appropriate provision is made for them to be inspected in accordance with at least the minimum number of visits determined by their risk rating.

Health & Safety

In our interventions, we will respect the key provisions of the National Local Authority Enforcement Code. Priority action is resource dependent and will focus on matters pertinent locally.

Fuller details of the occupational health & safety targets and objectives are prescribed in the report's appendix and are subject to adequate resources.

Other projects may be added where they present nationally via the HSE, regionally from the West of Scotland Health & Safety Liaison Group's meetings or within North Lanarkshire through local intelligence.

3.2 Food Complaints

The Authority's policy regarding the investigation of food complaints is detailed in the Service Delivery Procedure QAP 5.3 (Business Regulation) within the ISO 9001: 2000 Quality Management Document and within the Service's Food and Food Premises Complaints Policy (currently in draft form). The Service intends to seek to maintain the performance target for investigating food complaints by commencing the investigation of a minimum of 90% food complaints within two working day's notification.

In addition, we will observe the advice contained within LACORS guidance on food complaints and liaise with home/primary and/or originating authorities.

Our average annual number of food complaints is 171 based on the last three years. It is estimated that the investigation of food complaints during this year will take at least 100 working days.

3.3 Home Authority Principle/ Primary Authority Partnerships

This Authority supported the LACORS principle of the home authority which has undergone review. We do not act as Home Authority for any businesses within the food sector. Home Authority agreements exist with other UK local authorities and for which we continue to liaise with those authorities where appropriate.

There are currently no Primary Authority Partnerships in place in North Lanarkshire. Where businesses have Primary Authority Partnerships (PAPs) with other local Authorities, inspection plans and guidance published by the PAP will be considered and as a matter of course there will be liaison with the PAP in the event that formal enforcement action is considered.

Notwithstanding this, advice and guidance is given freely, where requested, to food traders and numerous enquiries are dealt with from other Authorities throughout the UK in accordance with the following broad principles.

- Special emphasis is placed on the monitoring of goods and services originating from this area.
- Guidance and advice is given to businesses on food safety matters.
- Enforcement action makes provision for liaison with Other Authorities, where appropriate.

3.4 Advice to Businesses

Free advice is normally given to food safety and occupational health & safety businesses following routine interventions and/or in response to separate enquiries.

There is also a partnership agreement with Business Gateway to offer free advice to start up and 'fledgling' businesses who choose to locate within North Lanarkshire.

We regard the advice given by our Officers as being an important part of our role as a regulator in helping businesses to understand what is required and what good practice looks like.

We are keen to ensure that all of this work is undertaken to the highest possible standard and, wherever possible, improve the level of customer service. As part of this process, customer satisfaction questionnaires are sent to all businesses following a routine intervention to ascertain the level of customer service and also to afford the recipients of our service, an opportunity to make their views on the level of customer service we provide, known to us. By doing so, we also commit to improve our standards where we can.

Customer service satisfaction questionnaires are also dispatched to all other service users where a request has been logged on our computer system. This includes food product and food business premises complaints, infectious disease investigations, health & safety issues and complaints and enquiries from members of the public.

3.5 Food Inspection and Sampling

The policy of this Authority is to have an effective routine sampling programme where the principal aim is to assist in protecting the public and to meet relevant statutory obligations.

The main thrust of the sampling programme is to focus on high risk food premises and on local manufacturers. The Council also participates in sampling initiatives agreed by the West of Scotland Food Liaison Group.

The analysis or examination of food and water samples is conducted by Glasgow Scientific Services who are also consulted with regard to the nature and range of samples proposed to be taken each year in accordance with the requirements of the Food Law Code of Practice (Scotland).

Our average annual number of consumer complaints is 303 based on the last three years. These complaints may relate to the nature, substance or quality of foods, the condition of the businesses from where the foods were made or sold or the malpractice of food business operators. Last year we processed 339 individual complaints, which is steadily increasing over the last three years. It is estimated that during 2019/2020, we will deal with about 350 consumer complaints. They vary in complexity and the time required to complete our enquiries. As such it is difficult to accurately assess resource implications other than they are likely to be at least the equivalent of one officer engaged full time on this function.

3.6 Control and Investigation of Outbreaks and Food Related Infectious Disease

This Authority has developed and agreed an Outbreak Control Plan with NHS Lanarkshire which confirms agreed procedures for the investigation and control of food poisoning. North Lanarkshire Council works in partnership with NHS Lanarkshire and South Lanarkshire Council and has produced a Joint Health Protection Plan for the Lanarkshire area. This is an important document which acts as a reference point for assisting in the investigation and control of public health outbreaks and incidents. Desktop exercises to 'test' plans have been useful in the past and may be repeated.

Our average annual number of confirmed cases of food poisoning notified is 111 based on the last three years. Last year 100 cases of food poisoning was reported to this Authority by NHS Lanarkshire. It is likely that around 100 working days will be required to properly investigate these cases.

The Service is seeking to maintain a target of a minimum of 94% of infectious disease cases will be responded to in accordance with the NHSL Epidemiological Investigation Protocol.

3.7 Food Safety Incidents

These are dealt with in accordance with the procedures detailed in the Food Law Code of Practice (Scotland). An out of office hour's stand by service is maintained to respond to emergencies including Food Alerts for Action (FAFA) issued through Food Standards Scotland's warning system.

No FAFA were received from FSS IN 2018/2019. It is estimated that that we will receive no more than 5 Food Alerts For Action from FSS during 2019/20.

3.8 Liaison with Other Organisations

In order to ensure a consistent approach to enforcement action with neighbouring local authorities, North Lanarkshire is represented in the West of Scotland Food Liaison Group and the West of Scotland Health & Safety Liaison Group. The Authority is also represented on the Scottish Fish Hygiene Working Group and the Health and Safety Co-ordinating Group for Scotland.

Liaison meetings are also held on a regular basis with NHS Lanarkshire.

3.9 Food and Health & Safety Promotion

We aim to continue to give our full support in 2019/2020 to Food Standards Scotland's Eat Safe Initiative. The scheme consists of an award granted by Councils to specific categories of food businesses within the scheme which meet standards of hygiene in excess of that required by current food hygiene legislation.

It is intended to promote the scheme, wherever possible, to encourage as many food businesses as possible to attempt to obtain and retain the award thus helping to drive up food safety standards within North Lanarkshire.

We will continue our partnership work with the Scottish Government and NHS Health Scotland to promote the Healthy Living Award. Details of the award are left with food businesses at the end of each routine inspection.

We will also continue to work with the Scottish Centre for Healthy Working Lives to promote health & safety in small and medium sized businesses within North Lanarkshire.

And we will work with the Health & Safety Executive to promote national priority topics and campaigns such as *'Helping GB Work Well'*.

It is difficult to accurately assess resource implications for the initiatives and promotional work which we aim to undertake during 2019/2020.

SECTION 4: RESOURCES

4.1 Financial Allocation

The cost of operating the food safety service is estimated at £698,685.40. This is based on 80% of Business Regulation staff resource being spent on Food Safety.

There is no specific financial provision for any legal action necessary as part of our enforcement function as this is provided within the Council by its Legal & Democratic Solutions Service.

4.2 Staffing Allocation

The current Business Regulation Service staff establishment is as follows:

- Protective Services Manager (Non-operational and shared with Pollution Control & Public Health and Trading Standards)
- Assistant Business Manager (Business Regulation) who is also Lead Food Officer
- 2 Senior FTE Environmental Health Officers & 0.6 SEHO temporarily seconded to help address FSS Audit Action Plan
- 12.5 FTE Environmental Health Officers
- 0.5 FTE EHO (job share vacancy)
- 1.5 Food Safety Officers
- 1FTE FSO (Vacancy)

The Service is jointly responsible for food safety and occupational health & safety issues. Consequently staff have a dual role but flexibility is applied whereby staff resources will be used wherever there is most need and this will be kept under review.

The anticipated increased in our inspection activity coupled with staff reductions within Business Regulation over recent years due to Council savings cuts and which included replacement of experienced staff with inexperienced staff, affecting the nature of work undertaken by that head count, places doubt over North Lanarkshire Council's resource capability to deliver this estimated inspection activity. In addition, work continues to address the Food Standards Scotland Audit Action Plan, the audit finding that the level of assurance was limited assurance with controls developing but weak. An additional resource of 0.6 SEHO is currently provided within the Business Regulation Team to help complete the audit action plan.

Consideration is now being given to the replacement of vacant posts within the Service-1 Food Safety Officer and the 0.5 vacant EHO post to ensure the Service Delivery Plan is adequately resourced and regain the resilience that has been lost through sustained cuts within Business Regulation. Due to the majority of health and safety projects being undertaken whilst undertaking food law inspections, consideration is being given to the merit of replacing the FSO vacant post with an EHO post who can undertake both functions to increase efficiencies. As an alternative to recruitment consideration is also being given to the use of agency staff for inspections, if required, albeit any enforcement action will require to be handed back to NLC staff to implement. Costings of agency inspections will need to be undertaken before a final decision is taken on this.

4.3 Impact of a No Deal Brexit on Resource

Of greatest concern in respect of impact of a No Deal Brexit is the Scottish food export market and in particular fish and shellfish. North Lanarkshire will have at least one major fish exporter within its boundary. At present there is no need for export health certificates (EHCs) for such produce to the EU, however this will change in the event of a No Deal scenario which in short means that each individual consignment of fish/ shellfish will require an individual EHC. Export Certification Hubs such as those proposed within North Lanarkshire are being given serious consideration as they will reduce the impact of EHCs required and therefore associated charges. This will however place a very

significant burden on those LAs in which they are situated and who are unable to resource it from current staffing resources without a very significant and detrimental impact to other public health roles and to the Local Authorities statutory functions. Whilst there is a willingness for other Scottish Local Authorities to assist with providing staff to assist with this in the short term where possible, there are practical difficulties to ensure adequate cover is provided at the export hubs within North Lanarkshire, as another potential export hub exists in a neighbouring authority. There are also funding implications for LAs to finance the setup of this until such times as a system is up and running and costs can start to be recovered through charging for EHCs. There is also the concern that a recruitment process to cover the demand for Environmental Health Officers to service these export hubs in the long term will not be successful as there is a limited resource out there to recruit from. There is an option for fishery exporters to make arrangements for EHC to be provided by an Official Veterinarian (OV) similar to what those food business exporting Products of Animal Origin other than fish will do, however again there is considered to be a limited resource of OVs within Scotland. Discussions on this matter are progressing with the Scottish Government to put in place suitable contingency arrangements in the event of a No Deal. Failure to provide for EHCs within this Authority will impact on business and the Scottish Fish export industry, as such our participation within the SFELC Working Group for a Scottish solution to EHC requirements for Scottish Seafood Industry in preparation for a No Deal exit from EU in respect of fish exporters within NL is incorporated within the Service Delivery Plan as, at times, consumes significant resource.

4.3 Staff Development Plan

The Service is committed to ensuring that staff receive sufficient training in order to properly conduct their statutory duties. The key aim of the performance review & development scheme (PRD) is to provide a means of identifying training which meet their professional requirements and help reach the targets of the Operational and Service Plans as well as the Single Outcome Agreement Framework.

SECTION 5: QUALITY ASSESSMENT

5.1 Quality Assessment/Monitoring

Key food safety and health & safety policies and procedures are included within an ISO 9001: 2000 Quality System and are under review to reflect on-going legislative and procedural changes.

The Service has also achieved ISO 9001, ISO 14001 and OHSAS 18001 accreditation status and has successfully migrated to the revised 2015 standard for both ISO accreditations.

SECTION 6: REVIEW

6.1 Review against the Operational Plan

The Operational Plan is reviewed quarterly by the Protective Services Manager and the Assistant Business Manager (Business Regulation) and details of reviews will be included in the Protective Services Managers' Meeting minutes.

6.2 Identification of any Variation from the Operational Plan

Variances from the Operational Plan will be highlighted at the time of the review and any reasons for the variance will be noted along with any corrective action, if appropriate.

6.3 Areas for Improvement

Any areas identified as requiring action will be detailed as part of the audit and review process. These will be addressed by the Protective Services Manager and the Assistant Business Manager (Business Regulation) as part of the review process and action taken shall range from immediate action to inclusion in the Operational Plan for future years.

SECTION 7: PERFORMANCE PLANNING

7.1 Performance Plan

The Performance Plan for 2019/20 details the targets which have been set for key areas of work. Monitoring against these key areas will be undertaken on a quarterly basis as part of the review process and reasons will be recorded for any non-conformance together with the appropriate corrective action.

The details are listed in the following appendix.

SCHEDULE THREE

BUSINESS REGULATION PERFORMANCE PLAN

Core Activities		Target Start & Stop Dates	Projected Achievements/ Outcomes	Lead Team	Other Teams	Monitoring Arrangements
BR 1	Food Law Inspections of all risk rated premises.	April 2019 to March 2020	Undertake 96% of inspections within the deadline.	BR Service	None	Monthly – Assistant BR Manager / Quarterly review.
BR 2	Overdue Inspections to 30/4/2019	April 2019 to October 2019	Undertake 100% of inspections overdue to 30/4/2019	BR Service	None	Quarterly review by Assistant BR Manager.
BR 3	Non seasonal overdue inspections since 1 April 2019	April 2019 to October 2019	Undertake 100% of Group 1 and 2 Business inspections overdue since 1/4/19 within 28 days of monthly report of overdue date.	BR Service	None	Quarterly review by Assistant BR Manager.
BR 4	Sampling in Food Premises.	April 2019 to March 2020	Take samples within scope of sampling agreement with GSS. Priority given to samples from Approved or manufacturing premises located within North Lanarkshire.	BR Service	None	Sample numbers monitored by PS Manager. Assistant BR Manager to monitor follow-up of reports of sample failures.
BR 5	National Food Sampling Programme.	April 2019 to March 2020	Seek to conduct food sampling in partnership with other agencies and in accordance with national programmes.	BR Service	FSS, WOSFL G	Quarterly review of programmes/ sample types by Assistant BR Manager.
BR 6	Investigation of Food Complaints.	April 2019 to March 2020	Commence investigation of 90% of complaints within 2 working days of receipt.	BR Service	None	BR Managers monitor progress of investigation.
BR 7	Sampling from Public Water supply.	April 2019 to March 2020	Limited to domestic complaint samples after referral to SW has not resolved issue and sampling of commercial premises (manufacturers and approved premises), as appropriate.	BR Service	None	Quarterly review by Assistant BR Manager.
BR 8	Investigation of Infectious Disease Reports.	April 2019 to March 2020	Respond to 94% of notifications in accordance with the NHSL Epidemiological Investigation Protocol.	BR Service	None	Assistant BR Manager
BR 9	Requests for assistance and advice.	April 2019 to March 2020	Respond to 93% of high risk requests for assistance/advice within 2 working days of receipt.	BR Service	None	BR Managers to conduct random checks.

BR 10	Requests for assistance and advice.	April 2019 to March 2020	Respond to 93% of low risk requests for assistance/advice within 5 working days of receipt.	BR Service	None	Assistant BR Manager
BR 11	Root to branch review of food safety service.	April 2019 to August 2019	Implement findings of Food Standards Scotland Audit.	BR Service	None	Monitoring undertaken by the Assistant BR Manager.
BR 12	Review of food safety policies and procedures in line with Food Law Code of Practice (Scotland).	April 2019 to August 2019	Review policies and update where required.	BR Service	None	Monitoring undertaken by the PS Manager and Assistant BR Manager.
BR 13	Professional Training.	April 2019 to March 2020	Ensure all BR Officers meet professional development targets including that required by the Food Law Code of Practice (Scotland).	BR Service	Yes	BR Managers-PRD Process and ongoing review. Monitoring for Standby Officers undertaken by Protective Services Manager.
BR 14	Food Hygiene Information Scheme (FHIS).	April 2019 to March 2020	90 % of food premises achieve the FHIS 'Pass' award.	BR Service	None	Assistant BR Manager Quarterly review.
BR 15	Scottish National Database (SND).	April 2019 to August 2019	Ensure upgrade of Service Database to Civica APP 8.7 to facilitate auto upload to of new food law risk rating scheme on service database to Scottish National Database (SND).	BR Service	FSS	Annual Review by Assistant BR Manager.
BR 16	Scottish Food Sampling Database	April 2019 to October 2019	Upgraded from the UKFSS to SFSD	BR Service	FSS	Assistant BR Manager
BR 17	Variation of Annex 5 of the Food Law Code of Practice (Scotland).	April 2019 to August 2020	Continue to work in partnership with Food Standards Scotland on an implementation pilot relating to a variation of Annex 5.	BR Service	None	Assistant BR Manager
BR 18	Interventions Food Law Code of Practice (Scotland) 2019.	April 2019 to March 2020	Implement the provisions of the Interventions Food Law Code of Practice (Scotland) 2019.	BR Service	None	Assistant BR Manager
BR 19	Approval of Cold Stores under Regulation EC No 853/2004	April 2019 to March 2020	Review of distributors within NL to determine approval requirements under Regulation EC No 853/2004	BR Service	None	Assistant BR Manager

BR 20	Process all applications for approval under Regulation EC No 853/2004	April 2019 to March 2020	Ensure that all applications for approved premises are processed within the legislative timeframe	BR Service	None	Quarterly review by Assistant BR Manager.
BR 21	Audit of Premises approved under Regulation EC No 853/2004	April 2019 to March 2020	Commence and progress implementation of the Official Control Verification (OCV) audit process for Approved Premises	BR Service	None	Quarterly review by Assistant BR Manager.
BR 22	Private Water Supplies	April 2019 to March 2020	Update and maintain register of Private Water Supplies	BR Service	None	Quarterly review by Assistant BR Manager.
BR 23	Private Water Supplies	April 2019 to March 2020	Prepare and implement a monitoring programme for each private water supply zone;	BR Service	None	Quarterly review by Assistant BR Manager.
BR 24	Private Water Supplies	April 2019 to March 2020	Commence the undertaking of risk assessments in relation to water introduced into, and supplied through and from, each private water supply system to premises in its area so as to establish if there is any risk that the water could pose a potential danger to human health. Each initial risk assessment is to be completed before 1st January 2022, as required by The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017	BR Service	None	Annual review by Assistant BR Manager.
BR 25	Process all applications for Private Water Supply Grant Assistance	April 2019 to March 2020	Ensure that all applications for grant assistance are processed within the legislative timescale	BR Service	None	Quarterly review by Assistant BR Manager.
BR 26	Export Health Certification Requirements in event of a No Deal Brexit	April 2019 to October 2019	Participate in SFELC Working Group for Scottish solution to EHC requirements for Scottish Seafood Industry in preparation for a No Deal exit from EU in respect of fish exporters within NL.	BR Service	SG,FSSD EFRA, APHA & other Scottish LAs	PS Manager/ Assistant BR Manager.
BR 27	Health and Safety Enforcement.	April 2019 to March 2020	Implement the provisions of the National Local Authority Enforcement Code. Priority in regard to implementation will be dependent on resources and	BR Service	HSE	Assistant BR Manager/ Quarterly Review.

			will focus on those provisions which are particularly relevant to North Lanarkshire Council.			
BR 28	Gas Safety in catering establishments.	April 2019 to March 2020	Undertake surveillance in catering premises visited during food inspections for matters of evident concern relating to gas safety.	BR Service	None	Assistant BR Manager/ Quarterly Review.
BR 29	Electrical Safety In catering Establishments.	April 2019 to March 2020	Undertake surveillance in catering premises visited during food inspections for matters of evident concern relating to electrical safety.			Assistant BR Manager/ Quarterly Review.
BR 30	Health & Safety projects (subject to adequate resources).	April 2019 to March 2020	<p>In relation to:</p> <p>(i) E.coli/Cryptosporidium infection especially in children-targeted info campaign to animal visitor attractions;</p> <p>(ii) Incorporate into interventions with relevant premises (e.g. warehouses that receive regular deliveries) the national priority in relation to welfare provision for delivery drivers that HSE guidance states that where it is practicable and appropriate, any onsite toilet and rest facilities should be made available to visiting workers if requested.</p> <p>(iii) Targeted information campaign to raise awareness of beverage gases in the hospitality industry;</p> <p>(iv) Incorporate within relevant premises the national priority of risks associated with the handling of beverage gases in the hospitality industry. In particular highlight the need to provide safe systems of work and emergency procedures for cellar work, with emphasis given to the handling, and storage of</p>	BR Service	HSE/ WSH&S LG	Assistant BR Manager/ Quarterly Review.

			<p>cylinders and work in confined spaces. Promote the training of workers to understand the hazards of working with beverage gases and in safe changeover procedures.</p> <p>(v) In relation to <i>'Slips, Trips & Falls'</i>, handling hot liquids, and safety of solid fuel ovens in catering premises, continue to look for each officer to undertake one relevant project visit per month whilst carrying out other interventions, where resources allow.</p> <p>In addition include from</p> <ul style="list-style-type: none"> • Slips, trips and falls; • Identify new premises and add to database from visits, planning applications, licensing etc.); • Work at height and fragile roofs; • Beverage gases within hospitality industry. <p>(vi) Targeted information campaign to raise awareness of safe use of inflatable amusement devices;</p> <p>(vii) Follow up on Bendpak 2 post lift communications as appropriate.</p> <p>Additional projects will be added to those detailed above if they become relevant having been highlighted nationally by the HSE, regionally by the WSHSLG or by local intelligence.</p>			
BR 31	Licensing Applications	April 2019 to March 2020	<p>Review communication with Licensing regarding</p> <ul style="list-style-type: none"> • Public Entertainment Licences 	BR Service	None	Assistant BR Manager

			<ul style="list-style-type: none"> Inflatable amusement devices 			
BR 32	Process all applications for skin piercing and tattooing licences.	April 2019 to March 2020	Ensure that all applications are processed within the legislative timescale	BR Service	None	Assistant BR Manager/ Quarterly Review
BR 33	Investigation of reported accidents	April 2019 to March 2020	Commence 88% of investigations required by HSE incident selection criteria within 3 working days.	BR Service	None	Assistant BR Manager/ Quarterly Review
BR 34	Maintain ISO 9001, ISO 14001 & OHSAS 18001 Standard Accreditation.	April 2019 to March 2020	Implement any action plan provisions following an internal and/or external audit.	BR Service	EH & BI	PS Manager/Assistant BR Manager.
BR 35	Review Business Regulation Procedures and Work Instructions relevant to ISO 9001 Accreditation	April 2019 to September 2020	Where resources allow, review BR Procedure and Work Instructions relevant to ISO 9001 Accreditation	BR Service	EH & BI	Assistant BR Manager/ Quarterly Review.
BR 36	Joint Public Health Protection Plan.	April 2019 to March 2020	Participate in training events and work in partnership with NHS Lanarkshire Health Board and South Lanarkshire Council, as appropriate.	BR Service	NHS LHB	PS Manager/ Assistant BR Manager.
BR 37	Review of Fees & Charges	April 2019 to March 2020	Review Business Regulation Fees and Charges	BR Service	None	PS Manager/ Assistant BR Manager.